

**FINAL COPY
TORRANCE COUNTY BOARD OF COMMISSIONERS
REGULAR COMMISSION MEETING
JULY 26TH, 2017**

COMMISSIONERS PRESENT: JAVIER SANCHEZ-CHAIRMAN
JAMES FROST-MEMBER
JULIA DUCHARME-MEMBER

OTHERS PRESENT: BELINDA GARLAND – COUNTY MANAGER
ANNETTE ORTIZ-DEPUTY COUNTY MANAGER
DENNIS WALLIN-COUNTY ATTORNEY
LINDA KAYSER-CHIEF DEPUTY CLERK

CALL MEETING TO ORDER

Chairman Sanchez calls the meeting to order at 9:02 a.m. and calls for a Commission Roll Call. Commission District 1-Present, Commission District 2-Present, & Commission District 3-Present. Mr. Jessie Lucero leads in the Pledge of Allegiance and Ms. Nick Sedillo gives the Invocation.

APPROVAL OF THE JULY 12, 2017 REGULAR COMMISSION MEETING MINUTES

ACTION TAKEN: Chairman Sanchez makes a motion to approve the July 12, 2017, Regular Commission Meeting Minutes. Madame Commissioner Ducharme seconds the motion. Chairman Sanchez asks for any discussion. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

APPROVAL OF THE JULY 26, 2017 COMMISSION MEETING AGENDA

ACTION TAKEN: Chairman Sanchez makes a motion to approve the July 26, 2017, Regular Commission Meeting Agenda. Commissioner Frost seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

APPROVAL OF CONSENT AGENDA

Chairman Sanchez asks for a motion to approve the consent agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the consent agenda. Chairman Sanchez seconds the motion. Chairman Sanchez asked if there is any discussion. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

ACTION ITEMS

***Department Requests/Reports:**

1. UPDATES: A. VARIOUS COUNTY DEPARTMENTS B. OTHER BOARDS OR LAND GRANTS (UPON REUQUEST) C. FOREST SERVICE (UPON REQUEST) D. COMMISSION

Betty Cabber, Assessor was not at the last meeting but I read where Madame Commissioner Ducharme mentioned recycling, and I was glad she brought it up. The County Offices do have the ability to recycle. In our office we have boxes by our desk to put paper in to be recycled, we also separate plastics. Arely does a great job of picking it up and taking it to the recycling bin on Thursdays. I just want to remind everyone about recycling, when we recycle it is less waste that is taken to the landfill and we are just doing the right thing.

Belinda Garland, County Manager introduced Don Dirks she presented him with a certificate for Outstanding Services as Acting Torrance County Fire Chief. Thank you for stepping up and leading the Fire Department as Acting Fire Chief. This service was very important to the residents of the community and very appreciated.

Linda Jaramillo, County Clerk said we are in the process of issuing business registrations. About 2 months ago I received a list from New Mexico Taxation and Revenue Department of all businesses paying gross receipts in Torrance County. We separated the list from the business that are receiving a business registration now and the ones that were not. I sent letters to those businesses informing them of the need to register with us. At this time we have received 94 new registrations. We are in the process of going through the applications and the inquiries. Dennis Wallin, our County Attorney helped decipher some of the law for us as to who should and should not have a business registration.

Madame Commission Ducharme said the Fair Board provided me with a booklet for this year's fair. I saw something very interesting. Vendor's can have booths for free. I feel this is very important and the more the merrier. Please spread the information around. The vendor's will create a more festive atmosphere.

Chairman Sanchez said I am working very diligently on several issues that have arisen, I look forward to a positive result of these issues.

Discussion only **NO ACTION TAKEN**

2. REQUEST TO HIRE PART-TIME TAX SPECIALIST – TRACY SEDILLO, TREASURER

Treasurer Sedillo said I would like to hire a Part-Time Tax Specialist, I have the money in my budget. I was told I need to bring this before the Commission for approval. The position will entail field work helping track down delinquent mobile homes, hanging door hangers and making contact with people that we are getting return notices on. Right now 25% of mobile homes are delinquent.

Manager Garland said that she and Treasure Sedillo have spoken about the position and I support her request. I did recommend that she bring it before the Commission as it is a change of job duties. She does have it in her budget. In the past if it was in the Elected Official's budget then it was allowed, but I feel that if it is a change of expenditures and duties it should come before the Commission.

Madame Commissioner Ducharme asked how many employees are in her office.

Treasure Sedillo responded she has 4 full time positions, the Chief Deputy and herself. This position is a part-time position and will be very important. We are trying to get the door hangers out before the tax bills come out, we get a lot of return mail, and we are hoping the hangers will help. We also want them to know that the taxes are delinquent and there is a lien with MVD. Once the mobile homes go delinquent in 180 days there is a lien placed on the mobile home by Motor Vehicle by state statute. The part-time will also assist in the office during November tax season with tax payments.

Manager Garland said it was her understanding that they have always hired temporary help during tax time.

Treasurer Sedillo said last year we had two part-time positions, one was a float clerk that worked most of the year in our office. We spent a lot of time training, also this position will spend time making phone calls for collecting delinquent taxes.

ACTION TAKEN: Commissioner Frost makes a motion to approve the hiring of a part-time Tax Specialist for the Treasurer's Office. Chairman Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

3. RESOLUTION 2017-36 UPDATING TREASURER'S FEE POLICY – TRACY SEDILLO, TREASURER

Tracy Sedillo, Treasurer presented Resolution 2017-36 to the Commission for approval. Resolution hereto attached. The original fee schedule was adopted in 2005, since then things have changed. I am requesting that the demand warrant be increased to \$75.00 it is very costly for us to work the delinquent mobile homes. This is the fee associated with filing of liens on the property. The State charges \$125.00, we do not want to be as high as the State, but we want to increase the fee hoping it will prompt the tax payer to be on time with their payments. The other change in the Resolution is to the delinquent tax list, we are asking and increase to \$125.00 because it actual contains a lot more data than the actual tax roll does. It takes the same amount of time to prepare them but it is a lot more data. The other fees are not changing.

Madame Commissioner Ducharme asked what is the fee at this time. Treasurer Sedillo said the demand warrant fee is \$25.00 and the delinquent tax list is \$75.00.

Madame Commissioner Ducharme asked County Manager Garland what her opinion of the fee increase is. County Manager Garland said we do need to recoup our expenses, it has been since 2005 which is 12 years.

Treasurer Sedillo said these fees do not go in effect until the next year so we can advertise the fee change so the public will know.

ACTION TAKEN: Chairman Sanchez moves to approve Resolution 2017-25 Updating Treasurer's Fee Policy. Commissioner Frost seconds the motion. Chairman Sanchez asks for public comment.

Linda Jaramillo, County Clerk said we have a Resolution giving specific cost for copies, and other things in our office. Do we follow that Resolution or can individual departments come and ask for increases or do we need to redo the Resolution.

Tracy Sedillo, Treasurer said the reason I came forward is these fees are on a separate Resolution. There is another resolution that sets the copy fees, notary fees and some of the Assessor's fees, we follow that Resolution for our copies. I do not know why our fees were set in a different Resolution but they were. No further discussion, all Commissioners in favor.

MOTION CARRIED

4. REQUEST DHSEM DISASTER ASSISTANCE GRANT RATIFICATION – MARTIN LUCERO, EMERGENCY MANAGER

Belinda Garland, County Manager presented the request to the Commission and stated Mr. Lucero could not attend today. Grant hereto attached. The grant agreement is for a project that has already been completed and paid out, with this we will be able to collect 75% of our expenses. This is just a ratification of the agreement that I signed.

ACTION TAKEN: Chairman Sanchez moves to ratify the DHSEM Disaster Assistance Grant. Commissioner Frost seconds the motion.

Madame Commissioner Ducharme asked what is this grant for, where was the project? Manager Garland stated she was unsure. Madame Commissioner Ducharme said looking at this document you cannot tell if the project was completed, there is an agreement number but no actual description of the project. Manager Garland said the project has been completed and paid out we are trying to collect 75% of our cost.

Commissioner Frost said this will allow us to collect \$9,149.11 from the State. I think we probably need the money. No further discussion, all Commissioners in favor. **MOTION CARRIED**

5. RESOLUTION 2017-037 FOURTH QUARTER REPORT FOR FISCAL YEAR 2016-2017 – AMANDA TENORIO, FINANCE DIRECTOR

Amanda Tenorio, Finance Director presented the report to the Commission for approval. Fourth Quarter Report hereto attached. This report summarizes the activity of the 2016-2017 budget, DFA requires that the Fourth Quarter Report be approved by Resolution.

ACTION TAKEN: Chairman Sanchez makes a motion to approve Resolution 2017-037 Fourth Quarter Report for Fiscal Year 2016-2017. Commissioner Frost seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

6. ORKIN PEST CONTROL SERVICE AGREEMENT

a. Administrative Building

b. Judicial Complex

Annette Ortiz, Deputy County Manager presented the contracts to the Commission for approval. Contracts hereto attached. In the spring we began discussing pest control for the building and the Judicial Complex. Orkin Pest Control already has contracts with Dispatch Center and Animal Shelter. The agreement before you is with rodent control if we do not choose rodent control the service would be a little less than what is before you.

Madame Commissioner Ducharme asked if it was a monthly service. Ms. Ortiz replied yes.

Commissioner Frost asked if the results have been good at Dispatch and the Animal Shelter. Ms. Ortiz said neither Dispatch nor Animal Shelter have voiced complaints about the service. Commissioner Frost said if they were buggy they would tell us. **ACTION TAKEN:** Commissioner Frost moves to approve the Orkin Pest Control Service Agreement. Chairman Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

Belinda Garland, County Manager said she had an update, the work that was done on the grant that was just approved was Aceves Rd during the fire.

***Commission Matters:**

7. INTRODUCING A FIVE PERSON COMMISSION – MICHAEL GODEY, RESIDENT

Michael Godey said last year in the campaign when Javier, Fred and George Hewett ran against each other the issue of the five person commission came up and there was no resistance from all three candidates. I was thinking about it and you have 5 unique areas of population in the county. They are Moriarty, McIntosh, Estancia, Mountainair, and the Land Grants. They all have unique areas, like McIntosh with all the roads that came in the 90's. Which means in that area the roads are paramount. Moriarty is mostly an incorporated area, Estancia is farming and ranching, Mountainair is a combination of ranching, retiree's and artist. The land grants are unique, with a history that is more unified and a historical cultural center of Torrance County. It would be good to have a Commissioner from each of these areas. I noticed at the last meeting that Chairman Javier Sanchez was very passionate about the Land Grants

proposals and he well represents them. It would be good to have a Commission that will represent each one of these areas coherently. In the past we have had Commissioners that have a vision that may not represent their area and bulldog their way through everything. With 5 Commissioners there is a better chance that the dialog and the concerns of the areas will be brought up in a comprehensive way. I bring this up now because basically it would not go in effect until the next election cycle. Then to keep things balanced we could elect one Commission because we would not want to elect 4 Commissioners in one election cycle. I do not think this is a money matter, but a matter to consider, and in the near future approve and in the next year or two come up with how to fund it. Yes, it will cost a little bit of money to do it, but you have to remember we are in a Democratic Federal Republic and sometimes it requires a little effort. It may not be the most efficient government but it is, historically, when it functions well and guarantees the freedom of the individual and also the common good. This will take some leg work and take some time to get the appropriate population for the State to approve.

Chairman Sanchez said if we were considering a 5 person Commission I think we would need a referendum, in other words to put it on the ballot to see if the voters support it. I think the Commission would have to vote unanimously, if one of the Commissioners votes against it, it would not go through.

Dennis Wallin, County Attorney said the Constitution allows for a 5 person Commission by Ordinance but there are some specifics. It has been sometime since I have read the Statutes but my memory is that it does take the entire Commission to approve that Ordinance. If there is some interest in it you can direct the Manager's Office and my office to inquire into it and provide you with a memorandum of what would need to transpire. The State Constitution requires that it be a separate District with as equal as possible population. If the County wants to move forward with it we would need to hire some expertise to determine the Districts.

Chairman Sanchez said the majority of the State has 5 person Commissions, there are a few exceptions and they are the least populated Counties. I forget where we are ranked but we are one of the lesser populated Counties. Chairman Sanchez asked if any of the Commissioners were interested in this topic.

Madame Commissioner Ducharme said she would like to have more information about this topic, I want to have more input from the public. The input I have received personally is there is interest in a 5 person Commission and I would like to see a step further in this direction.

Commissioner Frost said I would not mind having an analysis of the project and see how it would work, see how the boundary lines are determined and to just look into it.

Chairman Sanchez asked by how do you suggest we proceed? County Manager Garland said that legal counsel and the Manager's Office need to look at the Statutes and procedures that would need to be followed. Dennis Wallin, County Attorney said there is a process and rather than give you incorrect information let us do research and bring it back to the Commission. Chairman Sanchez said that would be fine. **NO ACTION TAKEN:** Discussion only.

8. RESOLUTION 2017-038 2017-2018 BUDGET ADOPTION – AMANDA TENORIO, FINANCE DIRECTOR

Amanda Tenorio, Finance Director presented the Resolution 2017-38 2017-2018 Budget Adoption to the Commission for approval. Resolution hereto attached. Our Budget satisfies our local reserve requirements, the 3/12 General Fund requirement and the 1/12 Road requirement by DFA. The budget now includes 419 the EVSWA contract, fund 642 which is our investment interest fund, and our GO Bond series 2016 for our emergency communications and road equipment. We were able to fund all internal requests except for the Fair Board as discussed at our budget hearing. This includes the .75 per hour raise to our county employees. Keep in mind that our detention cost and inmate transportation cost may increase substantially, we may have to make some budget adjustment during our Fiscal year.

Commissioner Frost said after we approve this it will go to DFA to look it over and they will either approve or reject it. Ms. Tenorio said yes.

ACTION TAKEN: Chairman Sanchez makes a motion to approve Resolution 2017-038 2017-2018 Budget Adoption. Commissioner Frost seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

1 COUNTY MANAGER REQUESTS/REPORTS:

9. INTRODUCTION OF NEW COUNTY FIRE CHIEF

Belinda Garland, County Manager, introduced Lester Gary, new County Fire Chief. Mr. Gary has 29 years of career fire service experience, 9 years of volunteer experience, 25 years as a Certified Paramedic, 28 years as a Certified Fire Fighter, Adjunct Instructor with the New Mexico Fire Fighters Training Academy, 6 years of Hazmat Awareness Instructor with Albuquerque PD, 2 years as Fire Marshall with Rio Rancho, 3 years as Fire Chief with Estancia Fire Department, 1 year as Training Division Commander, 2 years as Battalion Commander with the Bernalillo Fire Department, 1 year as Rescue Captain and 4 years as lieutenant. Please welcome Mr. Lester Gary, Torrance County Fire Chief and we are very excited to have you on board.

Mr. Gary, County Fire Chief said I would like to take this time to thank you for the opportunity to come on board, to continue moving our Department forward. Chief Dirks did a good job for the interim position. We are going to work to make the Fire Department the best in the State. I have a lot of contacts at the State level we will be able to get things moving and keep it moving forward.

Chairman Sanchez said welcome aboard and you mentioned you were going to make the County Department the best in the State, I certainly support that and if there is anything we can do to assist please let us know.

Madame Commissioner Ducharme welcomed County Fire Chief Gary and said his level of expertise is very impressive, and I have no doubt that our Fire Department will be one of the best.

Commissioner Frost said I hope you have a warm reception but not too hot!

10. RATIFICATION OF COUNTY CLERK REQUEST TO FUND THE CONVERSION OF A PART-TIME POSITION TO A FULL TIME POSITION

Annette Ortiz, Deputy County Manager said earlier in the year the Commission had discussed who would be the Records Custodian for the County. In those conversations you had discussed with the County Clerk the possibility of her part-time position being a full time position so she could have assistance with being appointed Records Custodian. In all of the conversations, not anywhere in the minutes has it reflected that you actual approved that to happen. It was put in the budget for it to go into a full time position and for the Commission to fund the other half of the position. We are asking for ratification, just as County Manager Garland has said before, anytime there is a change to the position or to the pay it should come before the Commission. We want it on record to follow with that process.

Linda Jaramillo, County Clerk said I was not aware that this was going to be on the agenda, but yes it was never formally approved that this position go to full time. I am asking your permission to do so. I need to start the process of hiring someone to fill Michelle's position.

ACTION TAKEN: Chairman Sanchez makes a motion to ratify the County Clerk's request to fund the conversion of a Part-Time Position to a Full Time Position. Madame Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

11. RATIFICATION OF COUNTY FIRE DEPARTMENT SAFTEY OFFICER STIPEND PAYMENT

Belinda Garland, County Manager said Deputy County Manager and I will have to collaborate on this as she has more knowledge about this subject. In the Commission Meeting on November 9, 2016 it was discussed and brought before the Commission to allow for stipend payments for the EMS Coordinator, Technical Rescue Coordinator, and the Operations Chief. The position of the Safety Manager was discussed however the official approval of the stipend payment for that position was not approved. We would like for that to be ratified so we may pay that position based on proper qualifications.

Madame Commissioner Ducharme asked if this topic was discussed with the new Fire Chief. County Manager Garland said yes, it has been discussed with him. He is looking into the qualifications to insure that the person holding that position is qualified. We want your approval to make the stipend payments once that process is in place.

Commissioner Frost asked if that payment amount is included in the budget. County Manager Garland replied yes it is included in the budget and it is for \$750.00 per month.

Madame Commissioner Ducharme asked will this position and all other positions mentioned be open for everyone in the Department to apply? County Manager Garland said the three positions mentioned are already filled at this time, but as they vacate they will be open for people to apply.

Annette Ortiz, Deputy County Manager said Chief Gary is looking at the stipend payments and the actual structure of how those are getting paid. We are asking to allow a little time for him to be able to look at it and the specifications that are attached. We can move forward after he decides if there are any changes that he deems are necessary.

Madame Commissioner Ducharme said I want to see this first then approve any payment necessary. Right now we have the cart in front the horse. County Manager Garland replied you actually approved the three payments at the November 9, 2016 Commission Meeting. Those positions were filled by the previous Fire Chief. In this particular Commission Meeting you did not approve the Safety Officer to be paid, so we are asking ratification of that payment.

Madame Commissioner Ducharme said I understand but I am not sure without the recommendation from the Fire Chief, that it is necessary this position be paid.

Annette Ortiz, Deputy County Manager said just to give you some history on this position. If you read the minutes it was part of the restructure plan that was put in place. When the Commission approved the other stipend payments to be made, they thought the Safety Officer position was approved as well. We have made one payment to the Safety Officer position so far.

Lester Gary, Fire Chief stated, just a little more history, this is a result of a plan that was put forth in 2014 when a group came down and did a reorganization plan. This position was recommended in that reorganization plan. The Safety Officer is a very much needed position within a fire service. With so many things going on at an event, whether it is a fire scene, EMS scene, or natural disaster scene, we have to have that designated person to maintain the safety control of that scene or incident. It is like the County safety position that Nick Sedillo holds, it is very important. I have read through the report, and like Manager Garland said we are going back and looking at the job descriptions, so we can maintain and assure, the right qualifications and training is received for those positions.

Madame Commissioner Ducharme said I am glad to receive your comments about this position. After we approved these three positions, I received numerous comments about the Technical Rescue Coordinator position. Firefighters told me this position is basically not needed. It is not used but maybe a few times in a year. Fire Chief Gary replied yes, with that particular position I am thinking about retitling it. The person that is currently in that position just doesn't do technical rescue, that person oversees several other division within the Department.

ACTION TAKEN: Chairman Sanchez makes a motion to ratify the County Fire Department Safety Officer stipend payment. Madame Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

12. UPDATE

Belinda Garland, County Manager presented her update to the Commission. Update hereto attached. She reads the update to the Commission and audience. Manager Garland stated, I want to say a job well done to the Road Department. They re-chip sealed Lexco Road and Riley Road. I also want to remind the public that with the chip sealing try to slow down on those roads. Signs are posted for your safety and the safety of your loved ones as well. The roads can be hazardous right after the chip sealing because of the loose gravel. Please adhere to the signs and slow down, and also to be aware of the people working on those roads. I understand that sometimes people are disrespectful of our road crew. I want to remind the public that they are there for your benefit.

*PUBLIC COMMENT/REQUEST:

Chairman Sanchez asked if there were any public comment/request.

Danielle Johnston stated that she has lived off of Lexco Road for 40 years, and have been through many changes on that road. It was a pleasure working with the road crew on that highly traveled road. It was done very professionally and very courteously. It makes me sad that people were rude to them. They really did a professional job and I appreciate it. The other thing I want to say is Chief Dirks is our neighbor. My husband has a chronic illness, and when the ambulance comes to our house he is always the first person there. He stays and waits with me until everything is completed. I wanted to acknowledge him because the emergency services are so vital to us. I really appreciate them. I just want to say a job well done to everybody.

EXECUTIVE SESSION

As per Motion and Roll Call Vote, Pursuant to New Mexico State Statute Section 10-15-1, the Following Matters will be discussed in Closed Session

- a) Pending or Threatened Litigation; Pursuant to Section 10-15-1(H)(7), ref; Aztec Lath & Plaster vs. Torrance County
- b) Pending or Threatened Litigation; Pursuant to Section 10-15-1(H)(7), ref; Cullin vs. Torrance County

ACTION TAKEN: Chairman Sanchez makes a motion to go into Executive Session. Commissioner Frost seconds the motion. Chairman Sanchez asks for a roll call vote. **ROLL CALL VOTE: District 1: Yes. District 2: Yes. District 3: Yes. MOTION CARRIED.**

Entered into Executive Session at 10:02 am

*Reconvene from Executive Session:

ACTION TAKEN: Chairman Sanchez makes a motion to reconvene from Executive Session. Madame Commissioner Ducharme seconds the motion, all Commissioners in favor. **MOTION CARRIED**

Reconvene from Executive Session at 10:47 am

Pursuant to Open Meetings Act, Section 10-15-1 (J), Commission Report from Closed Session

c) Consider and Act upon, if appropriate, Pending or Threatened Litigation: Pursuant to Section 10-15-1(H)(7), ref: Aztec Lath & Plaster vs. Torrance County

d) Consider and Act upon, if appropriate, Pending or Threatened Litigation: Pursuant to Section 10-15-1(H)(7), ref: Cullin vs. Torrance County

Chairman Sanchez states that c) Aztec Lath & Plaster vs. Torrance County has no action required.

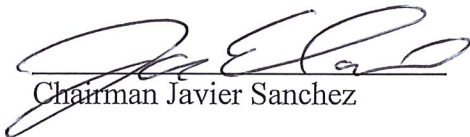
d) Cullin vs. Torrance County

ACTION TAKEN: Chairman Sanchez makes a motion to allow the Manager's Office and legal counsel to resolve the case as per the recommended perimeters. Commissioner Frost seconds the motion. All commissioner in favor. **MOTION CARRIED**

ADJOURNMENT

ACTION TAKEN: Chairman Sanchez makes a motion to adjourn the July 26, 2017 Regular Commission Meeting. Commissioner Frost seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

Meeting adjourned at 10:50 am


Chairman Javier Sanchez


Linda Kayser, Chief Deputy Clerk

8.9.2017
Date

The video of this meeting can be viewed in its entirety on the Torrance County NM website, Audio discs of this meeting can be purchased in the Torrance County Clerk's office and the audio of this meeting will be aired on our local radio station KXNM.