

FINAL COPY
Torrance County Board of Commissioners
Regular Commission Meeting
December 21, 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 December 21, 2017 special commission meeting to order at 3:01PM
Pledge lead by Linda Jaramillo
Invocation lead by Annette Ortiz

Approval of Meeting agenda:

Chairman Sanchez: Moves to approve meeting agenda
Commissioner DuCharme: Seconds the motion
All in favor: MOTION CARRIED

Approval of Consent agenda:

1. Approval of Checks
Commissioner Frost: Moves to approve consent agenda
Chairman Sanchez: Seconds the motion
Commissioner DuCharme abstains from the vote did not review.
2 in favor: MOTION CARRIED

***ACTION ITEMS**
ITEMS TO BE CONSIDERED AND ACTED UPON

***Department Requests/Reports:**

1. Updates:

a. Various County Departments

Steve Guetschow – Planning and Zoning: Linda Jaramillo and Steve attended the Estancia Basin Water Committee Meeting on Tuesday December 19th. John L Jones will be stepping down as chair and will be leaving Entranosa Water Company. Jack Crider will be taking Johns place at Entranosa Water Company. Lori Harris is the new appointee to the board for Bernalillo County. Art Swanker reported, they have all the project proposals for 2018. FIMA money for forest restoration projects for the Soil and Water Conservation Districts will amount to \$136,000. The Next Committee meeting will be February 8th in Moriarty. The Meetings are public.

d. Commission

Commissioner DuCharme: Commissioner DuCharme attended Mid Region Council of Governments workshop Friday December 15th. Mr. Manuel Romero Town of Estancia Trustee, brought attention to how Estancia is hurting since the prison closure. Commissioner DuCharme asked Mr. Cave Executive Director of MRCOG, what kind of assistance MRCOG can provide to the Town of Estancia and Torrance County. Mr. Cave promised to look into this issue. They have a road show where they go to different counties providing information as to what services/resources MRCOG has to offer, including job fairs.

2. Contract between Torrance County Clerk and Sound & Signal for Fire Alarm System for Voting Machine Storage Building

Linda Jaramillo – County Clerk: Torrance County Clerk is requesting funding because she does not have it in her budget, for fire alarm system in the amount of \$5,320.39 quote provided in meeting packet from Sound & Signal Systems of New Mexico, Inc. Nick Sedillo brought to Linda’s attention that there is no fire protection in the building that the voting machines are stored. The building contains 24 machines, ballot boxes and printers which are worth approximately \$126,000 not including the building itself.

Belinda Garland – County Manger: Where will the alarm be heard?

Linda Jaramillo – County Clerk: It will be the same as the Administrative building. The building is located behind the Administrative building in the fenced in area with the Road Department.

Belinda Garland – County Manger: The Association of Counties did a survey of all of the County Buildings and Equipment. Did this show on the report as something we were lacking in?

Linda Jaramillo – County Clerk: I never thought of this because I have a security system with Sound and Signal that alerts the police if there is a break in. I thought that was all the necessary protection needed for the voting machines that belong to the Secretary of State. I have temperature control but had not thought of a fire alarm until Nick Sedillo brought this to my attention.

Belinda Garland – County Manger: If they belong to the Secretary of State, Are they insured by the Secretary of State?

Annette Ortiz – Deputy County Manager: We send an insurance certificate to the Secretary of State. We have an insurance pool we use and need to talk about adding the machines. Is the quote for the equipment and install, will it cover monitoring?

Linda Jaramillo – County Clerk: The quote is for the whole thing.

Commissioner Frost: Who gets notified?

Annette Ortiz – Deputy County Manager: The Alarm goes to dispatch, Sound and Signal will get notification and will dispatch Fire Department.

Commissioner Frost: Does that amount of money require bids?

Annette Ortiz – Deputy County Manager: No, Sound and Signal is on a state contract.

Linda Jaramillo – County Clerk: I pay a monthly fee to sound and Signal for monitoring, not sure if the amount will increase, can pay out of my budget, if it does.

Annette Ortiz – Deputy County Manager: One year of office monitoring is \$540.00. How do other counties house there machines, do they have the same issues?

Linda Jaramillo – County Clerk: Some counties don’t house their machines in an environment as secure are ours. I will talk to the Secretary of State and explain situation.

Chairman Sanchez: Makes motion to table item #2 till more information is gathered.

Commissioner Frost: Seconds the motion

All in favor: MOTION CARRIED

**Commission Matters:*

3. Review and Act on a Resolution Authorizing the Execution of Certain Documents Relating to the Release of Excess Land, the Addition of Omitted Land and the proposed Amendment of Indenture and Lease, and Sublease from El Cabo to Torrance County Relating to Torrance County, New Mexico Taxable Industrial Revenue Bonds (El Cabo Wind Project), Series 2015.

a. Resolution 2017-062

Ruth Schifani – Attorney for El Cabo Wind Project: An industrial revenue bond Ordinance was adopted in 2014, allowing the issuance of these bonds. The Bonds were issued to help support allowing some tax incentive for the construction of the wind farm, El Cabo is almost complete. El Cabo had a number of ground leases for the land they wanted to build this project. El Cabo assigned the leases to the county in 2015 and the county subleases all the land back to El Cabo to build the wind farm which is the traditional IRB structure. El Cabo now knows the exact footprint of their property. We are asking to amend the legal descriptions on the documents so they reflect what's on the ground, allowing some excess land to be released and add the missing pieces of land that need to be included. The 5 documents we are asking to authorize: 1. Partial termination, terminating land outside of the black line (map provided in meeting packet). 2. The second amended bill of sale and rescission agreement and assignment of ground leases. This document explains, back in 2016 we rescinded the assignment and subleased the property. 3. Amended and restated sublease agreement. In this, we are correcting the legal description. 4. Second amendment to indenture and lease agreement. 5. Amended and restated acknowledgment. This document states, what we have done here does not do anything to the lease and indenture except clarify the legal description. El Cabo needs this in order to have the project completely defined.

Commissioner Frost: Do the land owners know about these changes?

Ruth Schifani – Attorney for El Cabo Wind Project: They are aware of what land will be in the project and out of the project. They are not aware of the intricacies of the IRB. I am unaware of any opposition.

Dennis Wallin – County Attorney: If you are familiar with the concept of as built drawings. During the course of a construction project the contractor will make notations on the specifications on the drawing, at the end of the project they give the specifications to the land owner. Initially El Cabo took more land than they needed. As they scoped this project and further defined the land. We are finally getting the documentation down to a description as to what is in the project. This is important because phase II needs clear definition. El Cabo has sent copies of the documents any time there has been a change.

Commissioner Frost: In order to finish the IRB's we need to pass this?

Dennis Wallin – County Attorney: That is correct

Ruth Schifani – Attorney for El Cabo Wind Project: The land that is excess land goes back on the tax rolls until there is another request.

Dennis Wallin – County Attorney: The county Assessor asked me, if any of the wind towers are impacted by any of these changes? They need to know for assessment purposes.

Ruth Schifani – Attorney for El Cabo Wind Project: The wind towers that are in place will stay in place. The issues we have are related to the transmission line. Some of this is state leased land and El Cabo got the bid, an error was made that had to do with the maps showing the land description one way and GPS showing it another. We are working to see what the best legal description is to make sure everyone knows the 40 acres of land on the transmission line is part of the project. I propose if the balance of this is okay, if the legal description for the 40 acres changes, that I be allowed to show it to Dennis and we be allowed to substitute so we have a legal description that is consistent with the state land office. We will get this approved, signed and Dennis or I will hold until we know that state land office has the correct legal description.

Commissioner Frost: Moves to pass Resolution 2017-062

Chairman Sanchez: Seconds the motion

All in favor: MOTION CARRIED

4. Request Review & Approval of Safety Net Care Pool Agreement

Belinda Garland – County Manger: The County is requires to remit to the Human Services Department, funding for the safety net care pool fund. This is the contract that puts the funds in place for them to bill us. The last page in Meeting packet shows the total amounts. We are required to pay 1/12% \$220,750.01 of the \$264,900,008.57 for Torrance County, payable in quarters. This is one of the legislative priorities that the Association of Counties has spoken about, they are adamant about not all of the Medicaid cost fall back on the county. This is required for all counties.

Commissioner DuCharme: Who are the parties to this agreement?

Belinda Garland – County Manger: Human Services Department Medical Assistance division and Torrance County. Every county is bound to submit these funds back, we need to put contract in place so we can submit payments when we are billed.

Commissioner Frost: This is how we have been doing this every year, Correct?

Belinda Garland – County Manger: Yes

Commissioner DuCharme: What is the purpose of the contract?

Belinda Garland – County Manger: We put the contract in place for audit purposes.

Commissioner DuCharme: Mr. Wallin, is the county a part to any law suit against this kind of payments.

Dennis Wallin – County Attorney: Not aware of any current lawsuit.

Commissioner Frost: Can you explain what the money is used for?

Belinda Garland – County Manger: A. The Local Governmental Entity shall transfer Public Funds to the State of New Mexico for use as the non-federal share of the Safety-Net Pool supplemental Medicaid payments to one or more hospitals in accordance with the New Mexico Indigent Hospital and County Health Care Act. NMSA 1978, Section 27-5-1 to 12.1, specifically NMSA 1978, Section 27-5-6.1. B. All transfers of Public Funds by the Local Governmental Entity to the State to support payments to hospitals under the SNCP must comply with: 1. The applicable regulation that govern provider-related donation codified at section 1903 (s) of the Social Security Act (42 U.S.C. 1396b(w)), and Title 42, Code of Federal regulation, Part 433, subpart B, section 433.52 and 433.54: and 2. The conditions approved by the federal centers for Medicare and Medicaid Services (“CMS”) for governmental entities’ and hospitals’ participation in the SNCP. (SNCP- Safety Net Care Pool) It’s to help fund Medicaid payments to hospitals.

Commissioner Frost: Makes motion to approve the Safety Net Care Pool Agreement

Chairman Sanchez: Seconds the motion

Commissioner DuCharme: Mr. Wallin please explain why we are doing this now?

Dennis Wallin – County Attorney: I don’t have an explanation as to why you are doing it right now. Legislature has mandated that every county that does not have a hospital do this every year.

Commissioner Frost: We should all remember, when it comes to talk about having a hospital.

All in favor: MOTION CARRIED

5. Request to Allow Carry-Over of Over 100 Annual Leave Hours for Employees on FMLA

Annette Ortiz – Deputy County Manager: As stated in our policy, our employees are only allowed to carry over 100 hours of Annual leave, some employees are on FMLA. We are requesting they will be allowed to carry over more than 100 hours. Some employees have donated their Annual leave and don’t want it to go to waste when they are trying to help a fellow employee.

Commissioner DuCharme: Do you think we need to make changes to our policy?

Belinda Garland – County Manger: I would like to address this in our new personal policies. I recommend this, it is important to our employees. December 31st, we will deplete any annual leave over 100 hours.

Annette Ortiz – Deputy County Manager: Every year in December we will request approval, if needed.

Commissioner DuCharme: Moved to allow Carry-Over of over 100 Annual Leave Hours for Employees on FMLA.

Chairman Sanchez: Seconds the motion

All in favor: MOTION CARRIED

6. Contract between Torrance County and NCA Architects, LLC for the Animal Shelter Foyer

Belinda Garland – County Manger: Requesting approval to get Architectural designs for the foyer for the animal shelter. There is funding in the line item of the capital outlay. The amount is \$9600 + gross receipts tax. Contract here to attached.

Commissioner Frost: Makes motion to approve the Contract between Torrance County and NCA Architects, LLC for the Animal Shelter Foyer

Commissioner DuCharme: Mr. Wallin, Did you review this contract?

Dennis Wallin – County Attorney: No, it appears to be a standard building contract.

Chairman Sanchez: Seconds the motion

All in favor: MOTION CARRIED

7. Report from Road Viewing Committee

a. Consider and Act Upon Request to Vacate 7/10 of Marty Road

Annette Ortiz – Deputy County Manager: On the report the committee's recommendation states 1. The committee recommends that the Commission seek written confirmation from the New Mexico State Land Office regarding closure of the section of Marty Road. 2. The committee recommends that the Commission confirm who the authorized agent is for Chilton Inc. to confirm authority to seek closure on behalf of Chilton Inc. 3. The committee recommends adjoining family members/landholders generate an access agreement and to record that access agreement with the Torrance County Clerk's Office. Based on the Commissions review and consideration of the committee's recommendations listed above, the viewing committee would recommend closure of the proposed section of Marty Road. Pictures, summary of public comment and committee sight review in meeting packet. The Committee Members are: Tito Chavez, Fred Sanchez, and Edwina Hewett.

Belinda Garland – County Manger: If the Commission chooses to wait till the items are complete, we cannot authorize the road closure.

Annette Ortiz – Deputy County Manager: Not sure the third recommendation can be required. Marty Road has already been closed, we're only concerned about the 7/10 section.

Chairman Sanchez: On the summery of public comment, it doesn't seem to have consensus. Residence of Deer Canyon Subdivision are opposed to the closure. Is that correct?

Annette Ortiz – Deputy County Manager: Yes, but this closure does not affect Deer Canyon Preserve. In 2014 the road had already been closed.

Felipe Lovato-ABO land owner: The only person affected by this closure is me. Jason from State Land Office from Moriarty went out between 6-8 weeks ago and looked at my problems with the state land and said I could put up a gate. Mr. Lovato elaborates on how this road has affected his livelihood. Mr. Chilton owner of Deer Canyon has said if there is an **emergency** you are welcome to use that two tract road on his property. If there was a fire I'll be the first cutting fences or ramming gates to get the people out. I don't see what the big issue is. I will have someone from state land office here at the next meeting if necessary.

Commissioner DuCharme: The Committees recommendation is to request writing conformation from the New Mexico State Land Office.

Felipe Lovato-ABO land owner: I'm not going to ask Mr. Chilton for permission to go across his private land. We have a right-away, an agreement between us, including my family to go check our animals and water.

Continued discussion concerning the closure of Marty Road

Chairman Sanchez: Makes motion to table till committee recommendations 1 & 2 are met.

Commissioner Frost: Seconds the motion

All in favor: MOTION CARRIED

8. Memorandum of Understanding between Torrance County and Moriarty-Edgewood School District

Annette Ortiz – Deputy County Manager: We have found a company out of Albuquerque in a mobile unit to do our random drug testing. The price comes down with the number of employees needing to be tested. To make it worth it, we are asking that we work closely with the Moriarty-Edgewood School District so we have enough numbers to meet the discounted rate. We will be doing quarterly random drug testing. Moriarty-Edgewood holds the contract with the provider, so we are asking for a Memorandum of Understanding so we can work with them.

Commissioner DuCharme: How is drug testing currently done?

Annette Ortiz – Deputy County Manager: we sent them to the local clinic and they have to wait till there is someone available to do the draw. Several department heads have complained about the wait time for the employees to get back to work.

Chairman Sanchez: Does the MOU have any cost?

Annette Ortiz – Deputy County Manager: This will allow for Moriarty to charge us their contracted amounts on our employees only and half the mileage.

Commissioner DuCharme: Is it more expensive this way than previous?

Annette Ortiz – Deputy County Manager: We received notification that our current provider will no longer be doing the testing. It will be about the same amount.

Commissioner Frost: Moves to approve the Memorandum of Understanding between Torrance County and Moriarty-Edgewood School District

Chairman Sanchez: Seconds the motion

All in favor: MOTION CARRIED

***County Manager Requests/Reports:**

9. Update

County Manager Belinda Garland gives update for what she has done since last Commission meeting. On, Thursday December 14th she met with the Road View Committee, Commissioner DuCharme and residents with road concerns and attended a community meeting for local government leaders. On Monday December 18th, she attended a State Wide Manager's Meeting via teleconference. Tuesday December 19th conducted interviews for the Road Department Executive Assistant position. Wednesday, December 20th she served on the Evaluation Committee to review the applicants for Teen Court Coordinator also attended community meeting to discuss funding for transporting inmates. On Thursday December 21st, second interviews for the HR position were conducted.

Torrance County Administrative Office will be closed Monday December 25th, Tuesday December 26th, 2017 and Monday January 1st, 2018 for Holidays.

Public Comment / Requests:

Fred Sanchez- Tajique Resident: I'm not in politics anymore and don't plan to be. I pay my taxes, garbage for both my houses, and follow the law as much as I can. I've talked to Commissioners Sanchez and DuCharme concerning the road conditions of Camino Del Norte. There are still rocks since the last rain we had 3 or 4 months ago and looks like an arroyo. It's supposed to be a paved road. There is no maintenance. The

road next to mine, Barelas road is well maintained. I asked you 2 months ago and nothing has been done. I used to move the rocks but now I leave them because it is not my job. Is that road going to be maintained? I'm asking for the county to do their work.

Michael Godey – Resident: A couple of weeks ago I mentioned it to Leonard and nothing happened. Not only are there rocks in the road, there are places in the road where the road is missing.

Commissioner DuCharme: Mrs. Garland, I receive complaints about roads on a regular basis. Can we give an answer to Mr. Sanchez? Can the Road be scheduled for maintenance?

Belinda Garland – County Manger: When we got all the new blades in we maintained every road in the county, then the winds came up with no moisture and as people drive dirt is kicked up.

Leonard Lujan-Road Department: After a commission meeting about 3 weeks ago Mr. Godey mentioned the condition to me, I went out to check it. The road is not washed out, the ditches are a little deeper. There are some rocks on the shoulder near his house. I will get out their when I get a chance.

Fred Sanchez- Tajique Resident: Disagreed with Leonard, feels it looks like an arroyo. His wife filed a complaint about a month ago and have not heard back.

***AJOURNMENT:**

Chairman Sanchez: Motion to adjourn regular session

Commissioner Frost: Seconds the motion.

All in favor: MOTION CARRIED

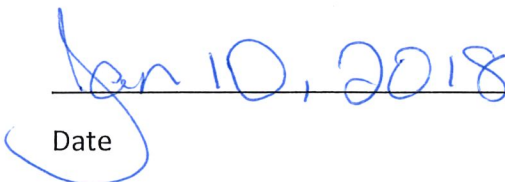
Meeting adjourned at 5:13 PM



Javier Sanchez-Chairman



Genell Morris – Administrative Assistant



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.