

FINAL COPY
TORRANCE COUNTY BOARD OF COMMISSIONERS
REGULAR COMMISSION MEETING
OCTOBER 11th, 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
YVONNE OTERO-ADMIN. ASST.

CALL MEETING TO ORDER

Chairman Sanchez calls the October 11th, 2017 Regular Commission Meeting to order at 9:04 am

Pledge lead by Ms. Bersabe Chavez and Invocation lead by Annette Ortiz

APPROVAL OF THE SEPTEMBER 27th, 2017 REGULAR COMMISSION MEETING MINUTES

Chairman Sanchez asks for a motion to approve the September 27th, 2017 Regular Commission Meeting Minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the September 27th, 2017, Regular Commission Meeting Minutes. Madam Commissioner DuCharme states that she has some comments concerning the minutes. Linda Jaramillo, Torrance County Clerk states that she has read her request for corrections and it will be corrected. Dennis Wallin, County Attorney states that no one Commissioner can make corrections or changes. If there are changes or corrections to be made they need to be done during the meeting so that they can be noted for the record.

Madam Commissioner DuCharme states that on page 5 where it says helpful if should read hopeful. On page 12 there was some questions asked by her directed to Mr. Henry Van Es. The questions were not placed in the minutes and she would like them placed in the minutes so that there will be more clarification on her response to Mr. Van Es' question. The next is on page 13. Madam Commissioner DuCharme states that she did not tell Mr. DeCosta to do his job and if she could please have that changed. Ms. Jaramillo asks Mr. Wallin that if we listen to the CD and it does say that would it be her call to go by what was said on the CD or by what the Commissioners say. Mr. Wallin states that you need to go by what is on the CD because that is what transpired at that moment. If one of the Commissioners has concerns about what was said then they need to address that issue at the next meeting and state for the record that is not what they might have said. Ms. Jaramillo states that we will listen to the audio again to get what was said. If she did not state that, the minutes will be corrected, if this is what was said then there will be no change. Madam Commissioner DuCharme also states that the spelling of Marty

Road needs to be corrected. Chairman Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

APPROVAL OF THE October 11th, 2017 REGULAR COMMISSION MEETING AGENDA

Chairman Sanchez asks for a motion to approve the October 11th, 2017 Regular Commission Meeting Agenda. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the October 11th, 2017 Regular Commission Meeting Agenda. Chairman Sanchez 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. Madam Commissioner DuCharme seconds the motion. No further discussion, all Commissioners in Favor. **MOTION CARRIED.**

Madam Commission DuCharme asks if there are any indigent claims and if so what is the amount. Ms. Ortiz states that the amount on the indigent claims is \$1,967.37.

ACTION ITEMS

***Department Requests/Reports:**

1.) Updates:

d.) Commission Updates

a.) **Julia DuCharme District 2** states that her update has to do with a personal experience. Last Monday the family got a new dog and are in the process of training the dog. On this particular day the dog managed to escape under the fence. The family then proceeded to chase the dog around trying to catch it. A few people saw this and were trying to help them catch the dog. While chasing the dog they got some unexpected help from the District 5 Fire Chief, as he noticed them while he was turning in to the substation. She would like to thank Michael Trammel for his help. Had it not been for him they may not have been able to catch the dog. To many this may not seem like an emergency, but to them it was. This dog may have gotten run over, caused an accident or possibly bitten someone. A big thank you to Michel Trammel, again, for his assistance with catching the dog.

Madam Commissioner DuCharme states that she also attended the New Mexico Foundation of Government's annual meeting. People who are for transparency and honesty in government support this group. Madam Commissioner DuCharme herself is a big supporter of this group.

Two years ago this group conducted a survey of all 33 counties websites and at this time our website was ok but needed a few changes. Since then, those changes have been made and there

is much more information for the public that is available on the website. She feels that if a survey is conducted again our website will do much better.

Also Madam Commissioner DuCharme, Ms. Garland, Ms. Ortiz, and Commissioner Frost attended a meeting at Presbyterian Medical Services. It was a very informative meeting. The senior citizens will now have access to the internet at each of the senior centers. A computer will be placed at each one the centers with full internet access.

2.) Lease between Torrance County Sheriff's Department and Document Solutions – Stephanie Dunlap, Sheriff Administrator

Stephanie Dunlap, Sheriff Department Administrator states that the Sheriff's Department is not planning on using this company. Ms. Dunlap is requesting that this item be dropped. **NO ACTION TAKEN**

3.) Grant Agreement(s) for Traffic Enforcement Projects – Stephanie Dunlap, Sheriff Administrator

a. BKLUP/CIOT Project No. 18-OP-RF-103

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to approve BKLUP/CIOT Project No. 18-OP-RF-103. Chairman Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

b. STEP/DNOS Project No. 18-ST-RF-103

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to approve STEP/DNOS Project No. 18-ST-RF-103. Chairman Sanchez seconds the motion. No further discussion. **MOTION CARRIED**

***Commission Matters:**

4.) Interest in Purchase/Lease of Hope Medical Building – Bernardine Dial

Bernardine Dial, Estancia Resident, comes forth as a representative for the First Baptist Church here in Estancia. The church is looking at a few possibilities on expanding the church. The church does a lot of things with the youth in the community, have get together's for the community and then of course the regular church functions such as funeral and Sunday and Wednesday services. With everything they do at the church they tend to run out of room. So what Ms. Dial is requesting on behalf of the church is to purchase the old medical building. She is unaware if anyone is currently housed at the building. If there isn't Ms. Dial states that it would be beneficial to the county in that it would help them save money on utilities and basic upkeep of the building. Ms. Dial would like if the commission take this request into consideration. Thank you to the commission for taking the time to listen to her request.

Ms. Tracey Master DWI Prevention Coordinator comes forth to state that there are currently 3 departments that occupy the building. Those departments are DWI, Domestic Violence and the Home Visiting Program. Not only does this building house these departments but it also utilizes storage space as well. Ms. Master states that she has moved 8 times since she took over this position, it's not fun and if the commission could please consider leaving us here and not moving us again.

Belinda Garland Torrance County Manager states that there is no way that we could move the staff at this time because there is no other space available for them. In her opinion this would not even be an option.

Chairman Sanchez states that they will probably not consider this purchase as an option at this time.

Commissioner Frost states that it may be thought about but we cannot displace any of the employees.

NO ACTION TAKEN DISCUSSION ONLY

5.) Appoint Road Viewing Committee to address the Partial Closure of Marty Road

Ms. Annette Ortiz Deputy County Manager states that she has made contact with 3 of the previous road viewers that are on a list as well as one alternate. They have all agreed to be on the committee. Those individuals will be Tito Chavez, Edwina Hewitt, and Jose Torrez. At this time if the Commission would appoint these 3 individuals to the road viewing committee.

ACTION TAKEN: Commissioner Frost makes a motion to approve to appoint Tito Chavez, Edwina Hewitt, and Jose Torrez as the road viewing committee to address the partial closure of Marty Road. Chairman Sanchez seconds the motion. No further discussion, Madam Commissioner DuCharme states that she will abstain from voting as Ms. Hewitt is a friend of hers. Two Commissioners are in favor. **MOTION CARRIED**

6.) Review Proposed Revision & Amendment to Ordinance 94-12 Section 13.E 7 Resolution 2016-18A

a.) Amendment Wording Change

b.) Resolution 2017-051 Establishing the Solid Waste Management Fee as provided in Ordinance 94-12

Mr. Steve Guetschow P & Z Director, states that Commissioner Frost and Ms. Garland met and worked on some wording revisions to this resolution. Mr. Guetschow states that he was unable to attend because he was busy with the P & Z meeting. He states that he can read the whole resolution or just the areas where the revisions were made, whichever pleases the commission.

Mr. Guetschow reads the new resolution. Document hereto attached

Ms. Garland asks if the commission would like for her to read the changes that were made.

The reply of the commission is yes. Ms. Garland states that on item #1 the change that was made is that on the current resolution it states that over the age of 65 years of age and qualifies for public assistance and an individual who qualifies for public assistance. There is no discount just for a person with the age of 65.

On the current resolution and ordinance it states anyone 65 and older will need to qualify for public assistance as set forth in Sections 27-2-3 & 27-2-4 NMSA 1978. What we did was took out the age of 65 and condensed it all into anybody who qualifies for public assistance. We simplified this and stated it as SNAP since the qualifications are set forth in the statutes for SNAP. It will be easier for the Solid Waste department to make their determination for assistance because of the statutes that are in place.

On number 2 there is no change. On the vacant exempt portion we set out the definition of vacant and we found that definition that is used by realty companies.

Madam Commissioner DuCharme states that on the upper part of the second page it says “upon affidavit and verification,” she would like to know if this language is in the current resolution. Ms. Garland replies that yes it is, there were no changes made to this area of the resolution, all we were adding here is the definition of vacant.

Commissioner Frost states that this would be this person signing that the property is in fact vacant. Is that correct? Also, if they fail to comply with the affidavit they sign, they will be subject to penalties, correct? Ms. Garland replies, yes, that is correct. Commissioner Frost states that the individual does need to report this every two years, correct? Ms. Garland replies, yes, that is correct.

Madam Commissioner DuCharme says she would like to distribute the definition that she came up with. Ms. Garland passes out the definition that Madam Commissioner DuCharme wrote. Madam Commissioner DuCharme reads the definition: A vacant residence means a residence that is not used for habitation by the owner(s) or anyone else. To receive a vacant residence status, the owners must fill out an affidavit, show current utility bills (gas and electric) for the dwelling he/she resides in, and proof of payment for garbage disposal at his/her residence.

In the current resolution it states verification, but it doesn't state what that verification is. If we add this into the definition then Mr. DeCosta will not have to go into the property to check on the verification.

Ms. Garland asks if she will set standards for the utility bills such as a dollar amount that will state, if the bill is not at a certain dollar amount will it deem that home vacant. Madam Commissioner DuCharme means that where the individual resides not for the vacant property. Commissioner Frost states in other words if they live in Bernalillo county but own vacant property in Torrance County they must provide proof that they pay utilities in Bernalillo County because that is where they live. Madam Commissioner DuCharme states that, yes, the proof of that utility bill will show that the homeowner is throwing their trash somewhere else.

Commissioner Frost states that on this description of a vacant residence there is no mention of utilities. The reason being is because, as we spoke about last week, there may be a vacant home and a well with a pump that provides electricity to the pump that furnishes water to livestock

that is on the property. This is not mentioned in here, so how does that affect what you are saying with this definition. Madam Commissioner DuCharme states that she is not talking about a vacant residence, she is talking about proof of where the owner actually lives.

Ms. Garland states what we are trying to verify is the house itself, not the house they are actually living in. There could be a possibility where somebody lives in a house but are renting the other house and those are the people creating the trash that they are taking and throwing.

Madam Commissioner DuCharme states that they are signing the affidavit and that is a legally binding document. Is that correct Mr. Wallin? Mr. Wallin replies that not necessarily. It's an affidavit, a statement under oath regarding an issue. It is not a contract, it's not something that binds them to damages or enforcement. It is just like someone standing at the podium swearing to tell the truth. That is what an affidavit is. Madam Commissioner DuCharme states what she means is that that it is binding in the sense to tell the truth.

Mr. Wallin asks why you would have an ordinance in place if you have no intention on enforcing it. Madam Commissioner DuCharme states that with the definition she is proposing it would stop Mr. DeCosta from having to enter the home to see if people have furniture in the house or not. Mr. Wallin states that is not a question of enforcement but rather a process of enforcing. It looks as tho you are wanting to eliminate the need for him to do further investigating and just rely on the property owner. That is a directive you can make but Mr. DeCosta will still have to enforce the ordinance. If he determines that someone lied on the affidavit, then he has the duty, under the current law, to enforce the ordinance. However you all define the vacancy is up to the commission.

Ms. Ortiz states that the definition came from an insurance underwriting company and that is what their definition is of a vacant premises. It is a basis to consider that something is without content or occupant. As far as a vacant definition we went from one point to another that you are looking at vacant residence not just property. If it is without content or occupant then it makes Mr. DeCosta's ability to verify much easier.

Michael Godey Torrance County resident, states that they may be there and not dumping trash but dumping it in the woods somewhere. He states that Mr. Wallin may agree with him that no law is perfect. It may be possible that a person will visit the property. There are people that might have dual residences and possibly live in one county and not the other. Mr. Godey states that going by SNAP may cause issues because you have to apply for those twice a year and you even have some issues with Medicaid. One option you may be able to look at are an individual's taxes.

Ms. Garland states that looking into people's income taxes is not an option. We do not want the solid waste to have to start prying into people's tax returns. Commissioner Frost states that he agrees with this as well.

Chairman Sanchez states that on the proposed definition non-vacant is equivalent to unoccupied, correct? Mr. Guetschow replies that no, it clearly states what it means.

Commissioner Frost states that as Mr. Godey mentioned, laws are not always perfect. The solid waste issue has been around for a couple of weeks, 2 years, maybe even 10 years, but whatever

we do is not going to fit everyone. There are some people that would like to not have any discounts, and some that would like lots of discounts, but no matter what we do it is not going to be perfect, nor will it fit everyone. We have to start somewhere.

ACTION TAKEN: Commission Frost makes motion to approve the Proposed Revision & Amendment to Ordinance 94-12 Section 13.E 7 Resolution 2016-18A and Resolution 2017-051 establishing the Solid Waste Management Fee as provided in Ordinance 94-12 as proposed. Chairman Sanchez seconds the motion. Chairman Sanchez asks if there is any further discussion.

Mr. Steve Guetschow Torrance county citizen would like to state that as a citizen he doesn't think that it's fair that anyone would allow another person to pay a portion of their bill. In comparison he states that he is a widower and that he and his wife did not have children yet a portion of his taxes go to support schools and the education of your children, even though he doesn't have kids that attend, he is ok with that because it is for the good of the community. This resolution is for the good of the community to support the efforts with the collection of solid waste around the county. Also with your provisions with these monies that come forward it may come to a point where you will not have to pay the solid waste authority additional money besides what is contracted every year. You can apply that extra money to the fee and reduce the fees to the citizens of Torrance County.

Charlene Guffey Torrance County resident states that the money the county puts out on these discounts and loss of revenue are actually coming from the county resident's taxes. Ms. Guffey states that she would rather see the money go to the road department where all will benefit, including the Sheriff's department, the fire departments and the residents so that the roads are in better condition for them and not for a private truck to be going up and down the road. Any commissioner who will benefit from these discounts should be wise on how they vote. If this county wants to give discounts, then don't complain when they have to pay the bill.

Michael Godey states that the alternative would be to ask the resident if they would be willing to show their taxes. Not a requirement at all but just give that as a proof of income to receive a discount.

Madam Commissioner DuCharme addresses Mr. Guetschow his comment about not having children in public school. What you're talking about is taxes not fees. She states that we cannot make a perfect law but we can attempt to make it fair. At the last commission meeting Ms. Danette Cabber mentioned that they have 489 vacant resident accounts. Please take into consideration how many people will be affected by this decision. Also this definition came from an insurance underwriter and they made this definition themselves fitting their situation and their industry. She states that she tried to find the definition for vacant residency in the state statutes and she couldn't find it. She thinks that we can make our own definition to fit our situation. Ms. Guffey made a jab at her saying that I needed to think twice if she benefits from this decision. Madam Commissioner DuCharme states that if you do get something you benefit from it, she won't get anything from it she just wants for her money to be left alone.

Ms. Guffey states that what she commented was "any commissioner" not just her.

Madam Commissioner DuCharme states that at the last commission meeting there was a public hearing and several people asked the commission not to impose this fee. Ms. Guffey was the only one who spoke in favor of the fee. Madam Commissioner Ducharme reads a letter from Ms. Holland, its concerning an article in the Mountainview Telegraph. She also states that Ms. Guffey and Mr. Guetschow mentioned lost revenue, and Mr. Guetschow estimated that about \$35,000.00 is lost. Mr. Guetschow replies that it is based on the 152 inspection that Mr. DeCosta preformed. So you receive revenue when you provide goods and services. Those people won't receive any goods or services from the county, why would we charge them? Mr. Guetschow states that he does not understand where they are not receiving any goods or services. The goods and services provided for these people are so that there is not any waste blowing around the county, the solid waste authority will be able to keep the transfer stations opened and manned where these people can take their solid waste.

Betty Cabber Torrance County Assessor states that she would like to repeat what she stated at the previous commission meeting. This is trying to keep everything fair and equitable, which is what they try to do when they are assessing properties. Everyone has to share in that vacant house whether it is totally vacant, or if it has furniture in it and is only used part of the time, or if no one actually lives there and there is no water or electricity hooked up to it. We still asses the building no matter what, if we were to drop that off, the taxes would go up, if we gave a discount because no one is living there then everyone's taxes will go up. You need to have a flat simple rule and not abide by every rule or request, if you start doing that then you have to start giving discounts to every single situation and that isn't good.

Chairman Sanchez states that both definitions are problematic but the proposed one inches us in a direction that he thinks we need to go in terms of identifying an adequate definition of a vacant property. This may not be the last time we hear about this but I think it's time we move forward.

Commissioner Frost states that he was informed the about 25% of the accounts are not paid. This resolution will hopefully help us to prevent this with in the near future. We need to move forward with something and we know this won't be perfect.

Chairman Sanchez and Commissioner Frost are in favor, Madam Commissioner DuCharme is opposed, no further discussion. **MOTION CARRIED**

7.) Findings of Fact / Conclusions of Law, Planning & Zoning Decision Ref: D. May

Ms. Garland states that these are the findings of fact that were proposed after the decision was made on the hearing for Mr. May. Ms. Garland is asking for the final approval and signature for the documents.

Mr. Wallin states that just so the Commission will understand, this is something that has to be done to preserve the record and to preserve either party's right to appeal. These findings of fact are based on the hearing that was held August 23rd, 2017.

Madam Commissioner DuCharme tells Mr. Wallin that she has a few questions.

1.) Mr. May's property is zoned as PL. Mr. May disputed that. Was it proven that his property was zoned PL? Do we have proof of that?

Mr. Wallin replies that is a question that you as the commission decide. Mr. Wallin will submit that there is proof, Mr. May disputed that, and you the commission are the decision makers, not himself. Mr. Wallin's understanding of the decision was it was zoned as PL (pre-platted land).

Madam Commissioner DuCharme asks what proof we have of that. Mr. Wallin replies that without going back through the record it may have been part of the testimony of Mr. Guetschow.

Mr. Steve Guetschow states that it is on the zoning map as pre-platted lands. The Bella Vista Subdivision and that whole complex in the subdivision was an approved subdivision prior to 1973. And according to our zoning map it is zoned as PL, pre-platted lands. Pre-Platted lands, other than the con-conforming lot sizes, is the county's wish to be consolidated to larger lots until they meet the surrounding lots zoning district. They are currently zoned as rural residential 2.5.

2.) Permitted structures. As far as she can remember, Mr. May has 4 mobile homes. Were they there when Mr. May was issued his certificate?

Mr. Guetschow replies that no not all of them were there at the time he was issued his certificate. Mr. DeCosta provided images in his court case as well as to the commission and at one point the structures weren't there and a few years later they are there. The evidence is in the photos.

Madam Commissioner DuCharme asks Mr. Guetschow if it has been proven that Mr. May has several un-permitted structures on his property. As she recalls they seemed to mostly be talking about the amount of vehicles Mr. May accumulated on his property after the certificate was issued.

Mr. Guetschow states that he is not familiar with all the charges that Mr. DeCosta levied against Mr. May.

Ms. Garland states that there was photo evidence proposed of extra buildings that had been moved in. Mr. Guetschow states that there were no permits issued for any of them.

3.) Do we have the right Mr. Wallin to call the contents of the un-permitted structures solid waste?

Mr. Guetschow replies that if the structures are dilapidated and/or falling apart then they are no longer habitable.

Madam Commissioner DuCharme states that it says that Mr. May's property contains several un-permitted structures containing solid waste.

Mr. Wallin states that whether or not its solid waste, the purpose of this item is not to retry the issues. The commission are the finders of fact in this matter and served in a quasi-judicial

capacity. The testimony as he recalls is that there were items contained that were deemed unsuitable and whether or not they are solid waste that is up to the commission to decide. We are not here to re-try or re-visit. You made the ruling and if you are not comfortable based on your decision that you made as a board then we can change that. This is our understanding of what you are ruling. We are protecting Mr. May's right to an appeal of he decides to appeal this.

Madam Commissioner DuCharme asks what rights do we have to protect us and if we can use another term instead of solid waste.

Mr. Wallin asks Madam Commissioner DuCharme what she would like to call it. Would you prefer it be called alleged solid waste? Once again this is our attempt to put your findings and conclusions to preserve the record. If you want to say that he has unpermitted structures containing personal property, but once again it has to fall in with the solid waste ordinance. Mr. Wallin believes the intent of your decision was to deem that this was solid waste as defined in the ordinance and that is what staff presented.

Madam Commissioner DuCharme states that she is not comfortable with it being called solid waste and it should be called something else.

Commissioner Frost states that as he reads this it's on us to verify and make it legal for the records to show that is what happened.

ACTION TAKEN: Commissioner Frost makes a motion to approve Findings of Fact/Conclusions of Law, Planning & Zoning Decision Ref: D. May. Chairman Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

8.) Consider adjustment of December 27th Commission Schedule

Ms. Garland states that Christmas falls on Monday the 25th this year. We have a commission meeting scheduled on Wednesday December 27th, 2017 and I would like to request that it either be moved to the previous Thursday December 21st, 2017 or just choose to not have the meeting at all if that is possible.

Commissioner Frost states that if there was anything critical that did come up could we call a special meeting if need be. Ms. Garland states yes that is a possibility.

ACTION TAKEN: Commissioner Frost makes a motion to cancel the meeting on December 27th, 2017 and if anything critical comes about there would be a special meeting called. Chairman Sanchez seconds the motion.

Madam Commissioner DuCharme asks what the basis for this request is.

Ms. Garland states that there is generally not a lot of business going on at this time of the year as most people are out on vacation. As Commissioner Frost states if need be we can call a special meeting if something crucial comes up. We are requesting this early so that we can begin to advertise of the adjustment for the meeting schedule.

Madam Commissioner DuCharme asks Ms. Garland if there might be enough business to have a meeting on the 13th and the 20th of December. Ms. Garland states that having them a week apart is not very good, as it was mentioned if need be we can schedule a special meeting. Madam Commissioner DuCharme states that if we skip a meeting it will be a month before we have our next meeting. Ms. Ortiz states that if at the December 13th, 2017 regular commission meeting there is a need for a special meeting then we can go ahead and call a special meeting. No further discussion, all Commissioners in favor. **MOTION CARRIED**

9.) Consider adjustment of December 24th Holiday Observance

Ms. Garland is proposing to the Commission that they allow the county offices to be closed on the 26th since the Christmas Eve floating holiday falls on that Sunday. This will allow for families to travel and have more time to get home and recover from the holiday. We will advertise right away so that the public will be aware of the offices being closed that day.

Madam Commissioner DuCharme states that the employees will be off Friday, Saturday, Sunday, Monday, and Tuesday. Ms. Garland replies that yes that is correct, and what this will allow is for all of the county employees as a whole to take the floating holiday. Ms. Ortiz states that the county normally has a skeleton crew at this time anyway with everyone trying to take their vacation time. This would make it more equitable for all employees to be able to take off at the same time than for the departments to decide who can and cannot take off at this time.

ACTION TAKEN: Commissioner Frost makes a motion to approve to the December 24th holiday be moved to December 26th, 2017 to allow all employees to have this day off. Madam Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

***County Manager Requests/Reports:**

10.) Amendment to Agreement for Inmate Confinement Between Santa Fe County and Torrance County

Ms. Garland states that she would like to apologize for this, she and Sheriff White have been working diligently on this with Santa Fe County trying to get a contract in place for our inmates to be confined at the Santa Fe County jail. Ms. Garland states that she has contacted Santa Fe County this morning and their legal department is still working on the contract. With the permission of the commission she would like to call an emergency meeting tomorrow October 12th, 2017 so that we can get this contract reviewed and approved. Ms. Garland states that we can call an emergency meeting within 24 hours. We will have to notify the Attorney General's Office about this meeting. Ms. Garland states that the inmates need to be moved out by next Friday so she does need this contract reviewed and signed ASAP to allow us time to set up transportation of the inmates.

There is some discussion between Commissioner Frost and Ms. Garland regarding the Core Civic Facility and the time it will take to process the inmates when they get to Santa Fe County and also some discussion about the time of the meeting for the following day.

Ms. Ortiz states that it may be possible for the commission to recess this meeting for the following day instead of having to call an emergency meeting.

Mr. Wallin states that yes it is an option.

Chairman Sanchez states that yes we will recess this meeting until tomorrow at 3:00 p.m. instead of having to call for an emergency meeting.

11.) Update

Ms. Garland reads her update to the Commission. On 9/28/17 & 9/29/17 she met with the grant committee to discuss a few grants for the Sheriff's department and the next day she and Sheriff White went to Santa Fe to discuss inmate housing at the Santa Fe County Jail.

October 2nd through 5th she attended the Rickett's Trial at District Court, drove a few roads she received complaints about and worked on various email and phone calls and administrative processes.

Worked on October 4th on the solid waste proposal with Commissioner Frost, on the 10th met with a resident about road complaints, and attended a public hearing for PMS and the Torrance County Senior Citizens. **UPDATE HERETO ATTACHED**

Public Comment / Requests: At the Discretion of the Commission Chair. For Information Only (No Action Can Be Taken). Comments are limited to three (3) minutes per person on any subject.

a.) Annette Ortiz Deputy County Manager would like to inform everyone that October is Breast Cancer awareness month. Every Thursday during the Month of October we will be having small contests on that day and we also would like to encourage everyone to wear pink on those Thursdays. Also on October 31st, 2017 we will be closed from 12:30 pm to 1:30 pm for a small Halloween Carnival and lunch for the employees.

b.) Betty Cabber Torrance County Assessor would like to inform everyone that road work is about to begin on Highway 41 between Stanley and Galisteo on Monday October 16th. 2017. Once the work begins there will be lane closures and the road will be down to one lane in certain areas. The DOT will be using a pilot car to escort people through. This is just information for everyone that may have plans on going in that direction. Either give yourself more time or seek alternate route.

***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 Litigation related to Ricketts v. Torrance County, Section 10-15-1(H)(3)

Chairman Sanchez asks for a motion to enter into Executive Session.

ACTION TAKEN: Commissioner Frost makes a motion to enter into Executive session. Madam Commissioner DuCharme seconds the motion. No further discussion, all Commissioners in favor. Roll call vote: Commissioner Frost, District 1-Yes. Madam Commissioner DuCharme, District 2-yes. Chairman Sanchez, District 3-Yes. **MOTION CARRIED**

Entered into Executive session at 11:02 a.m.

ACTION TAKEN: Chairman Sanchez makes a motion to reconvene from Executive session. Commissioner Frost seconds the motion. **MOTION CARRIED**

Return from Executive Session at 11:10 a.m.

***Reconvene from Executive Session:**

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

a.) Consider and Act upon, if necessary Litigation related to Ricketts v. Torrance County

Commissioner Sanchez states that no action will be taken from executive session.

Chairman Sanchez states that we will not adjourn this meeting. We will recess until tomorrow October 12th, 2017 at 3:00 to get the approval for agenda item #10 so that everyone will get a chance to review the agreement before it is signed once we get it from Santa Fe County.

MEETING RECESSED at 11:12 a.m.

RECONVENE FROM RECESS

Chairman Sanchez calls the meeting to order at 3:01 p.m. October 12th, 2017. (Chairman Sanchez was not present at the meeting but was conducting the meeting via phone)

Chairman Sanchez states that we will continue with agenda item #10 which is the amendment to agreement for inmate confinement between Santa Fe County and Torrance County.

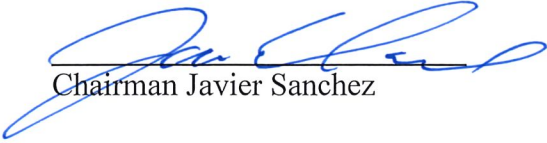
10. Cont'd) Commissioner Sanchez asks if there is any discussion or public comment on this. Ms. Garland states that there is no one other than herself, the other 2 commissioners, Yvonne from the clerk's office and Mr. Godey, that are present. Commissioner Frost states that he has no comments at this time.

ACTION TAKEN: Commissioner Frost asks for a motion to approve the Amendment to Agreement for Inmate Confinement between Santa Fe County and Torrance County. Madam Commissioner DuCharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

ADJOURNMENT

ACTION TAKEN: Chairman Sanchez makes a motion to adjourn the October 11th, 2017 Regular Commission Meeting. Madam Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

Meeting adjourned at 3:05 pm


Chairman Javier Sanchez


Yvonne Otero-Administrative Assistant

10.25.17
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.