

FINAL COPY
Torrance County Board of Commissioners
Regular Commission Meeting
November 8, 2017

Commissioners Present: JAVIER SANCHEZ – CHAIRMAN
JULIA DUCHARME – MEMBER
JAMES FROST – MEMBER

Others Present: BELINDA GARLAND – COUNTY MANAGER
ANNETTE ORTIZ – DEPUTY COUNTY MANAGER
DENNIS WALLIN – COUNTY ATTORNEY
GENELL MORRIS – ADMIN ASSISTANT

Call Meeting to order

Chairman Sanchez: Calls the November 8, 2017 regular commission meeting to order at 9:01AM
Pledge lead by Nick Sedillo

Invocation lead by everyone saying a silent prayer

Approval of the October 25th 2017 regular commission meeting minutes:

Commissioner DuCharme: Moves to approve minutes of October 25th, 2017 regular Commission Meeting.

Chairman Sanchez: Seconds the motion.

All in favor: MOTION CARRIED

Approval of Meeting agenda:

Commissioner Frost: Moves to approve meeting agenda

Commissioner DuCharme: Seconds the motion.

Move agenda item # 2 to agenda item #1.

All in favor: MOTION CARRIED

Approval of Consent agenda:

1. Approval of Checks
2. Indigent Claim(s)

Commissioner Frost: Moves to approve consent agenda

Commissioner DuCharme: Seconds the motion

All in favor: MOTION CARRIED

***ACTION ITEMS**

ITEMS TO BE CONSIDERED AND ACTED UPON

***Presentation(s):**

2. Retirement Recognition for Greg Richard, 8 year Assessor's office Employee, NM Certified Appraiser

Greg Richard was recognized for 8 years of hard work by Nick, Betty and Victoria. He is an asset to the office, with computers, great appraising, he loves new construction appraisals and creating / remaking

forms for the office. Greg will be missed. Greg was presented with a plaque, and reception after the commission meeting.

1. Governmental Conduct Act Review

Dennis Wallin-County Attorney: Was hoping to have an AOC representative in attendance to present a quick review of the Governmental Conduct Act. It would be good to have an annual workshop early each year with all employees and department heads to discuss the Governmental Conduct Act, Open Meetings Act, and Inspection of Public Records Act. As a refresher course and as new employees come on board, to make sure they understand that there are multiple statutory and common law requirements that regulate the behavior of elected officials and employees of governmental entities as well as the public that deal with employees of governmental entities. Example: we have to comply with the Open Meeting Act, in the past we have had complaints whether or not meetings were not posted appropriately. The finding from the Attorney General's Office have been in favor of Torrance County having exercised due diligence, overall our County Manger's office has done a good job getting meetings posted. We recently received a letter from the Attorney General Office finding that we did not violate the Open Meeting Act in a meeting back in 2015. Sometimes it takes the Attorney General Office time to do the investigation. We have to comply with procurement code, there are statutory provisions within that code, not to accept bribes or undue influence. There are other statutes that regulate the behavior of elected officials as well as employees of governmental entities. I think the legislature tried to bring everything together. In 2011 the Governmental Conduct Act expanded to cover local government employees and elected officials. Up until 2011 the statute was for state employees and elected officials only. The Governmental Conduct Act and the Attorney General's Compliance guide is available on line and in the County Manager's office. (*Mr. Wallin goes into some detail of the Act. The full Governmental Conduct Act Review is available in meeting packet held in the Clerk's office.)

There are enforcement procedures built in to the Act, the Secretary of State receives the complaints of violations of the Act. If there was a violation; 1st they try to get compliance unless it is criminal in nature. In the case of criminal violation it will be referred to the Attorney General's Office, District Attorney or a Law Enforcement agency. Violations range from misdemeanors to 4th degree felonies.

Commissioner DuCharme: The New Mexico Government Conduct Act, it is a real law with real consequences. Commissioner DuCharme is very thrilled about this presentation and feels it is needed, she thanks Dennis Wallin for presenting.

***Department Requests/Reports:**

3. Updates:

a. Various County Departments

Leslie Olivas – Purchasing Director: RFP 2018-01 published on November 2nd 2017 for Teen Court Coordinator working with Tracy Master, deadline for submission is November 14th 2017, 3pm to Purchasing department. All specifications are available on the website or in purchasing department. If you have questions Contact Leslie 544-4730 or email lolivas@tcnm.us

Tracey Master – DWI Prevention Program Coordinator: Please contact Leslie with any questions concerning the Teen Court Coordinator position. The Juvenile Justice Board will be hosting an open house/grand reopening Saturday December 2nd 2017 1-3pm at Moriarty High School. With the capital outlay money at the school, the courtroom was renovated, it now looks like a court room. The reporting

and assessment center at Moriarty High School has been there about 4 or 5 years, housing the Juvenile Justice Board continuums activities. The purpose of the open house is to reintroduce the program to the Community, so the Community will understand all the different programs available for the at risk youth. There will be a mock trial through teen court for the public to experience. There is also an open house at the Memorial of Perpetual Tears Park at the same time. This open house has to do with DWI and substance abuse prevention. We are looking at an open house at the Hope building between the DWI, Home Visiting and the Domestic Violence programs. 10 new people were certified to be Mental Health first aiders for a total of 22. We are hoping to have another class before the end of the year. The purpose of mental health first aid, is to help people recognize developing mental health disorders, increasing mental health problems and mental health crisis. Last week's meeting of the DWI grant council, the Department of Finance and Administration discussed new reporting requirements and rules. There will be a meeting the 1st week of December, including the DWI coordinators affiliate, Managers affiliate, Commissioners affiliate and Finance/ Purchasing affiliate to discuss the new rules and regulations.

Jesse Lucero – Deputy Assessor: Thanks Arely Cuevas for all your help. We are moving the County Assessor to room 13, because our staff is growing and we need the room to continue to do the great job they do. County Manger Garland was gracious to allow us to have that room, she has been very attentive every step of the way.

Betty Cabber – County Assessor: October 30th -31st the revenue stabilization and tax policy interim committee met in Santa Fe. There is a lot of lost revenue in property tax. Most of the Senators and Representatives that sit on that Committee, learned more on property tax and how property tax works. Oil and Gas is done through our State Assess Bureau, a property tax division at Tax and Rev. in Santa Fe. They do 35 to 40% of our total property tax base in this County. It is very important that the state is assessing everything in the Counties that should be on the tax roll through the State Assess Bureau. The Assessors and the Association of Counties also discussed county government property tax issues. It doesn't affect the State as much as the Counties because they only get about 4% of the total property taxes in the State. The property tax division has been understaffed, we let them know they need to get the money in the budget to staff this division. If you hear about Senate bill 350 or new property tax evaluation method for the conservation of unimproved land, please talk to me for more information. October 25th-27th Jesse and Betty attended the Assessor affiliate fall conference in Silver City. Senate Bill 350 and the needs of Property Tax Division being funded and staffed were discussed. Please let the legislators know how important staffing the Tax Division is for our County. Betty handed out an email containing highlights for the Oct 13th 2017 NMAC Board of Directors meeting. Information on how they can help County government's access federal funds and an online program that teaches young people how local governments operate. The New Mexico Association of Counties Policy statement was also handed out. A copy is in the meeting packet located in the Clerk's office. We are not as busy, we have less complaints, issues or errors we have made. We are more accurate in our assessments.

Tracey Sedillo – County Treasurer: Tax bills are out, if you have not received your tax bill please contact our office to ensure your address is correct. We have gotten 12 flats of returned mail. Payment for taxes are due without penalty by December 12th 2017. Payments may be made in our office by cash, check or credit card (convince fee applies to credit cards). You may also pay by phone at 1-877- 458-2425 there is a 2.1% convince fee that applied and a \$2.95 phone fee or pay online at the Torrance County website www.torrancecountynm.org go to Treasurer page and use link saying "click here to pay taxes".

Martin Lucero – Emergency Manager: Next Tuesday November 14th will be our Flu shot clinic at the Estancia High School between 9 and 1 pm, 300 vaccinations will be available. The results from the Critical Infrastructure Assessment arrived. The department of Homeland Security Representative assessed 3 of our facilities. We have needed improvements and need to come up with a plan of action on how we will make the necessary improvements. Our winter storm exercise went well, our cert team did a good job. We surveyed the Estancia Soil and Water conservation building, sight assessment, they designed the layout of the building. I have been reaching out to all the jurisdictions for approval of Resolution for our Hazard Mitigation Plan.

Leonard Lujan – Road Department: The 5 year lease on the blades ran out. Last Wednesday our 9 new blades arrived, 6 have rollers. 3 went north, 3 central and 3 are in south parts of the county. We are working on getting all county roads bladed. Truckers are out working on washouts, holes on roads before we get any more storms.

Lester Gary – Fire Chief: We have 10 volunteers that have completed the EMT Basic class, 4 are from the Tajique/Torreon area. I have the Rescue from the Tajique/Torreon area being repaired and should be ready by the end of this month. We have 7 new members in the department, 2 of the members are extensively trained in Fire and EMS. One will be at station 3 and the other will be in district 4. We are working on getting a complete set of extraction equipment for Torrance County and the City of Moriarty.

d. Commission

Commissioner DuCharme: I wanted to share a quote I saw in a restaurant. “Be the change you want to see in the world”. It takes a lot of people to make a community a nice place to live. Be inspired, be involved.

4. Resolution 2017-055 Adoption of Hazard Mitigation Plan – Martin Lucero, Emergency Manager

Martin Lucero – Emergency Manager: Asking to adopt Resolution 2017-055 Hazard Mitigation Plan. Planning has taken 2 years and is solid. We have received our preapproval letter from FEMA, pending the adoption for County and local jurisdictions. On page 85 it shows the plan of action that is required for each jurisdiction. The county is involved in almost all the actions, including 9 of the hazards. The other requirement I have for each local jurisdiction is a quarterly report, to keep on task with each project.

Chairman Sanchez: Motion to approve Resolution 2017-055 Adoption of Hazard Mitigation Plan.

Commissioner Frost: Seconds the motion

Commissioner DuCharme: What are financial requirements?

Martin Lucero – Emergency Manager: There is some monetary involvement with the plan of actions.

Commissioner DuCharme: Are the projects covered by state or county money?

Martin Lucero – Emergency Manager: Not necessarily, each jurisdiction is responsible for their own jurisdiction.

Commissioner DuCharme: Are we assuming any new financial responsibility?

Martin Lucero – Emergency Manager: There are some items that require additional money.

Commissioner Frost: Will those be in the next budget?

Martin Lucero – Emergency Manager: Some of the plan of actions have short timelines and are easy to overcome. We can look at how we can incorporate this into the next fiscal budget. I didn't see any items that require a lot of money.

Commissioner Frost: You are asking us today to approve the resolution as to the thing you are going to do, but you are not asking for money?

Martin Lucero – Emergency Manager: We are not asking for money, we are asking to implement this Hazard Mitigation policy.

Commissioner Frost: At budget time, there will be a chance to approve or not approve different items.

Martin Lucero – Emergency Manager: Each jurisdiction is responsible for their own jurisdiction financially.

Belinda Garland – County Manager: The Soil and Water boards and some of the Municipalities are waiting on our approval of this Mitigation Plan, to apply and get approved for grants and funding.

Chairman Sanchez: When is the next opportunity the County can apply for Hazard Mitigation funding?

Martin Lucero – Emergency Manager: In the Spring; each of the local Jurisdictions can apply for grant funding on their own.

All in favor: MOTION CARRIED

5. Resolution 2017-056 Line Item Transfer – Amanda Tenorio, Finance Director

Leslie Olivas – Purchasing Director: Amanda is unavailable. Asking for approval of Resolution 2017-056, Line Item transfers. This does not change the budget, just moving to another Line Item.

Chairman Sanchez: Motion to approve Resolution 2017-056

Commissioner DuCharme: Seconds the motion

All in favor: MOTION CARRIED

***Commission Matters:**

6. Public Celebration Permit Application – Two Guys Making Artisan Cheese dba Old Windmill Dairy & Jaramillo Vineyards LLC

Annette Ortiz – Deputy County Manager: All the requirements are met with Alcohol and Gaming. We're requesting approval of public celebration permit application.

Edward Lobaugh – Co-owner of Old Windmill Dairy: We are planning our first Wine and Cheese pairing event on Saturday, November 18th for noon to 5 pm at the farm located between McIntosh and Estancia with Jaramillo Wines. I have worked with the Local and State government agencies. I have also worked with an insurance agent from Farm Bureau to get a one day liability, this will be complete pending the Commission's approval. We have our general and product liability insurance. We have 4 ft. fences, 2 Security Officers, parking attendant, Bella Notte will be preparing food made with our cheeses and a temporary Health Permit for that day. Jaramillo Wines also has their licensing.

Commissioner Frost: Motion made to approve Public Celebration Permit Application

Belinda Garland – County Manager: Did you get the approval for Alcohol and Gaming?

Edward Lobaugh – Co-owner of Old Windmill Dairy: Not till I get your approval.

Commissioner DuCharme: Seconds the motion

Commissioner Frost: Are all legal aspects met?

Dennis Wallin-County Attorney: The Lobaugh's have everything in order legally.

Commissioner DuCharme: Is in support of events such as this in our County. Only concern is after the event and people are served alcohol, how will they drive home safely.

Edward Lobaugh – Co-owner of Old Windmill Dairy: At other events, alcohol is stopped being served 1 hour before event is over. Servers are educated to cut people off if they see someone is intoxicated. Mr. Lobaugh is a Nurse Practitioner and will be available to assess people if necessary.

Charlene Guffey: Suggestion was made to contact Tracy Master to use Safe Ride for anyone needing a ride home

All in favor: MOTION CARRIED

7. Amendment to resolution 2017-051

Belinda Garland – County Manager: Requesting amendment to resolution 2017-051, establishing the Solid Waste management fees as provided in Ordinance 94-12. Amendment is in subsection 1, the resolution that you approved stated, people who apply and qualify for the low income discount, it was based only on the (SNAP) Supplemental Nutrition Assistance Program. Belinda is asking the following programs be added, Temporary Assistance for Needy Families (TANF), Low Income Energy Assistance Program (LiHeap). General Assistance or Medicaid.

Commissioner DuCharme: If a person qualifies for the discount, should they qualify for either one of the programs?

Belinda Garland – County Manager: It reads “OR” Medicaid. If they qualify for any one of the 5, they will qualify for the low income discounts. The Solid Waste Board asks that we list all qualifying programs.

Commissioner Frost: On the vacant residents, will the form that needs to be completed show the penalties if they are not vacant?

Belinda Garland – County Manager: I will have the forms reviewed.

Commissioner Frost: Motion to approve amendment to resolution 2017-051.

Chairman Sanchez: Seconds the motion

Commissioner DuCharme: Supports #1 of the resolution, does not support the definition of vacant in ordinance 24-12.

Dennis Wallin-County Attorney: The definition of vacant has already been approved with vote 2-1. We are clarifying who qualifies for the exceptions.

All in favor: MOTION CARRIED

8. Request Approval of Letter to be sent to Solid Waste Discount Recipients

Belinda Garland – County Manager: For review and approval. On October 26th 2017 I attended a meeting for the Solid Waste board. The Solid Waste Authority did not want to send letters to customers from them, they felt it was better for Torrance County to send a letter clarifying who qualifies for the discounts and vacant property. I agreed to draft letters and bring before the Commission for approval. I spoke with Legal counsel, they feel it is in their contract to notify people of changes on the Solid Waste fees and discounts. It is up to the Commission to decide if the letter goes out as drafted or go back to Legal Counsel to review their contract.

Dennis Wallin-County Attorney: Third option, to modify the current draft letter. With regard to who should notify the customers, the Solid Waste feels the County should, because the County sets rates and who should be exempt from the rate structure.

Commissioner Frost: Do we have personnel and time to accomplish all that?

Belinda Garland – County Manager: When the letter is approved, Solid Waste will send it out.

Chairman Sanchez: We need to restructure the letter with the first part of the letter conveying the information in a way the public understands, with our main point at the beginning. It is helpful to have the two resolutions included. It needs to be clear to the public that we are not raising rates.

Commissioner Frost: It should be an attempt to explain and define the exceptions that were put into effect 18 months ago.

Belinda Garland – County Manager: Does Torrance County want to send the letters?

Chairman Sanchez: Yes, but it would be nice to see the letters prior to it leaving the County.

Annette Ortiz – Deputy County Manager: Estancia Valley Solid Waste Authority sent out a notice of discounts. Can we recreate this, from the County and include in the letter?

Chairman Sanchez: Yes, that is a great idea.

Belinda Garland – County Manager: We will make the letter as conducive as possible for the customers to read. It will provide guidance and clarification.

Commissioner Frost: Moves to send the letter to Solid Waste Recipients.

Charlene Guffey: The Solid Waste website shows guidelines, it states to submit the application for vacant property to them. They are responsible for the billing and accounts. The only thing the County does is change and control the fees.

Chairman Sanchez: I think we are in agreeance, we want to send the letter pending the changes to the letter. Chairman Sanchez will review letter before it goes out.

Commissioner Frost: Moves to approve the letter be sent to Solid Waste Discount Recipients

Chairman Sanchez: Seconds the motion

2 in favor: MOTION CARRIED

Commissioner DuCharme: Supports the 1st letter stating qualifications, can't support the definition of vacant letter.

Dennis Wallin-County Attorney: Motion passed 2 to 1.

9. Request to follow Estancia Schools for Delays & Closures Due to Inclement Weather

Belinda Garland – County Manager: I am requesting the Torrance County Administrative Offices follow the Estancia Schools for delays and closures. This makes it easier for Administrative staff and Managers office to control the delays and closers. When the weather is bad, it is easier for staff to look for Estancia Schools on the news channels. If the school is on a delay we follow the delay, 2 hour delay we come in at 10 am. (See questions and answers in meeting packet.)For the closures, we can close if the schools are closing or we can give further guidance. This prevents employees getting on the highway when it's unsafe or waiting for us to call them. Estancia does not close as often as other schools. Being that the offices are in Estancia we would follow Estancia schools. This would give clear guidance for what determines Administrative leave.

Commissioner Frost: Motion to approve Request to follow Estancia Schools for Delays & Closures Due to Inclement Weather

Chairman Sanchez: Seconds the motion

Commissioner DuCharme: Is this based on Estancia Schools or your decision to close?

Belinda Garland – County Manager: The Motion made by Mr. Frost and seconded was to follow Estancia Schools for Delays & Closures.

Jesse Lucero – Former School Board Member for Estancia School District: County Manager Garland is correct, they only have 5 allocated days in the calendar year, for school closures.

*Continued discussion over the closure of administrative office due to inclement weather.

All in favor: MOTION CARRIED

10. Resolution 2017-057 Finding a Decedent to be Indigent Person, as defined in Section 24-13-2 NMSA 1978, or of an Unclaimed Decedent, as defined in Section 24-12-1 NMSA 1978

Annette Ortiz – Deputy County Manager: This Resolution as well as the following agenda item are for 2 decedents that we are requesting the indigent burial be applied.

Chairman Sanchez: Makes motion to approve Resolution 2017-057

Commissioner Frost: Seconds the motion

Commissioner DuCharme: We don't have a name in this Resolution.

Belinda Garland – County Manager: That is not public information.

All in favor: MOTION CARRIED

11. Resolution 2017-058 Finding a Decedent to be Indigent Person, as defined in Section 24-13-2 NMSA 1978, or of an Unclaimed Decedent, as defined in Section 24-12-1 NMSA 1978

Chairman Sanchez: Motion to approve

Commissioner DuCharme: Seconds the motion

All in favor: MOTION CARRIED

***County Manager Requests/Reports:**

12. Update

Belinda Garland – County Manager: Updates included in meeting packet.

Annette Ortiz – Deputy County Manager: We have a lot of job positions available with the County, they can be found on the County website. We have a part-time Home Visitor, part-time Dispatcher, full-time Dispatcher, full-time Executive Assistant in Road Department and a full-time Deputy Sheriff position currently open.

Public Comment/Requests:

Michael Godey – Resident: The learning center in Mountainair will be having an open house this Sunday November 12th 2017 at 5pm. The leaning center provides online GED, nurse, and potentially many other courses through UNM Valencia. It is located across from the Library next to the Dr. Saul Community Center.

Betty Cabber – County Assessor: Reminder we are having a reception after the meeting for Greg Richard retirement.

Betty Cabber – Citizen/Resident: I'm the Chair of the Estancia Valley Economic Development Association. The Google building currently belongs to the City of Moriarty. They are looking to get a company in the building, it has to be an aeronautical manufacturing plant because of the FAA ruling and location. The Lieutenant Governor and Myra Pancrazio with Economic development Association will be actively looking for tenants.

Commissioner Frost: For the County Manger: Do you have a progress report for the office security?

Belinda Garland – County Manager: We are waiting on the architectural designs before we can start taking bids.

***Adjourn**

Chairman Sanchez: Motion to adjourn meeting.

Commissioner DuCharme: Seconds the motion.

All in favor: MOTION CARRIED

Meeting adjourned at 11:44 AM



Javier Sanchez-Chairman

Genell Morris – Administrative Assistant

December 22, 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 out local radio station KXNM.