

**FINAL COPY
TORRANCE COUNTY BOARD OF COMMISSIONERS
REGULAR COMMISSION MEETING
FEBRUARY 28th, 2018**

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

OTHERS PRESENT: BELINDA GARLAND-COUNTY MANAGER
ANNETTE ORTIZ-DEPUTY COUNTY MANAGER
DENNIS WALLIN-COUNTY ATTORNEY
YVONNE OTERO-ADMIN. ASST.

DUE TO TECHNICAL DIFFICULTIES A VIDEO WILL NOT BE AVAILABLE FOR THIS MEETING ON THE COUNTY WEBSITE.-

CALL MEETING TO ORDER

Madam Chair Ducharme calls the February 28th, 2018 Regular Commission Meeting to order at 9:09 a.m.

Pledge lead by Ms. Belinda Garland

Invocation lead by Ms. Linda Jaramillo

APPROVAL OF FEBRUARY 14th, 2018 REGULAR MEETING MINUTES

Madam Chair DuCharme asks for a motion to approve the February 14th, 2018 regular meeting minutes. **ACTION TAKEN:** Commissioner Sanchez makes a motion to approve the February 14th, 2018 regular meeting minutes. Commissioner Frost seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

APPROVAL OF FEBRUARY 28th, 2018 MEETING AGENDA

Madam Chair DuCharme asks for a motion to approve the February 28th, 2018 meeting agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the February 28th, 2018 meeting agenda. Commissioner Sanchez seconds the motion. Mr. Steve Guetschow Planning and Zoning director states that the public hearing that was supposed to take place today has been rescheduled. Mr. Guetschow states that he has sent out the appropriate letters and republished the notice of the public hearing which is now scheduled for the March 28th, 2018.

Commissioner Sanchez states that he would like agenda items #12, 14 & 10 moved up to the top of the agenda after the updates, and if they could please be placed in that order. No further discussion, all Commissioners in favor. **MOTION CARRIED**

APPROVAL OF CONSENT AGENDA

Madam Chair DuCharme asks for a motion to approve the consent agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the consent agenda. Commissioner Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

ACTION ITEMS
ITEMS TO BE CONSIDERED AND ACTED UPON

***Department Requests/Reports:**

1.) Updates: a. Various County Departments

a.) Linda Jaramillo, Torrance County Clerk: Ms. Jaramillo states that Candidate filing day will be held March 13, 2018 in the office of the County Clerk from 9 am to 5 pm. The filing fee will be \$50.00 the only candidates that do not have to pay a filing fee are those filing to run for Magistrate Judge. Should an individual not be able to pay then a “Pauper’s Statement in Lieu of Filing Fee” can be filled out to waive the fee. If the person wishing to run for office cannot be present they can designate a person to come in and file for them, but the designated individual will need to arrive with all the appropriate paperwork completed by the candidate when he/she comes in to file. The major parties that are able to file for candidacy will be the Republicans, Democrats, and Libertarians. The offices that are up for election are Commission Districts 1 & 2, Assessor, Sheriff, Probate Judge, and Magistrate Judge. The person filing for Magistrate Judge will have to get signatures. All people wishing to run for the above mentioned offices with the exception for the Magistrate Judge must be present on filing day to run for offices. The Magistrate Judge is the only office that can file as a write-in candidate and that filing day is March 20th. As people come into file they will be entered in to the Secretary of States system and are immediately able to be viewed. If anyone is interested on who is running they will be able to go to the Secretary of States website and view the list throughout the day as it is updated.

Betty Cabber, Torrance County Assessor. Ms. Cabber states that the Notice of Values will be sent out the last week of March 2018. Once they are sent out property owners will have 30 days from the date of mailing for the property owner to protest their values. Also from the Board of Directors from the Association of Counties she has sent out an email with a list of the bills that are sitting on the Governor’s desk that are waiting to be signed. The Governor has until March 7, 2018 to sign them. Ms. Cabber would also like to remind everyone about the newsletter that is sent out to all association of counties members. It’s a very informative letter and if anyone is not receiving it let her know and she will get them put on the list to receive it.

Amanda Tenorio, Finance Director. Ms. Tenorio would like to introduce the new Chief Procurement Officer, Mr. Noah Sedillo.

Steve Guetschow, Planning & Zoning Director. Mr. Guetschow passes out a handout on a project that he is working on to take care of a mitigation issue with the Office of the State Engineer (OSE) concerning the Mescalero Reservoir Dam in the Indian Hills Subdivision. There will need to be some work done on the dam. In the 1960's when Buster Keaton created the subdivision he built the dam to help create Mescalero Lake to attract buyers to the subdivision. In the 70's ownership changed hands and since then the OSE has had issues with the reservoir because of the water storage capabilities. Later the county took over ownership and built the solid waste transfer station at the foot of the dam. This is when the OSE started sending the county letters that this needed to be fixed. The dam needs to be breached, material will have to be obtained to create an elevated pad on the south side of the reservoir to expand the solid waste transfer station site, and will utilize the below grade storage barrow as a percolation & evaporative ponding area for runoff water. The OSE must approve the detailed study of the current reservoir capacity, a detailed flow study of the drainages to the reservoir, and a detailed study of the area affected downstream of the dam site. Mr. Guetschow has gone out for bid for the project and we currently have two engineering offices working on quotes for the studies to be done. There are also a few other avenues that are being researched to help us get the money to do this project. Ms. Garland states that what we finalize and our plans on what to do with this project will be based off the Engineers and also funding that we can obtain, possibly from grant funding and maybe some other boards to help us with this issue.

Madam Chair DuCharme asks Mr. Guetschow what is the purpose of the evaporative pool. Mr. Guetschow replies that if there were a storm it would help to hold a large amount of runoff to prevent flooding in the area.

Tracy Master, DWI Prevention Program Coordinator. The Community DWI Grant Application that you approved at the last meeting has been delivered to Santa Fe and we will be getting that grant soon. The Local DWI Grant Distribution application that you approved at the last meeting after many tedious hours will be delivered tomorrow to Santa Fe and now we wait to see if we are awarded this grant. Lastly the open house for the Juvenile Justice Board's Receiving and Assessment Center Teen Court will be held this Friday March 2, 2018 from 4 to 6 pm at the Moriarty High School campus. If anyone has any questions Ms. Master can be contacted at (505) 705-0332.

d. Commission

Madam Chair DuCharme, District 2 County Commissioner. Madam Chair DuCharme reads the Torrance County Mission statement. Torrance County is committed to effective, efficient and responsible public policy, excellent public service, courteous public contact, sensitivity to cultural beliefs and preservation of their heritage, providing quality services as required by law or mandated by the public, enhancing the health, safety and general well-being of the citizens of Torrance County and conducting county operations in a legal, ethical and fair manner.

Commissioner Sanchez, District 3 County Commissioner. Commissioner Sanchez states that the Communications Networking conference did not take place on the 27th because several of the stakeholders had conflicting schedules. Commissioner Sanchez is currently looking to reschedule the meeting for the week of the 19th or the week of the 26th of March 2018. More information will be forthcoming.

***COMMISSION MATTERS:**

12.) Resolution 2018-13 Notice of Intent for the Board of County Commissioners by Unanimous Vote may adopt an Ordinance to Increase the size of the Board

Ms. Annette Ortiz Deputy County Manager states that today the Commission has before them a resolution for the notice of intent to consider the ordinance. The resolution states that you will be considering by unanimous vote that you will be considering an ordinance to go to a 5 member board. Ms. Ortiz reads the resolution. Resolution hereto attached. Next Ms. Ortiz reads the notice of consideration of the ordinance. Notice of Ordinance hereto attached.

Ms. Ortiz states that in a previous meeting there was some discussion on an outside agency to come in and draw the district lines. There is an agency in Albuquerque that recently did this for Grant County as that county recently went to a 5 board Commission.

Madam Chair DuCharme asks that once the district lines are drawn up will the commission approve those lines. Ms. Ortiz replies that yes, the commission will be given a few variations and they will approve the one they see most fitting.

Commissioner Frost asks that if at that time would we have access to the cost of the extra commissioners but also the cost of changing the district lines. Ms. Ortiz replies that we would incur the cost of drawing the lines prior to the ordinance being on an agenda.

Ms. Garland states that with the approval of the Notice of Intent we can move forward with going out for bid for the redistricting. Ms. Ortiz replies, yes, that is correct.

Madam Chair DuCharme states that this would be the second step, correct? Ms. Ortiz replies, yes, that would be the next step before the ordinance.

Commissioner Frost states that there may be a possibility that we do not have to redraw district lines and leave them as they are. There could be the possibility of getting two at large commissioners that would represent all the districts in the county as opposed to them being assigned one particular area in the county.

Madam Chair DuCharme asks for a motion to approve Resolution 2018-13 Notice of Intent for the Board of County Commissioners by Unanimous Vote may adopt an Ordinance to Increase the size of the Board.

ACTION TAKEN: Commissioner Sanchez makes a motion to approve Resolution 2018-13 Notice of Intent for the Board of County Commissioners by Unanimous Vote may adopt an Ordinance to Increase the size of the Board. Madam Chair DuCharme seconds the motion. Madam Chair DuCharme asks if there is any public comment. Commissioner Frost states that he would prefer not to vote on this issue until he gets his information from Mr. Wallin and Ms. Garland on what they said they would look up.

Michael Godey suggests modifying the request to vote and say that they will look for a bid as well as look at the at large position that way you can move forward.

Madam Chair DuCharme asks Ms. Garland if this has to be approved before she goes out for RFP. Ms. Garland states that it will not go out for RFP because the bid will not be high enough.

Commissioner Frost states that he would like to make a motion to table this so that it would give Ms. Garland and Mr. Wallin enough time to get the required information on the at large members and the quotes from the agency's before we move forward. Ms. Garland states there is a motion and a second on the floor. Commissioner Frost states that a motion to table supersedes that motion.

Ms. Ortiz states that this is just the intent to create the ordinance. This is merely going to allow us to start the process.

Ron Graham Torrance County Citizen states that after listening to the 3 commissioners that there is an intent to consider and that is where you are at this point. To give the go ahead is not going to harm pro or con and is just to consider and get the ball rolling to see if it is feasible. Mr. Graham states the growing up in this county he has seen it grow a lot and its time that the county administration grow with it.

Gerald Chavez from Manzano would like to state that he would also like to encourage the commission to move forward with this. His idea is more representation equals more ideas and more solutions. Mr. Chavez gives some information on where the county ranks in the county. We are 23rd in the state by population and it would be a great idea for us to be a 5 member commission. This would put us in the upper half of the rankings and benefit us in the long run.

Commissioner Frost states that he is not against considering this. He just wants all of the facts and figures to be correct before we move forward.

Mr. Wallin states that he did a little research and there is no provision for an at large commissioner. The state constitution states that in Article 10 sec 7, the board of county commissioners by unanimous vote may adopt an ordinance to increase the size of the boards of county commissioners to five members. Upon creation of a five-member board, the county shall be divided by the incumbent board of county commissioners into five county commission districts that shall be compact, contiguous and as nearly equal in population as practicable. One county commissioner shall reside within and be elected from each county commission district. Change of residence to a place outside the district from which a county commissioner was elected shall automatically terminate the service of that commissioner and the office shall be declared vacant.

Jason Quintana President for the Manzano Land Grant states that he is all for this change and that it would be a better balance for the county.

Frank Luna Torrance County resident states that this is a step in the right direction for the county and would be very happy to see a 5 member commission.

Janice Barela comes forth and states that she is here in place of her husband Mr. Ted Barela. Ms. Barela reads a letter that Mr. Barela wrote in his support for the 5 member commission. Letter hereto attached.

Betty Cabber states that this is a good idea. More representation is a great idea.

Daniel Antonio Herrera resident of Manzano is here to encourage a representative democracy. The best way of doing this is to consider and eventually go to a 5 member commission. Being a previous business owner in the county he learned that we are a diverse population and we need more representation in the county, therefore he fully supports going to a 5 member board.

Charlene Guffey Torrance County Resident states that she does not support of this at all. She doesn't mind it but not at this point in time. The county is suffering from financial issues and we need the money for other things at the moment. The cost of the election for two new districts would cost money and the county is currently trying to find money to fund the inmate cost. Once the county clears up the financial issues then maybe you should look into this, but not at this point in time.

Linda Jaramillo Torrance County Clerk states that going to a 5 district Commission will not increase the cost of the election. Once the districts are created and all is approved then we will have to move voters into their proper commission districts. If you know the population in each precinct we can keep them within the same boundaries by the population numbers. This can be done by Research and Polling or whoever you hire to determine population. I deal in registered voters not population.

Michael Godey would like to thank Janice Barela for the letter she read from Mr. Ted Barela for his comment stating that the current commissioners should decrease their salaries to help pay for the salaries for the 2 new commissioners.

Orlando Lopez Torrance County Resident states that he is in favor of the 5 district commission. Doing this would divide the residents more equally.

Commissioner Sanchez states that if we all see no problems then we need to consider this and move forward. Let's approve the notice of intent and start the process.

Commissioner Frost states that he has no problem with considering the notice of intent.

Madam Chair DuCharme states that after listening to all the comments presented today we have an overwhelming support for this. Madam Chair DuCharme states that she did receive one more comment from Mr. Ryan Schwebach, his main issues is with the financial issues going on with the county. When you are concerned with how you are going to pay for expenses in the sheriff's department and how to pay for solid waste authority services, how can you consider to increase the number of the commissioners?

Madam Chair DuCharme states that she is in total support of this. Through her years she has had many people ask her if she is in support of increasing the board. After listening to the people and observing previous commissions, yes she is in complete support of increasing the board from 3 to 5. Madam Chair DuCharme states the she believes the county is better off financially than it has been in the past, can you agree with me? Several people state no, we are not. Madam Chair DuCharme states that not even with the additional funding we are receiving that we have never received before?

Ms. Garland states that, granted we are getting the wind PILT money, we do have a jail fund that is twice what it used to be. This is an obstacle that we will have to consider. If the commission approves the notice of intent to approve the ordinance then we will be able to get everything you will need to consider approving the ordinance. We can get bids on what it will cost for the re-districting, what it will cost the county with two additional commissioners, and any additional costs we might incur.

Madam Chair DuCharme states that this is like in our personal lives, there is always an obstacle you have to try to overcome. It is time we look into increasing the board and we will look at the obstacles when they come. We have a motion and a second it is time to vote.

Commissioner Frosts ask what the motion states.

Commissioner Sanchez states the motion is to adopt Resolution 2018-13 Notice of Intent for the Board of County Commissioners by Unanimous Vote to consider to adopt an Ordinance to Increase the size of the Board. No further discussion, all Commissioners in favor. **MOTION CARRIED**

14.) Torreon Acequia Match Budget Request Erminio Salas

Mr. Erminio Salas Representative for the Torreon Acequia Association states that he would like to thank the county for all of their assistance with the Acequia de Canyon. There was an issue with flooding and the county came in and helped us rectify the problem. Next, Mr. Salas would like to ask the county if they would be able to help with matching funds for the Torreon Infiltration Gallery and Pipeline System that is in the process of being funded. The association has to come up with 5% of the cost which is approximately \$3,100.00. There will also be a phase II and we will be requesting monies form the NCRC to help us fund the half-moon culverts throughout the acequias. The NCRC has informed us that they will consider funding that project and at that point we will be requesting matching funds as well.

Commissioner Frost states that it mentions match budget request, what are we matching?

Mr. Salas states the project is \$62,100.00.

Commissioner Sanchez states that this project is on the county's ICIP and we feel that we have identified the proper funding source to carry out the project. The NRCS and the NACP have programs in place to assist with Acequias and revitalizing their infrastructure. We have worked on applications to secure funding for this project via those venues. The local NRCS has expressed interest in assisting with this project.

Mr. Salas states that they have also filled out an application with the USDA to help with the funds.

Commissioner Sanchez states that the USDA may be able to assist with the matching funds from this phase and phase II but since this project is on the counties ICIP and we have expressed interest in the past that we budget \$3,100.00 into next year's budget in case there is a short fall with the local conservation district, we will have the funds to assist.

Ms. Garland states that what they are asking is not for the funding right now but to request considering to put it in the budget for next year? Commissioner Sanchez replies yes, that is correct. Ms. Garland states that all that needs to be done is a budget request.

Commissioner Frost states that he was told by an individual that there may be money through the state land grant association to assist with acequia projects. Therefore the money could come from that source and not a county source.

Mr. Salas replies, yes, but the problem with that is that this project is ready to go. The only thing holding them up is the approval from the ecological service in Santa Fe and the matching funds.

Ms. Garland asks when will they know if they have the funding from the NRCS. Mr. Salas replies that they already have notice of funds. Ms. Garland states that if you have the funding from the NRCS then you don't need the funding from the county then.

Mr. Salas replies yes, the matching funds.

Commissioner Sanchez states that the project is worth \$60,000.00. There is a 10% match required, but since the NRCS and the NACP can team up they lower the match to a 5% match. This 5% match can come from various sources such as a private source, county source, or the local conservation district. In most cases throughout the state the county and the local conservation district team up to provide the matching funds. The NRCS is providing the majority of the money and the conservation district is being asked to provide the \$3,100.00

Myra Pancrazio with EVEDA comments that she didn't see this on the capital outlay request. Ms. Garland replies, no, they did not approve the acequias they approved the Torreón Community Building.

Michael Godey states that there seems to be some confusion with the numbers we would like clarification on the amounts.

Commissioner Sanchez states the amount is \$60,000.00 and the match is \$3,100.00. Mr. Salas states that the actual amount is \$62,000.00 so 5% of that amount.

Madam Chair DuCharme asks what organization Mr. Salas represents. Mr. Salas replies the Torreón Acequia Association. Madam Chair DuCharme asks if it is a private organization. Mr. Salas replies, yes.

Madam Chair DuCharme asks Mr. Wallin if there is an anti-donation issues here.

Mr. Wallin replies that he thought the acequias were through the land grant. If its land grant then that will be government to government, but if it is privately owned then there will be an issue with the anti-donation clause.

Ms. Garland states that at this time we will do a budget request form for you and then it will be considered at budget time. That will give Mr. Salas time to see if the Conservation district is going to give then the \$3,100.00 and then we won't have to consider it at budget time. Also

please provide us with information on your association being incorporated, and all the information form the NRCS.

Daniel Antonio Herrera states that he is a member of the Acequia Systems state wide. The acequia members are units of government. He is not sure if Torreon is part of this system or if they are their own entity. If they are truly an acequia system then they should be linked to all the other acequia systems in the state. As a state wide member, when we request funding, we are required to go through the local conservation district and the county. The main reason for this is to protect our water rights from entities like Texas and Santa Fe County and Bernalillo County that have large amounts of money in their budgets. **NO ACTION TAKEN DISCUSSION ONLY**

10.) Hold Harmless Tax Information

a.) Consider and act upon Hold Harmless Tax

Ms. Garland States that she has received a couple of letters from citizens regarding this agenda item. If the commission would like she can read them to the commission.

Commissioner Sanchez states that he would like to give a little overview about the Hold Harmless Tax. Commissioner Sanchez reads from the County Hold Harmless Gross Receipts Tax (7-20E-28). “The majority of the members of the governing body of any county may impose by ordinance an excise tax not to exceed a rate of three-eighths percent of the gross receipts of any person engaging in business in the county for the privilege of engaging in business in the county. A tax imposed pursuant to this section shall be imposed by the enactment of one or more ordinances, each imposing any number of gross receipts tax rate increments, but the total gross receipts tax rate imposed by all ordinances pursuant to this section shall not exceed an aggregate rate of three-eighths percent of the gross receipts of a person engaging in business. Counties may impose increments of one-eighth of one percent. The tax imposed pursuant to Subsection A of this section may be referred to as the “county hold harmless gross receipts tax.” The imposition of a county hold harmless gross receipts tax is not subject to referendum. The governing body of a county may, at the time of enacting an ordinance imposing the tax authorized in Subsection A of this section, dedicate the revenue for a specific purpose or area of county government services, including but not limited to police protection, fire protection, public transportation or street repair and maintenance. If the governing body proposes to dedicate such revenue, the ordinance and any revenue so dedicated shall be used by the county for that purpose unless a subsequent ordinance is adopted to change the purpose to which the revenue is dedicated or to place the revenue in the general fund of the county. Any law that imposes or authorizes the imposition of a county hold harmless gross receipts tax or that affects the county hold harmless gross receipts tax, or any law supplemental thereto or otherwise appertaining thereto, shall not be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding revenue bonds that may be secured by a pledge of such county hold harmless gross receipts tax unless such outstanding revenue bonds have been discharged in full or provision has been fully made therefore.”

All tables Commissioner Sanchez refers to hereto attached.

Ms. Garland states that on the information she passed out (list hereto attached) there is a quick reference guide that was created by our County Treasurer Tracy Sedillo. This lists the municipalities and the counties that have enacted the Hold Harmless Tax.

Commissioner Sanchez gives more information on how the Hold Harmless Tax works. With adding the additional tax to certain areas it can be implemented with a particular project or situation in mind. Meaning the funding from the tax will go to that particular project. One area in particular would be the jail fund. Commissioner Sanchez goes over the amounts the county could acquire from activating the Hold Harmless Tax for the County. If implemented the county could get \$425,500.00 in revenue.

Ms. Garland states that a 1/8th increment would generate approximately \$300,000.00 based on history of our revenue throughout the county.

Commissioner Sanchez states that we are currently at the rate of \$167,000.00, if we implement the first 1/8th increment it will be \$337,903.00, the second one will be \$675,807.00 and if we implement all 3 increment it will come in at just over a million at \$1,013,711.00.

Ms. Garland states that in the information she handed out, the one table shows what it would cost each department, if cuts were made, by 18.5% in order to fund the \$984,802.00 which would hopefully cover the cost of the jail. For example if you look at the table under the manager's office, our budget is \$269,884.00 and with the 18.5% cut that would be \$49,928.54 which would be equal to the salary for 1 employee.

Commissioner Sanchez states that we must prepare the budget and account for the entirety of the jail fund. What we see on paper may be different from the actual amounts. So we need to prepare our budget for that. We are not in dire straits at the moment but we need to be prepared for any type of outcome in the budget.

Ms. Garland states that if the commission is considering implementing this Hold Harmless Tax, taxes are implemented by New Mexico Tax & Rev Department at the first of July and the first of January. You will need to have this implemented by the first of April because it takes some time for Tax & Rev to get it processed and into the system. If you want to consider it and have a Public Hearing we could advertise it and hold it on the 28th of March.

Mayor Ted Hart from the City of Moriarty states that this tax is ridiculous. He does not think the county has done its due diligence on this. The county receives an allotment right now. No one has brought up that amount. If you implement this Hold Harmless Tax you will lose that allotment. Mayor Hart states that the City of Moriarty looked into this a year ago. When they saw how much they were receiving from the allotment they saw that they would be losing more money than they would be receiving from the Hold Harmless. You need to do more research on this. The City of Moriarty's GRT is 7.6875% of that the state gets 5.125%, the county gets 1.125%, and the city gets 1.4375%. With this increment it will make the county the largest tax collector in all the municipalities. It will put the county at 1.5%. Reorganize your budget. Ten years ago a communication tax was implemented and broken down into 3 parts for police, police needing help, and help in communication for police. It ended up that 80% went to dispatch, 15% for rural addressing, & 5% went to the Emergency Manager. In his opinion this tax was never utilized properly because to this day UPS still can't deliver to a majority of

the areas in the county because they can't find us in the system. Four years ago you also imposed another GRT for capital outlay. It was advertised that it was going for police and fire, capital outlay cannot be used for police and fire. What you can do is take it from one area and place it in another. You need to look at all your options. You do not want to tax yourself out of business. Businesses are leaving because of the high taxes. We keep raising taxes and it needs to stop.

Ms. Garland states that she was not aware that we would lose the allotment we have right now therefore we do need to do more research.

Myra Pancrazio asks where the county is with the PILT money. How much do you have left? How is it being utilized? Ms. Pancrazio states that EVEDA is working on 2 more big projects. What is the allocation each year? She has heard no one speak of this. What are the revenues? Ms. Pancrazio states that she would hate to see cuts made. There has been a lot of work done in bringing in these big farms to put cash into your budget. Have you included your PILT payments for the next 30 years into that revenue stream?

Commissioner Sanchez states that the PILT does factor into the discussion. The revenues Commission Sanchez described are very specific to the jail fund. In the PILT which is fund 641 there is \$1,369,590.00 at the present time. We are looking at using the PILT as well as the money gained from the infrastructure tax which is the 1.125% to be able to get us to the end of the fiscal year. After this we will need to be prepared for the FY19 budget and utilizing the PILT would not cover the costs for the jail fund. Ms. Garland states you must keep in mind that we pay the Solid Waste Tipping fees from the PILT fund.

Ms. Garland states that her request for \$300,000.00 in HB2 to help with operational costs for the transportation of inmates was taken out and was substituted for \$90,000.00 for 2 sheriff's vehicles, so there will be no operational costs funding.

Michael Godey states that when it comes to people that aren't paying their solid waste fees, you need to look at trying to get those people to pay.

Ms. Garland reads letters that she received via email from Edwina "George" Hewett and Delia Ernestine Ferguson. Letters hereto attached. Ms. Hewett and Ms. Ferguson both state that they are in opposition of this tax and that the county should not consider activating the Hold Harmless tax.

Madam Chair DuCharme asks that since the Town of Estancia has already implemented this tax will the county activating it add to their taxes. Commissioner Sanchez replies, yes, it will. Madam Chair DuCharme also asks how this tax will help our economic development.

Commissioner Sanchez would like to invite Ms. Pancrazio to speak about the economic development side of this. He gives a few examples from the tables he provided.

Myra Pancrazio states that many years ago when EVEDA began they did a huge survey and looked at the GRT's because there was so much leakage in the county. Right now 62% of the workforce commute to Albuquerque, they are spending their money there. The taxes became the big issue. This is why there was never a rise in taxes within the county for a very long time.

We wanted to go out and market ourselves as a lower tax rate county. With raising taxes any economic developer is going to tell you that it is not a positive move when you raise taxes. We want to bring new businesses in. When you have a high tax rate no one will want to come in they will go to another area that has a lower tax rate. You need to do more research and see the areas that need to be improved and where the money is coming in from. You need to give some kind of validation as to why we need a tax increase. If you choose to do a tax increase do it in increments because things can change from one day to the next. An independent entity would help to look at all areas financially and will show you what is good for all and not just certain areas. Ms. Pancrazio also states that for agenda item #13 you need to keep the PILT where it's at and pay the bills that you need to pay before you split it up between commission districts.

Madam Chair DuCharme states that it is good to market the county, but how can we market it if we have one of the highest tax rates in the state. You mention that only 4 counties out of 33 have a tax rate over 7% in GRT and if we raise them we will be the 5th county to have a rate this high. This tax will have a damaging effect on our county and we will see more businesses close. She likes the idea of an independent auditor coming in, but the cost of this would not be feasible at this time. This is a big expense, more research needs to be done.

Ms. Garland states that they are going to start looking at the budget for FY19 and we will be talking to each department head and work on seeing where cuts can be made within each department to try and give us more money. If we were to bring in an independent auditor that would be another huge expense, you see what we pay the auditor each year so you know it's not cheap.

Mr. Godey states it's an unwise decision to approve this tax. You have to think about the people and you also have to make sure that when you say you are going to spend the money in a certain area that you spend it there and not use it for something else.

Madam Chair DuCharme asks, how may more taxes do we need? She doesn't hear when candidates are running for office that they will raise our taxes. The public doesn't want more taxes.

Betty Cabber states that property taxes were talked about a lot this year at the round house. New Mexico is the 3rd lowest property tax state in the union. They are saying we need to raise property tax and remove the 3% cap that is on the residential taxes. They are looking at the revenues. Since it is an election year they aren't going to deal with trying to raise taxes. As sad as it may seem taxes are a necessary evil. There needs to be more research done and possibly bring this up at another time.

Mr. Manuel Romero states that as a citizen he strongly recommends that you do not raise the taxes. Do more research and get all the necessary information before you decide to raise taxes.

Ms. Garland states that it would be a good idea to have someone come down from the NMAC and give us more information on this subject. Mr. Steve Copelman has a good grasp on this Hold Harmless Tax. There is also a gentleman that works for a private firm, Richard Anglim, who was a tax advisor to one of the Governors at one point. Maybe get him to come in and give us information as well. She would also like to remind the public that even though we don't want higher taxes you have to take into consideration that we don't want to bankrupt this

county paying for transportation of inmates and incarceration costs. We will be talking to each department and see where we can come up with more money. All of these areas will be looked at when we are working in the FY19 budget.

Commissioner Frost agrees that we do need to gather more information.

Commissioner Sanchez states that there are a couple of ways to look at this. It's a zero sum game and has to be played quick or not at all. I am remaining optimistic. Hope does not reflect reality. Things may or may not change. If we decide not to move forward with this, when it comes out again in the future it may go from what we want to do, to what we need to do.

Madam Chair DuCharme asks Ms. Garland if we will be receiving another PILT payment this year.

Mr. Garland states, yes we will, but not until the next fiscal year in the amount of \$880,000.00.

Madam Chair DuCharme strongly opposes this tax.

Commissioner Sanchez also opposes this tax.

DISCUSSION ONLY, NO ACTION TAKEN.

2.) Request to Apportion Funds for Purchase of Reclaimer-Leonard Lujan, Road Superintendent

Mr. Lujan states that the road department was allocated money to purchase a Reclaimer. They held back on the purchase because that was when Core Civic was closing, and they thought they may have needed money to help with the detention cost. After speaking with Ms. Garland, Mr. Lujan is asking if he could re-allocate that money to purchase a pick up and a water truck. They are in very bad shape and could use replacing. Mr. Lujan states that he still wants to get a Reclaimer, but he can do a lease to own on that, and can use the capital outlay tax for that. He will have to go out for bid on the Reclaimer lease to own.

Madam Chair DuCharme asks Mr. Lujan what the amount is that we are discussing. Mr. Lujan states he was allocated \$175,000.00. He states he has been shopping around and can get a 2017 water truck all ready to go for about \$142,000.00. It would be through CES contract where he doesn't have to go out for bid. The pickup trucks can be purchased through state contracts and the prices range from \$33,000.00 to \$42,000.00.

Commissioner Sanchez asks if they are still going to purchase the zipper. Mr. Lujan replies, yes, but he will be doing a lease to own and will use the capital outlay money and have a yearly payment. We really need two trucks right now. They run non-stop and they are wearing out.

ACTION TAKEN: Commissioner Sanchez makes a motion to approve the request to Apportion Funds for Purchase of Reclaimer. Commissioner Frost seconds the motion. Madam Chair DuCharme asks Mr. Lujan how quickly he can purchase the Reclaimer. Mr. Lujan replies that he has to go out for bid. Once that cycle is complete then the company we chose

may have to build it, so it's not a quick process. No further discussion, all Commissioners in favor. **MOTION CARRIED**

3.) Invitation for Bid Award 2018-05 Counter Remodel Project & Construction Contract Approval-Noah Sedillo, Chief Procurement Officer.

Mr. Sedillo states that in conjunction with the administration in the main county building, finance department, and NCA Architects, we solicited an invitation for bid for a counter remodel project in the building. The bid was advertised in the Mountainview Telegraph and the Albuquerque Journal. One bid was received from Rivercrest Construction, LLC. The bid came in at \$250,000.00. The base bid is over what was allocated for the project. Mr. Sedillo is asking to reject all bids and to work in conjunction with NCA Architect's and the appropriate departments to revise the scope of work and specifications that were listed in the bid in order to get a more appropriate bid amount.

ACTION TAKEN: Commissioner Sanchez makes a motion to reject all bids concerning 2018-05 Counter Remodel Project & Construction Contract Approval. Commissioners Frost seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

4.) Resolution 2018-12 Line Item Transfers-Amanda Tenorio, Finance Director

Ms. Tenorio states that several County Departments are requesting line item transfers with the budgeted funds in the FY 2017-2018 approved budget.

Madam Chair DuCharme asks if there are forms that the departments need to fill out when doing these requests. Ms. Tenorio replies, yes, there are forms that the department heads need to fill out for a line item transfer request.

ACTION TAKEN: Commissioner Frost make a motion to approve Resolution 2018-12 Line Item Transfers. Commissioner Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

5.) Letter to Governor Susana Martinez in Support of HB35

Tracy Master DWI Prevention Program Coordinator reads the letter that is being sent to Governor Martinez. Letter hereto attached. The county is asking that Governor Martinez sign the bill that will make changes to the current distribution of the Liquor Excise Tax to help with the LDWI programs in the state and for the Drug Court Fund.

NO ACTION TAKEN DISCUSSION ONLY

6.) Road Closure 7/10 of Marty Road

Mr. Phillipe Lovato states this is the 3rd time he has come forth to ask the Commission to approve the closure of the 7/10 of Marty Rd. Mr. Lovato states that he was here about 2 months ago and at that time he was asked to provide letters to those effected by the issues that are happening. He has letters from all of the individuals by those affected by the road closure as well as letters of other residents in the area that are in support of the road closure. There

have been some more issues with vandalism and suspected arson. With all the trouble going on he is considering taking matters into his own hands.

Madam Chair DuCharme states that when he was here last time he was asked for letters from those effected as well as from the state land office. Mr. Lovato states that he did contact the individual from the state land office and he did review what was going on. Mr. Lovato states that the state land office will not write a letter. The reason being is because this problem does not affect them directly. The issue has to be handled by Mr. Lovato since he is the lessee of the land therefore it is his issue.

Madam Chair DuCharme asks Mr. Lovato if a new lessee comes in how will that person be able to access state land if the road is closed and becomes private, and if it becomes private whose road will it be? Mr. Lovato replies that it's not going to become a private road, the road will be closed.

Madam Chair DuCharme asks Mr. Lovato if the road is closed, and a new lessee comes in, how will they be able access the area. Mr. Lovato replies they will get a key like everyone else in the area.

ACTION TAKEN: Commissioner Frost makes a motion to approve to close the 7/10 of Marty Road. Commissioner Sanchez seconds the motion.

Michael Godey states that it seems that Mr. Lovato has done his due diligence and the commission should contact the individual at the state land office to get his view on this closure.

Madam Chair DuCharme asks Mr. Lovato who is the owner of the property of his brother. Mr. Lovato replies the owner is Mr. David Lovato. He lives in Colorado and Mr. Lovato takes care of his property. Madam Chair DuCharme asks the commissioners if they are ok with passing this even though they don't have any information from the state land office. Mr. Lovato states that the state land office is ok with them closing this portion of the road. No further discussion, all Commissioners in favor. **MOTION CARRIED**

7.) Brief County Commission on NMSU General Counsel's Statement regarding "No Firearms Allowed in the Extension Office"-Nathan Dial, Citizen

Mr. Dial states that when he requested to be placed on the agenda he thought he had an answer to this item. This will just be a little information on where they are at concerning this. Mr. Dial states he did some research and contacted all 32 extension offices in the state. He asked them if they had no firearms allowed posted on their doors. 18 counties said no, 6 counties excluding Torrance County stated they do have signs posted because they are in a Courthouse, and another 6 were going to get back with Mr. Dial because they had no idea. He also spoke with NMSU and on their side they aren't pushing this. There is no case law so they don't want to deal with it. The extension office here is not pushing the issue and the general council at NMSU will not make a statement on it. Mr. Bruce Heinrich the head of the Extension Offices says that this is a County issue. It's a state statute and Torrance County is trying to avoid the liability. Mr. Dial states that he spoke with Ms. Garland and Mr. Winn and that they are going to try to provide him with some type of lease agreement or MOU that gives the extension office ownership of the offices. The reason for this is then Section C 2 A would apply, if not

then Section 2 B would apply which pertains to other properties where University related and sanctioned activities are performed. If there is no written agreement giving them possession of the offices Mr. Dial has requested a list of approved sanctioned activities from the extension office and the county in order for this to apply. If it does apply then he has asked if the county can post the proper signage on all the doors. There also needs to be the proper signage posted at the fairgrounds during the week of the county fair. If you are going to impose rules then make sure they are posted everywhere they need to be and not just certain areas.

Gene Winn with the Torrance County Extension states that it his belief that the county does own the offices but is not fully aware if they do or not. Mr. Wallin has been in contact with legal counsel with NMSU and has not been specifically addressed. Mr. Winn does know that when it comes to sanctioned activities there is no list.

Madam Chair DuCharme asks if there is some sort of agreement between Torrance County and NMSU. Mr. Winn states that he is not sure. He would assume that there has to be some sort of agreement since the county approves the extension office budget every year, so that has to be part of the agreement. We would need to do more research and see if we can locate the agreement. Mr. Winn states that each county has the same format. The only difference is, is that some extension offices are located in a courthouse and others in an administrative building.

Mr. Wallin states that these are cooperative extension offices. What that implies is that there is cooperation between NMSU and the Counties to have programs within the county where the extension office operates. By statute in the extension agency creation statute 76-2-4 it talks about the cooperation between the county and the university with setting up the office. The way the law is written the county has no choice but to enforce the rule.

Mr. Dial states this is why he has asked for the proper documentation pertaining to this. Things need to be made clearer.

Madam Chair DuCharme ask Mr. Wallin how Mr. Dial can obtain this agreement. Mr. Wallin states through the manager's office. Ms. Garland states that once she can find the agreement she will provide Mr. Dial with a copy.

Mr. Wallin states that in his opinion the way the statute is written its very clear on what needs to be done and we should follow it. Mr. Dial asks if that includes the fairgrounds during the time of the county fair. Mr. Dial asks if Mr. Wallin agrees the fairgrounds falls under this as well. Mr. Wallin replies that he didn't say that, he is not sure if it would fall under university premises or not.

Madam Chair DuCharme states that we do not own the buildings we lease them. Mr. Dial states that when you rent or lease something you take on all liability and this is the reason for the issue because of liability. If you do it in one area you should do it in all areas.

Commissioner Frost states that what needs to be done now is the county needs to post the proper signage on both ends of the buildings and if it comes out that the fairgrounds are included then the signs need to be placed there a well.

NO ACTION DISCUSSION ONLY

8.) Regarding Employee Safety: Address allowing County Employees to Exercise their 2nd Amendment Right While Working-Nathan Dial, Citizen

No discussion on this item at this time, information that was to be presented was not readily available.

9.) Re-Evaluate Board Membership Term Limits.

Annette Ortiz, Deputy County Manager states that she has been going through past agendas trying to provide a list of what board or committees that we have representation on or that you appoint to as instructed by the manager and by the commission at the last meeting. If anyone knows of any other boards that the county has representation on please let us know so that we can have a current running list. Ms. Ortiz reads the list. List hereto attached. Ms. Ortiz states that her next step would be to contact these boards and see what if any representation we have and if so what are the term limits.

Commissioner Frost asks if there has been any complaints about board members on these. Ms. Ortiz replies, to her knowledge, no. A few years back we had to make some adjustments to the P & Z board to stagger the terms so that there would not be a whole new board every time a term limit was up. Commissioner Frost states that he has often heard the phrase if it isn't broke don't fix it, and in his opinion it applies to this item.

Michael Godey states that he doesn't agree with the statement if it isn't broke don't fix it. He has attended a couple of fair board meetings and they were unable to make any decisions because they didn't have a quorum. If you schedule meetings and not everyone shows up then changes need to be made.

Commissioner Sanchez states that he has attended a couple of workshops with the solid waste authority and he believes the county would benefit greatly if we would reappoint that board. Amend it to 1 year and take letters and reappoint members and then look at staggering the terms for the members. It is his belief that we reappoint the EVSWA board members.

ACTION TAKEN: Commissioner Sanchez makes a motion to reappoint/open the application period for the members on the solid waste board, amend their term, and start over on that board. Would like to end the current appointment and open the application and reappoint members. Commissioner Sanchez would like to make a motion to change the board term limits to 1 year and proceed with advertising to receive letters of interest and then to reappoint. Madam Chair DuCharme understands where Commissioner Sanchez is coming from and she seconds the motion.

Andy Miller EVSWA Manager would like to remind the Commission that in the agreement that the member entity has with solid waste you are limited to 3 representatives. The only obligation that the solid waste authority has is that if a member misses 3 meetings in a row they will notify the county. There are 13 board members and Torrance County has 3 positions on the board. There is nothing in the agreement that has to do with term limits.

Commissioner Frost states that it would be ridiculous to limit the terms to just 1 year.

Michael Godey states that it seems that Commissioner Sanchez is unhappy with the board members. You can't use this as a tool to get rid of members it's not wise. Just look at term limits and staggering terms and work things that way.

Betty Cabber states that 1 year terms are not good. Staggered terms would be best. If you limit to 1 year and keep switching you will never have experience on the board. If you have issues address them. Have the board members report to the commission on what's going on

Commissioner Frost states that it is a good idea to have a member that is on that board come back and report things to the county. Some of the board members have been on the board for quite some time and have put in a lot of blood sweat and tears into it. The solid waste board may not be perfect but it's probably one of the best we have in the state.

Steve Guetschow states that P & Z went to staggered terms back in 2009. The different term lengths were utilized to get the board members to a place where every board member could do a 3 year term and their term limits would be staggered and not lose more than 2 board members when the term limit was up. Mr. Guetschow states that if you stagger the term limits as well as the term themselves it can get really labor intensive on the people. A lot of times things will fall through the cracks because everyone is busy with other issues, Mr. Guetschow states that the way the P & Z board is set up now works really well.

Charlene Guffey states that the reason the county has 3 members on the board is to represent the JPA. If you keep pulling them off you will get weak. You need to keep the knowledge on the board. Even though you may disagree with certain board members, you still have to work with them.

Madam Chair DuCharme tells Commissioner Sanchez that he is getting a lot of heat for his idea. She supports this idea and it's much needed. As she recalls there is a 2 year term limit specification for that board. Cannot remember if its 94-12 Ordinance or the JPA.

Andy Miller states it is not from the JPA. This is not a rule that came from the solid waste authority.

Ms. Ortiz states that it is not mentioned in any minutes regarding term limits pertaining to the current board members.

Danielle Johnston states she perceives the solid waste handles volatile county questions. That comes across as being a much politicized appointment. Her powers of deduction are saying that perhaps the desire that she doesn't fully understand, to remove 3 people from the board, that she respects, at the end of one year would, allow a political stacking. This makes it look like the commission is working to get 3 votes that they want instead of 3 diverse opinions. Changing this is a worry to her. This needs to remain a neutral appointment.

Commissioner Frost states that by appointing 3 amateurs on that board it's giving the power to the other 10 people that sit on the board. This would be a bad mistake.

Commissioner Sanchez states that he respects what everyone has to say. He most humbly states that in his perception the board is stacked. Where the perception is incorrect, is that we are trying to do the unstacking.

Mr. Wallin states that he needs to check the documentation pertaining to terms and term limits. He thinks that there may be something in the bylaws or articles that gives this information. Don't make a decision until we are sure. When you appoint someone to a board of an outside agency they have conflicting fiduciary obligations. As a board member of the solid waste authority they have the fiduciary obligation to that authority to take actions that they feel are in the best interest for the authority. This is a matter of corporate law.

Madam Chair DuCharme states that she was amazed to hear the comments from Ms. Johnston that we are trying to do some sort of stacking. We try to do the best for the county. The people that sit on these board represent the commission. If the commission feels that those members are not giving us the proper representation then we have the capability to remove them and put people on the board that will give us good representation. She states that she is certain that there is a 2 year term for that specific board. We can vote to open it for other people to apply. We have a motion and a second and we need to rescind that motion.

Commissioner Sanchez rescinds his motion.

Madam Chair DuCharme makes a motion to open the EVSWA board membership.

Commissioner Frost states that a motion would need to be made to remove the board members and then decide what to do after that.

Commissioner Sanchez makes a motion to end the current board memberships and begin immediately the process of reappointment to the EVSWA board.

Commissioner Frost asks Mr. Wallin what are the legal limitations on this issue.

Mr. Wallin states that it is so broad. You potentially violate our position in the JPA but you leave the county without any representation on the board. If you are going through with this you should set a date and say that by the end of March or April that you are going to terminate their representation and then open it up to reappoint.

Ms. Ortiz states that you need to makes a motion based on what is on the agenda. We are reevaluating term limits. Mr. Wallin states that you can't take action on this today, you are Re-Evaluating board term limits. You can change the term limits but not terminate the board members. Ms. Ortiz states that what you do today needs to reflect what is on the agenda. If you wish to take action on another area on this issue then you can request it be placed on the next meeting agenda.

Commissioner Sanchez ask if they can set the term limits today and then later proceed with the reappointment process.

Mr. Wallin states that you can change the term limits based on the documents that are in existence.

Commissioner Frost says the agenda states that we are re-evaluating board membership term limits. So if we were to make a motion to make 1 year term limits or to remove members, he thinks that we are removing this whole page full of board members from the list Ms. Ortiz presented us with.

Mr. Wallin states that it needs to be placed on the next agenda and vote on it correctly. You need to reflect your vote based on the agenda.

Madam Chair DuCharme asks Commissioner Sanchez if he would like to have this placed on the next agenda with the correct language to be able to vote. Commissioner Sanchez replies yes. Madam Chair DuCharme asks Ms. Garland to please place this on the next agenda.

Mr. Wallin states that you will need to state on the agenda in regards to the solid waste authority, to discuss and take action on the removal of the current board members, and set term limits, and advertising for new members.

Mr. Miller states that you need to look at the JPA. Madam Chair DuCharme asks Ms. Garland if she can provide the Commission with the JPA documents or the bylaws pertaining to this topic.

Commissioner Sanchez makes a motion to rescind his motion.

Commissioner Sanchez makes a motion set the term limits for the EVSWA for 1 year.

Madam Chair DuCharme seconds the motion.

There is more discussion and questions directed to Commissioner Sanchez as to what his issues are with the current board members. Commissioner Sanchez states that the county would benefit tremendously from trash reform and get fresh ideas from the board.

No further discussion, Madam Chair DuCharme and Commissioner Sanchez are in favor, Commissioner Frost opposed. **MOTION CARRIED**

11.) Wind Farm Technical Dual Accreditation System Development

Commissioner Sanchez states that he would like to have this item removed from the agenda. He will request to have it placed on the agenda at a later time. There is still some information that he needs to obtain before he can present this. **NO ACTION TAKEN, DISCUSSION ONLY**

13.) Apportionment of Partial PILT Payments by Commission District

Commissioner Sanchez would like to begin discussion on what we were discussing earlier about the hold harmless and the issues that we are having with our detention costs. If circumstances were to change the PILT would be a great boom for us. The county and the public should benefit from the PILT money. He is very protective of how this PILT money is spent. It is his thoughts to maybe apportion a certain amount of the PILT to each Commission district, so that they can utilize it how they see fit for their district.

Ms. Garland states that she does support the citizens of the county. You need to take caution on what you do with the PILT money because of the situation with the jail fund. Since two of the commissioners did not support the Hold Harmless Tax, this will put the county into the position where they will be pinching every penny and cutting department budgets in order to meet our obligations on housing inmates.

Michael Godey states that Commissioner Sanchez is not promoting change, things are staying the same. You're wanting the money to go to pet projects and you really can't do that right now because of the inmate issue.

Commissioner Sanchez states that he is not asking for a motion right now. Just wants us to think about it and discuss it.

Michael Godey states that change for Torrance County would be better roads and safety and paying the employees. Those should be the focus.

Commissioner Frost states that he knows there are such things as pet projects, he has none. He does believe that help for roads, fire, and police are what matters. These type of projects will benefit all. Now is not the time to be talking about splitting PILT Money

Madam Chair DuCharme asks if there are other counties that do this.

Commission Sanchez replies, no, not that he is aware of. Again he would like to reiterate that he is not asking for a motion right now. This is just discussion, and if things change later, then we can look deeper into this.

Madam Chair DuCharme tells Commissioner Sanchez that she is glad that you are putting it this way. Right now we are facing such big issues with the inmate transportation and housing, paying big fees to the solid waste authority, and talking about a 5 member board. She does not want to put additional taxes on businesses and citizens. Right now is not the time to do this. We need to keep all the money we have in one place and spend it carefully and know where our priorities are. She can't support this right now, but maybe in time and if it has been done in other counties then we can consider it at that point and time. **NO ACTION TAKEN, DISCUSSION ONLY**

15.) Lease Agreement between Torrance County and Tajique Land Grant-Andrew Gutierrez, Board Member Tajique Land Grant

Mr. Gutierrez states that in front of the Commission is the lease agreement provided by either Mr. Wallin or the manager's office from back in August of 2017 when we were talking about the area where the solid waste transfer station is located. The land grant board has looked over the lease and has put this back on the agenda to get approval.

Ms. Garland states that she and Commissioner Sanchez attended the land grant meeting in June of 2017. What was proposed at that time is that the lease would be for 3 years at \$350.00 per month. It was set up for 3 years because at the time we were discussing moving the station to another location, but now that we have the issue with the prison we don't know where we will be in 3 years. If we need to be there longer than 3 years we will renew the lease and renegotiate

the fee. It was also discussed that the county would provide barrier walls/privacy fence for about 200 feet to protect the playground area. The contract would have to be amended to reflect the current dates.

Madam Chair DuCharme asks why Torrance County should be considered a tenant and not the EVSWA. Ms. Garland replies that it is her understanding that it is the county's responsibility to provide that site.

Andy Miller, Manager for EVSWA states that the authority is a contractor to the county. As part of the contract the county will provide the authority with 3 locations. The authority does not own or control the Tajique site. That is the county's obligation to allow us to use it as a transfer station.

Madam Chair DuCharme states that when this agreement was made the county didn't have control over that station either. It was transferred to the land grant before the agreement was signed. There is more discussion on the ownership of the property.

Mr. Wallin states that the county was going to lease the property from Tajique and provide the authority with this location in April of 2016. Paragraph 3 of the agreement entered into with the solid waste authority in April 2016 states that the county shall provide the use of county property necessary for the operation of Indian Hills, Tajique, and Hills and Valley collection sites. It's our obligation and whether we own it or lease it is immaterial.

Madam Chair DuCharme asks how they determined the payment of \$350.00 per month which is \$4,200.00 per year. Mr. Gutierrez states that at the time of the discussion they just put out numbers.

Commissioner Frost states that part of the contract is asking for a 6 foot tall privacy fence 200 feet long. Will we be hiring someone to come out and build the fence?

Ms. Garland states that Mr. Leonard Lujan spoke with someone from Valley Fence and got a quote at that time. Mr. Lujan may need to get a quote again for the fence. The purpose of the fence and barrier wall is for safety. There is a playground next to the station and this will keep cars or children from crossing over into either site.

Madam Chair DuCharme asks Mr. Gutierrez if he is considered government or a private entity. Mr. Gutierrez states that he is government.

There is more discussion on who uses the transfer station and who pays what fees. Mr. Miller states that if the contract is not modified, the authority will continue to do what they do right now and run the facility and pay the bills.

Madam Chair DuCharme asks if the lease fee can be changed and made comparable to other stations. Mr. Gutierrez states that he can't make that decision right now. He will have to take that back to his board.

There was talk about moving the transfer station to another location but it was decided that it was going to be too costly and would be cheaper to pay the \$4,200.00 per year. Continued discussion on fees and fencing for the area.

Mr. Gutierrez states that another area was offered in place of this area to be leased free of charge for 20 years. The county denied that offer and that is when we came up with this fee. Also the Land Grant is speaking with someone from the DOT on getting help with cement barriers that will be coming from the land grant and not the county.

Commissioner Sanchez asks if they would consider maybe leasing the site for \$1.00 per year. Mr. Gutierrez says he cannot answer that, he would have to take this request back to the board.

Commissioner Frost states that he was thinking that we need to have Mr. Lujan get a new quote on the cost of the fence. Then Mr. Gutierrez can take that number to his board along with the request to lease the property for \$1.00 or \$100.00 per year.

ACTION TAKEN: Commissioner Frost makes a motion that Andrew take back to the Tajique Land Grant Board the price that it will cost to build the fence and to present them with some lease figures that range from \$1.00 to \$100.00 to \$3,700.00 per year. Consider these and then return to the Commissioner with a counter offer. Commissioner Sanchez seconds the motion. No further discussion, Commissioner Frost, and Commissioner Sanchez vote in favor, Madam Chair DuCharme votes against. **MOTION CARRIED**

***County Manager Requests/Reports:**

17.) Update

Ms. Garland states that before she can give her update we need to go back to agenda item #9.

Mr. Wallin states that he was finally able to access the amended JPA from 2010 and it sets out the terms of the JPA. It sets out the board and the term of the board. That is set by the JPA, therefore we cannot change that without amending the JPA. The provision is 4-B and it states that the term for each member will be for 2 years, should a member be unable to fulfill the term of appointment the governing body of the party appointing said member shall appoint another member to complete the remainder of that term. However the governing body of a party may replace its members at any time. So what the commission will need to do on the next agenda is consider and take action regarding replacement of the board members of the solid waste authority, and start publishing for new members

ACTION TAKEN: Commissioner Sanchez makes a motion to rescind his previous motion to set term limits to the EVSWA board to be revisited on our next agenda as an action item. Madam Chair DuCharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

The Commission directs Ms. Garland to place on the agenda to consider and take action regarding replacement of the board member of the solid waste authority, and start publishing for new members.

Ms. Garland now presents her update. Update hereto attached. On February 15th Ms. Garland and Mr. DeCosta attended an EVSWA board meeting to present his grant proposal for Torrance County to purchase used oil heaters. On February 21st met with the insurance broker and 2 representative from Presbyterian Insurance. On February 21st & 22nd Ms. Garland assisted the Assessor's office with their interviews for an Appraiser Apprentice position. On February 22nd she met with Bryan from Lobo Net regarding the new county web page which will be more user friendly and meet all ADA requirements. On Friday February 23rd Ms. Garland and Ms. Dunlap from the Sheriff's department met with Safety Director Pablo Sedillo from the Santa Fe detention facility to deal with some procedural issues that have arose since we started housing the inmates there. Resolutions were discussed and are also going to try to meet with the Magistrate and District Court Judges to discuss long term resolutions.

Last week the FY19 Capital Outlay funding was released. Ms. Garland completed the questionnaire and returned it with the following projects:

\$20,000.00 for Senior Center Vehicle's to Deliver Home Meals, \$70,000.00 for renovations to County Fire Stations, \$25,000.00 for County Road Department Equipment, and \$50,000.00 for the Torreon Community Building and Library renovation and office supplies.

Also Ms. Garland has been working with P & Z on grant projects and a resolution to the Mescalero Dam Project.

ADJOURNMENT

Madam Chair DuCharme asks for a motion to approve to adjourn the February 28th, 2018 Regular Commission Meeting.

ACTION TAKEN: Commissioner Sanchez makes a motion to adjourn the February 28th, 2018 Regular Commission Meeting. Commissioner Frost seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

Meeting adjourned at 3:09 p.m.



Madam Chair DuCharme



Yvonne Otero-Administrative Assistant

3.14.2018
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.