

**Final Copy
Torrance County Commission
Regular Meeting
April 11, 2018**

Commissioners Present: James Frost, Member
Julia DuCharme, Chair
Javier Sanchez, Member

Others Present: Belinda Garland, County Manager
Dennis Wallin, County Attorney
Annette Ortiz, Deputy County Manager
Sylvia Chavez, Admin Assistant

Call to Order:

Madam Chair DuCharme calls the meeting to order at 9:02 am, Belinda Garland leads the Pledge of Allegiance and Annette Ortiz gave the Invocation.

Approval of Minutes:

Madam Chair DuCharme asks for a motion to approve the minutes from the March 28th meeting. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the March 28, 2018 Regular Commission Meeting Minutes. Commissioner Sanchez seconds the motion. Madam Chair DuCharme mentions that there were corrections she had Ms. Jaramillo's office make to the public hearing portion of the minutes. It was abbreviated and Madam Chair DuCharme wanted the owners concerns to be part of the record. No further discussion, all in favor. **MOTION CARRIED.**

Approval of Meeting Agenda:

Madam Chair DuCharme states that Mr. Kopelman and Ms. Philips are not here yet to present agenda item #1, so we will get to them once they have arrived to the meeting. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the April 11, 2018 meeting agenda. Commissioner Sanchez seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

Approval of Consent Agenda:

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

Public Request:

At the discretion of the Commission Chair, for information only (No Action Can Be Taken). Comments are limited to three (3) minutes per person on any subject.

Madam Chair DuCharme asks for public request and at this time there is none.

ACTION ITEMS:

ITEMS TO BE CONSIDERED AND ACTED UPON

Public Comment, each item: At the discretion of the Commission Chair, Comments are limited to two (2) minutes per person.

***Commission Matters:**

2. Findings of Fact and Conclusions of Law, Vacation of the Iron Forge Manor Subdivision.

Dennis Wallin, County Attorney, explains the findings of fact & conclusions of law for the vacation of the Iron Forge Manor subdivision from the public hearing from the last meeting.

Madam Chair DuCharme asks Mr. Guetschow if he has any concerns with the findings/conclusions.

Mr. Steve Guetschow believes that the findings of facts and conclusions of law cover everything for the vacation. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Findings of Fact & Conclusions of Law for the Vacation of the Iron Forge Manor Subdivision. Commissioner Sanchez seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

3. Consider and Act Upon District Representative(s) on the Solid Waste Board

Commissioner Frost asked for this to be put on the agenda, he has thought about this and feels that since there are 3 board members for the EVSWA board that those 3 members can be appointed to represent each one of the Commission Districts. This way each district is represented and the whole County will be

covered. **ACTION TAKEN:** Commissioner Frost makes a motion to appoint the EVSWA board members one from each Commission District.

Commissioner Sanchez states that EVSWA does not have districts, it's a County as a whole. Appointing one from each district could be problematic in the future. The appointments should be opened to the entire public not by Commission district.

Madam Chair DuCharme asks Commissioner Frost on clarification on the qualification the applicants will need to have, what happens if no one wants to be a board member from a certain district. Should that board member live within the district they will be representing?

Public Comment:

Michael Godey, Tajique the appointments should be left open to the entire public, if the Commission is not satisfied with the current applicants then maybe the positions should be advertised again.

Madam Chair DuCharme asks if anyone else is in favor of this

Charlene Guffey, resident states that she agrees with Commissioner Frost but does see Commissioner Sanchez's point of view. Ms. Guffey feels that the County Manager or Deputy County Manager should be back on the board, the prior County Manager used to be on the board and she was able to give insight on the County's behalf especially when it came to the budget issues.

Commissioner Sanchez does not see the need to have appointee's from each district to represent the County it should be as a whole. We may not receive applicants from each district, this affects customers all across the County not just in certain areas.

There is no second to Commissioner Frost's motion, **MOTION DIES.**

1. Presentation by NM Association of Counties:

a. Role of a County Commissioner

b. Hold Harmless Tax Information

County Manager Garland introduces Mr. Steve Kopelman, Executive Director and Ms. Grace Philips, General Counsel

a. Role of a County Commissioner

Mr. Kopelman hands out packets to the Commission and a few to the audience and then explains County government, Counties are political subdivisions of the state and are authorized to act only in conformance with statutory and constitutional powers. In accordance with both law and custom, counties are

independent self-governing corporate entities, even though they also serve a role as an administrative arm of the state.

Legislators are the ones that create Counties in the state, NM has 33 Counties with Bernalillo County being the largest with a population of 673,460 and Harding County being the smallest with population of 707. The last county created by the legislature was Cibola County in 1981. The County's population and assessed property values are used as criteria for classification. County classifications establish the salary schedule for County officials and determines the County's budget. Mr. Kopelman mentions that HB69 was just passed and it will raise the salaries for the elected officials, which will take effect in the new fiscal year. Each County can decide on the number of Commissioners on their board, if there is a 3 member board 2 counts as a quorum and if there is a 5 member board 3 counts as a quorum. Commissioners are the policy makers for the Counties, they then delegate the County Manager to do the day to day work. Each Commissioner can serve two 4 year term limits. Their powers are to include safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of their County and its inhabitants. They implement ordinances that govern their County and staff. The Commission cannot govern the other elected officials such as the Assessor, Clerk, Sheriff, Treasurer and Probate Judge. Mr. Kopelman states that he likes County Government, the Commission is closer to the public versus legislators.

Ms. Philips states that Mr. Kopelman spoke about the technical side of being a Commissioner but let's talk about what makes a good Commissioner. Ms. Philips asks the Commission "what makes a good Commissioner"

Madam Chair DuCharme states being responsive to constituents.

Commissioner Frost mentions that giving the opportunity to constituents to talk to their Commissioner and listen to what their concerns are. Using good judgment but not to promise anything.

Commissioner Sanchez states that having courage, strength, fortitude, independence, responsible and having the ability to set your personal feelings aside.

Ms. Philips states that those are all great examples and adds being precise, not having long meetings and being precise with Commission meetings. She also asks the Commission how they communicate with one another. With respect? Do you always agree on everything?

Madam Chair DuCharme mentions that sometimes being a Commissioner you need to be an analytical person be able to connect the dots.

Ms. Philips asks if the Commission has individual power, as an individual there is zero power but as a whole the Commission can make decisions. Ms. Philips mentions that no work can be done efficiently if a Commissioner tries to tell the road department to do certain jobs. The Commission has no authority over personnel issues, they must be directed to the County Manager. Ms. Philips asks the Commissioners about being ethical, with no personal interests involved on certain projects. As Commissioners you must be cautious on certain subjects. Ms. Philips refers to some legal cases that are in the packet that Mr. Kopelman handed out earlier. These are cases that range from monies received from kickbacks, sexual harassment and misuse of public funds. Both Ms. Philips and Mr. Kopelman caution the Commission when sending out emails and the appearance of impropriety for someone's business.

Mr. Kopelman informs the Commission that doing duties outside the scope of a Commissioners duties can lead to Commissioners being sued individually.

Public Comment:

Michael Godey, resident states that the Commission needs to be open in spirit inviting to the public.

Charlene Guffey, resident asks Mr. Kopelman and Ms. Philips "what can the public do if they feel that an elected official is doing wrong."

Mr. Kopelman suggests visiting with that individual and talk about concerns, or go to either the County Manager or the Attorney General if the wrong doing is not criminal.

b. Hold Harmless Tax Information

Mr. Kopelman explains to the Commission that 22 out of the 33 Counties have enacted their hold harmless tax. This is done in 1/8 increments and must be done through an ordinance. There have been some Counties that have also been specific on what they will use the money for from the hold harmless tax.

Madam Chair DuCharme asks how County businesses are affected by the hold harmless tax.

Mr. Kopelman states that it depends on the rate, most businesses will increase their price to cover the tax.

Public Comment:

Nick Sedillo, Risk Manager states that he is the black sheep of the County because he believes the County should implement the hold harmless tax. This will help generate funds for fire, law enforcement and road departments. The departments the County gets the most complaints about.

That wraps up the presentation from the NMAC, the Commission thanks Mr. Kopelman and Ms. Philips for coming out today.

Break at 10:25 am

Back from Break at 10:35 am

4. EVSWA Board Interviews

a. Appointments

Ms. Annette Ortiz, Deputy County Manager informs the Commission that she was out of the office last week when the deadline was due for the letters of interest for the applicants for the EVSWA board. Ms. Ortiz explains to the Commission that she was having some issues with her email and was not able to get Mr. Williams email on time for the packets but she has attached his email in their packets as well as another hand delivered letter that was in her box.

Madam Chair DuCharme states that the interviews will be done in the order that the letters of interest were received.

- 1) **Marco Banales**-states that he lives in the Ewing area and has been a Torrance County resident for many years and has worked within the environmental department for 11 years. He currently sits on the EVSWA board as a County appointee, he helps on other sub-committees on that board. He is very familiar with the operations of the authority and he has received several different trainings with his job that helps him understand the process of the authority.

Madam Chair DuCharme asks Mr. Banales if he is aware of the issues or how people are unhappy with the solid waste authority.

Mr. Banales explains that he sees a problem with all the unpaid debt by county residents. If those people were to pay there bill that would help the County with the difference of what the County has to pay to make up for the loss.

- 2) **Arthur R Page**- Mr. Page was in the audience but was not present for this agenda item, Madam Chair DuCharme stated that they will revisit this if Mr. Page comes back.
- 3) **Gerald Chavez**- Mr. Chavez was not present for the meeting.

Madam Chair DuCharme asks Ms. Ortiz if these people were informed that they needed to attend the meeting for interviews.

Annette Ortiz, Deputy County Manager stated that the ad read the interviews would be done today for possible appointment to the board.

Madam Chair DuCharme asks if it stated that it was required for them to be here.

Annette Ortiz, Deputy County Manager states that it does not say it is required for them to be here but that the interviews would be done today.

- 4) **Fred Sanchez**- states that he worked with the City of Albuquerque solid waste department, so he has some experience in solid waste. Mr. Sanchez explains that it would be his honor to serve on this board.

Madam Chair DuCharme asks Mr. Sanchez why he wants to be on this board.

Mr. Sanchez states that he has the need to serve the public and feels he will be an asset to the board.

Public Comment:

Michael Godey, Tajique- asks Mr. Sanchez if he would be willing to report back to the Commission.

Mr. Sanchez-states that he believes in accountability and he will report back to the Commission.

Annette Ortiz, Deputy County Manager reads the newspaper ad for clarification: "the applicants should expect to attend the County Commission Meeting on April 11 at 9am for a brief interview and possible appointment."

- 5) **Johnny Romero**- Mr. Romero was not present for the meeting.
- 6) **Bill Williams**- thanks the Commission and stands for questions.

Public Comment:

Michael Godey, Tajique asks Mr. Williams if he will report back to the Commission.

Mr. Williams states that there is someone always in attendance at the Commission meetings from the EVSWA board that can answer any questions the Commission may have but yes he can report to the Commission when he is asked to do so.

Commissioner Frost asks Mr. Williams to please give a brief history of his experience with the solid waste board.

Mr. Williams states the short story is that he has been on the board for 25 years and has been the Chairman, not that he always wanted to be but that no one else wanted to be Chairman. In the beginning there were a lot of issues with new board members but now it's a smooth cohesive board.

Commissioner Sanchez states that there are two ways to proceed with the appointments, we can make the appointments now or we can table this until all applicants can be interviewed. If the Commission chooses to appoint now then we should read the letters of those that were not able to attend today into the record.

Madam Chair DuCharme asks if it was a requirement for them to attend today.

County Manager Garland states that the newspaper ad read just like all the other ads have read for board appointments. Ms. Garland states that to be consistent with all other board appointments, you did not consider applicants if they did not attend the meeting to be interviewed.

Annette Ortiz, Deputy County Manager states that at a previous Commission meeting the current EVSWA board members were told to be here for interviews if they choose to reapply for the positions and wants to remind the Commission that at the last Commission meeting for the Fair Board appointments, the Commission did not consider the applicant that did not attend the meeting.

Commissioner Sanchez explains that he does not feel the need for the applicants to be present to make appointments but due to the misunderstanding of the words "expected" or "required" to attend the meeting for possible appointment perhaps the Commission should table this until the next meeting.

Madam Chair DuCharme states that the EVSWA board meeting is the 3rd Thursday of the month, so if we do not appoint today we will not have representation on the board.

County Manager Garland asks Andy Miller to advise the Commission of some upcoming dates that they will be having that can be affected by the appointments.

Andy Miller, Manager EVSWA explains that the notice of meeting must be approved by the Chairman prior to the meeting being held. He would also like to inform the Commission that EVSWA board will be having their public meetings for their ICIP and it is very vital that they have a full board in order to do all the functions the board needs to do in order to have their ICIP in order.

County Manager Garland reminds the Commission that as of today the County has no board members on the board, the Commission has removed their current members which means the County has no representation.

Commissioner Sanchez feels there must have been a misunderstanding on rather or not they applicants needed to attend today, so he would like to table this until the next meeting.

Public Comment:

Michael Godey, Tajique the Commission can wait to see if the gentleman that was here earlier returns and interview him. Mr. Godey also suggests the Commission can vote on 1, 2 or all 3 today or maybe just appoint one and then come back and reappoint at a later date.

Danielle Johnston, Citizen/Fair Board Member at the last meeting the Commission appointed me to be on the Fair Board, one of the applicants did not attend and her letter was not read into the record. I will resign today if the Commission chooses to do this appointment differently. Ms. Johnston explains that she will continue to volunteer but she cannot be a legitimate member of the Fair Board if the Commission cannot follow proper procedure. This will serve as her resignation from the Fair Board.

Commissioner Frost states that there were 6 applicants and 3 of them showed up today. If I had read the paper and it stated that you would be expected to be here today to be interviewed then I would show up to be interviewed.

ACTION TAKEN: Commissioner Frost makes a motion to appoint Marco Banales, Fred Sanchez and Bill Williams to the EVSWA board. There was no second

MOTION DIES.

Public Comment:

Charlene Guffey, Resident just a reminder that this is a JPA effort and the Commission will be in violation of the JPA without the 3 members from the County. Ms. Guffey feels that it would be unfair to read the letters of the applicants that did not show up today. It sets a precedent for future board appointments. The appearance is that the Commission is appointing their "puppet people" to the board. It's unfair to the individuals that are here today that want to serve on that board.

Betty Cabber, Resident she agrees with what has been said, the Commission is setting a precedence here today. Ms. Cabber thought the appointments were to be fair and equitable to all that applied for board positions not picking and choosing appointees. Ms. Cabber thought the Commission would have taken into

consideration what was presented by Steve Kopelman and Grace Philips from the NMAC.

Commissioner Frost states that his previous motion did not receive a second so he will do his motion differently. **ACTION TAKEN:** Commissioner Frost makes a motion to appoint Marco Banales to the EVSWA board. There is no second **MOTION DIES.**

ACTION TAKEN: Commissioner Frost makes a motion to appoint Fred Sanchez to the EVSWA board. Madam Chair DuCharme seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

ACTION TAKEN: Commissioner Frost makes a motion to appoint Bill Williams to the EVSWA board. There is no second **MOTION DIES.**

Madam Chair DuCharme feels that if we are not comfortable with the applicants that have applied than we can re-advertise for the positions.

Commissioner Sanchez asks for clarification from Dennis Wallin, County Attorney on re-advertising the positions.

Dennis Wallin, County Attorney explains that he will speak to the legal aspect of this not the fair & equitable. The Commission sets the terms legally, if the Commission is not satisfied then the Commission can re-advertise and require that they be present for interviews.

Madam Chair DuCharme states that there is a difference between "expected" and "required." So because of the misunderstanding she is flexible to either appoint today or we can advertise based on the assumption that there was a misunderstanding.

Commissioner Sanchez feels that the appointments can be done today and sees the necessity to have an alternate to the board.

Madam Chair DuCharme states that the JPA does not allow for one.

Public Comment:

Andy Miller, Manager EVSWA states that each entity can have an alternate but they will not have voting privileges.

Michael Godey, Tajique states that because of the possible misunderstanding of the words the Commission should not vote today. Be ethical and re-advertise the appointments.

Madam Chair DuCharme responds to Mr. Godey's being ethical statement, she always has being ethical in her mind.

Ryan Schewbach, District 2 states that the Commission has chosen to remove the current board members and for the sake of doing business I urge you to move forward and make your appointments.

Kevin McCall, District 1 states that the Commission just heard a presentation of ethics, so how can you expect Solid Waste to continue to do business without a full board if the Commission can't make a decision on who to appoint. There are 3 willing individuals here today that are willing to serve. I suggest that you appoint them to the board.

Danielle Johnston, Resident/Fair Board Member states as an active member of the Fair Board and as she sits here today the word value comes to mind. Ms. Johnston does not feel like the Commission put the same value with her appointment to the Fair Board as the same value being done today and she will be resigning from the Fair Board.

Madam Chair DuCharme asks that Ms. Johnston reconsider her resignation.

Janet Douglas, Resident states that there are 3 people that showed up today for the appointments, that shows their willingness to serve on the board. The fact that the other 3 did not show up and they are being considered for appointments is not ethical at all. The Commission is here to do what is right for the County and by appointing the 3 people that are here today shows that the Commission does care. These 3 care for the County because they showed up for the appointment.

Commissioner Frost would like to welcome Mr. Fred Sanchez to the EVSWA board, further than that we are overlooking 2 members that are very experienced in solid waste. **ACTION TAKEN:** Commissioner Frost makes a motion to appoint Bill Williams and Marco Banales to the EVSWA board. There is no second **MOTION DIES.**

Public Comment:

Tracy Sedillo, Treasurer comments that the County has a lack of consistency, the Commission needs to create policies for appointments that are fair and equitable. Ms. Sedillo also suggests having all board members, staff, elected officials and volunteers sign a disclosure statement so that we may be compliant with our audits.

Annette Ortiz, Deputy County Manager states that to emphasize what Ms. Sedillo stated, the Commission did set the procedure in place for the appointments, it is in the minutes so it is in writing. You, the Commission made the decision and what you are doing today is rude and disrespectful to those that showed up here today. You set up the procedure and it is not confusing, "expect" to be at the Commission meeting means you're expected to be there. Just because the people you wanted to appoint to this board did not show up does not mean you should be disrespectful to those that did show up today and want to be on the board.

Madam Chair DuCharme states that the Commission has set up policies and we need to follow them except when the wording on the advertisement can be interpreted in different ways. If the word “required” had been put in the advertisement, things would be different.

County Manager Garland asks if the wording has been changed on the advertisement for the ad.

Annette Ortiz, Deputy County Manager states that the wording has not changed.

Madam Chair DuCharme states that the circumstances for today’s appointment have never been an issue before with having only 3 of the applicants show up to the meeting.

County Manager Garland states that in the past for board appointments you have never considered any applicant that has not shown up for the meeting.

Jennette Hunt, Resident states that this is why the world views government the way they do because of the way you are conducting County business, with hidden agendas. You, the Commission obviously have 3 people you have in mind for these positions and they must not have showed up today but the 3 that did show up today knew that they needed to be here today to be interviewed. It’s obvious that they care.

Tracey Master, Resident explains that the Commission seems to be focusing on semantics of the words “required” or “expected.” She states that as an employee if Ms. Garland expects me to be in her office, I will be in her office. Ms. Master also mentions that she thought when each of the Commissioners ran for these positions, you ran because you cared about what was best for the County.

Michael Godey, Tajique states that perhaps the Commission needs to be transparent as to what these members have done to not be reappointed again. There are only two choices either re-advertise or appoint these people.

Commissioner Frost states that he has heard the word transparent a couple of times today, and with transparency it should mean an open government. But it is very transparent on what is happening here today. **ACTION TAKEN:** Commissioner Frost makes a motion to appoint Marco Banales and Bill Williams to the EVSWA board. There is no second **MOTION DIES.**

ACTION TAKEN: Commissioner Sanchez makes a motion to appoint Gerald Chavez and Johnny Romero to the EVSWA board. Madam Chair DuCharme seconds the motion.

Public Comment:

Betty Cabber, Resident the lack of transparency here today is wrong and Ms. Cabber will inform the NMAC of the unethical decisions made today.

Marco Banales, Resident asks the County Attorney if there is a conflict of interest if the Commissioners husband sits on the Solid Waste board and should she not recuse herself from voting on anything to do with EVSWA.

Dennis Wallin, County Attorney I have advised the Commission on their rights to recuse themselves from voting. It is up to the individuals themselves to make that call.

Commissioner Frost states Johnny Romero has been his friend for many years and Gerald Chavez is very active in the County. However these 3 neighbors are not a good representation for the County.

COMMISSION VOTES: Two in favor Commissioner Frost against. **MOTION CARREID.**

ACTION TAKEN: Commissioner Sanchez makes a motion to appoint Marco Banales as an alternate to the EVSWA board. Madam Chair DuCharme seconds the motion.

Marco Banales declines the appointment

Janet Douglas, Resident states that she is very disappointed and upset with these appointments and cannot support them.

Bill Williams, Resident states that it was his honor and privilege to serve on the board for the past 25 years. Not sure why Marco Banales was not reappointed he brings a lot of information to the board. He has gained many friends throughout the years and thanks the Commission.

Discussion between Commissioner Sanchez and Betty Cabber followed. Letter of interest from all applicants hereto attached.

5. Commission Redistricting

Noah Sedillo, Procurement Agent reads an email from Michael Sharp, VP from Research & Polling, Inc. Mr. Sharp explains in his email that if the County chooses to do the redistricting now it could be a possibility that the County may have to do it again after the 2020 census. Mr. Sharp gave 3 different price quotes: 1 initial plan is \$10,787.50, 2ND plan is \$12,405.63 & the 3RD plan is \$14,023.75. The plans will come with a large format map and 8.5 x 11 maps on pdf file format. Mr. Sedillo mentions that this contract is considered to be Professional Services and the County will not need to go out for bid. Mr. Sedillo would like to caution the Commission, if the Commission decides to do the 5 member districting now instead of waiting till the 2020 census the County will essentially be paying for this twice.

County Manager Garland mentions that there is also a letter from the state explaining that after the 2020 census each County in the state will need to redistrict. So the County will have to redistrict again if the Commission decides that they want to move forward with the 5 member Commission. The approximate cost for re-polling will be \$10,000.00.

Linda Jaramillo, County Clerk we are going to have to redistrict and the letter states that we should start the process now for that future redistricting. Ms. Jaramillo explains that there are precincts such as 5 with population of 3,226 which needs to be split, precinct 6 with a population of 2,778 and others that need to be split. We have a lot of work to do with just creating new precincts. Ms. Jaramillo has been wanting to split the precincts but was waiting for the 2020 census. If these precinct do not fall into what you want as a 5 member district then, yes, we would have to do it again.

Commissioner Frost states that the cost is going to be inevitable no matter what we decide to do. In order to split the precincts we will incur the cost of approximately \$10,000.00 but that cost is just to split precincts not for the Commission redistricting correct?

Linda Jaramillo, County Clerk right, there is usually a cost to get a professional to help redistrict our County. The first thing we need to do is create our new precincts. The population in some of our precincts is too high. We will have to determine where precincts will be split and create these new precinct boundaries. Then we can determine what precincts will be in the 5 member Commission districts you are proposing.

Commissioner Sanchez states that he feels the 3 plans for \$14,023.75 would be the most affective for the County and would like to move forward with this. We cannot help that the census is done every 10 years, so we need to be able to move forward and start the process now using the 2010 population numbers.

County Manager Garland reminds the Commission that the agenda item is for moving forward with the Commission redistricting.

Noah Sedillo, Procurement Agent mentions that the splitting of the precincts is in correlation with the redistricting of the Commission districts but it is a separate process. It's a stepping stone in order to get to the 5 member Commission.

Linda Jaramillo, County Clerk reads the first paragraph of the letter received from the state into record. So what they are asking us to do is create our precincts and if the Commission chooses to do the 5 member Commission we can do it all at once.

Documentation hereto attached. **ACTION TAKEN:** Commissioner Sanchez makes a motion to accept the cost proposal for Professional Services for County Commission Redistricting for 3 initial plans. Madam Chair DuCharme seconds the motion.

County Manager Garland has a legal question, in order to have a 5 member Commission it must be a unanimous decision by the Commission, so before we spend this money I would like to request that this be a unanimous decision.

Dennis Wallin, County Attorney states that this part of the process does not need to be a unanimous decision. What needs to be unanimous is the decision to move to a 5 member Commission. Mr. Wallin urges the Commission to read the second page of the letter.

Commissioner Frost asks if there is a deadline to get this started.

Noah Sedillo, Procurement Agent states that the Commission has 60 days from the time the proposal was received, so that will be roughly around May 22.

Commission votes: 2 in favor Commissioner Frost against. **MOTION CARRIED.**

Commissioner Frost would have liked more information to better understand the process.

Linda Jaramillo, County Clerk informs Commissioner Frost that once the process starts you will start to understand how the whole process will work. Ms. Jaramillo looks forward to working with the Commission on this process and is glad that the process is starting early.

Annette Ortiz, Deputy County Manager, states that there are two projects within this: 1st is the Commission redistricting and 2nd is splitting of the precincts. It's great that this is starting early but reminds Commissioner Frost that the 5 member Commission does not have to be approved but splitting of the precinct does need to be done.

6. Request fiscal Assistant to fund Estancia Pool

Manuel Romero, Town Trustee is here today to request financial assistance for the Town pool. At the previous meeting we went into great detail on the cost for the pool both operational and repair side. Mr. Romero asks if the County Manger was able to look at the budget to see if there is any additional funding the County can help with for the pool. Mr. Romero informs the Commission that the Town lost out on money from a movie that was supposed to be filmed here in Estancia, they chose to do the filming in the County. If the Town had gotten that money we

would have been able to open the pool without the assistance from the County but unfortunately here we are.

County Manager Garland states that at the last Commission meeting we asked if the Town could get funding from other agencies to help with the cost and asks if Mayor Dial has that information.

Mayor Dial explains that the Town was successful in getting funding from the Town of Mountainair, City of Moriarty and East Torrance Soil & Water Conservation District. They all have each pledged \$5,000.00 as well as the Town of Estancia kicking in \$5,000.00 so we now have \$20,000.00 to get the pool going. And depending on what the Commission decides today Mayor Dial will continue to move forward on getting more funding.

County Manager Garland informs the Commission that herself and Amanda Tenorio, Finance Director went through the budget and have found \$25,000.00 in the PILT funding we can help with the pool. She also mentions that she has received feedback from the Community and they are in support of the pool opening.

ACTION TAKEN: Commissioner Sanchez makes a motion to support the Estancia Pool in the amount of \$25,000.00. Madam Chair DuCharme seconds the motion.
Public Comment:

Tracey Master, DWI Coordinator states that with her program they are in charge of making sure that there are alternate activities for the youth to be part of. She will be utilizing the pool for some events during the summer.

Jennette Hunt, Resident thanks the Commission for helping with the pool, it is very important that our kids learn how to swim. Her child almost drowned last year but maybe now he will get the opportunity to learn how to swim. She started a GoFundMe account to help with the pool, she has almost raised \$600.00. The Commission thanks Ms. Hunt for her efforts in helping with the pool.

Michael Godey, Tajique wants to apologize to the Commission for saying to never use the PILT monies for anything other than what's needed for the police but he is now in support of helping with the pool.

Commissioner Frost asks Mayor Dial how long the repairs will take and when will the pool be open.

Mayor Dial stated that it depends on the how the repairs go and when they can get the pool certified but are hoping to get the pool open by June 1st.

Commission votes: all in favor, no further discussion. **MOTION CARRIED.**

*** Department Requests/Reports:**

7. Updates: a. Various County Departments b. Other boards or Land Grants (upon request) c. Forest Service (upon request) d. Commission

Various County Departments:

Tracey Master, DWI Coordinator states that this is the last week she will be doing the Protecting you/Protecting Me curriculum in the Estancia Elementary School. The Teen Court youth went and cleaned up at the pool, they had 22 bags of trash and weeds.

Steve Guetschow, P/Z Director informs the Commission that tomorrow at 9:30 am there will be an Estancia Water Basin Committee meeting here in the Commission chambers. He also hands out pictures from the property on Shiloh Rd that the Commission approved by resolution to have cleaned up, however it is going to cost more than initially thought. Mr. Guetschow does have the additional funding within his budget but just wanted the Commission to be aware of the additional cost. The repairs to Dan's vehicle will cost \$6,000.00 + to get done. He would also like to inform the Commission that with the solar panel construction going on just north of town he has received complaints of the dirt blowing with all the wind we have been having but wants the Commission to know that they are watering as much as they can to keep the dirt down.

Linda Jaramillo, County Clerk states that on May 8th voter registration closes, you can register to vote by mail, in person, online, MVD and also through registrants. Ms. Jaramillo encourages everyone to register to vote and get out and vote, it's your right and it's your voice. Also on May 8th absentee and early voting starts, we will be located in the Under Sheriffs and deputies old office. The hours will be from 7:30 am to 5:30 pm Monday through Thursday. Anyone needing an application can call our office and we will get them mailed out to you. We have proofed the ballots and they have been sent to the printers, we will be having our mock election to have a practice run.

Annette Ortiz, Deputy County Manager states that negativity quickly spreads throughout the offices and we want to spread good news & cheer. So we will be spotlighting different departments each month to accomplish this. This month we

pictures Ms. Ortiz took of their work. The Road Department is thanked for their great work throughout the County.

Leonard Lujan, Road Foreman at the Camino Del Norte road project (*the project Ms. Ortiz attended*) our department was able to widen the turn thanks to the land owner who granted the County an easement. While the road department was out in this area they were able to work on Mesilla Canyon Rd and Tecolote Loop roads as well. Mr. Lujan list all the roads that have been done a mile on AO87/Pumpkin Patch, a mile of the school bus project in that area, 2 miles on BO51/Holland Rd, a mile on B104/S Watson Rd. The Road Department is working the whole mile on Riley Rd N and will start work on Solomon Rd N next week to finish up the southern part of the County and then move on to the Northern part of the County starting with a mile on Howell Rd, a mile on Marshall Rd, a mile on Willow Lake E and a mile on 80. Mr. Lujan explains that he is hoping to get the CAP project done by the end of May, they may have to work weekends to get it done. His guys have been working nonstop to get the roads done. Also on the 87 project they were able to a get a mile done on Pinto Dr and some spot work in the Sweetwater hills area.

County Manager Garland thanks Mr. Martin Anaya for the easement on that road and thanks the road department for the good job. She would also like to thank Annette Ortiz for all her help in training Kristin Oliver the new HR director.

Madam Chair DuCharme states that this is a good idea to showcase the good work of the employees.

Commission

District 1: Commissioner Frost shows an article from the Albuquerque Journal on Tito Chavez's daughter Sonya, she was appointed by the President to be a US Marshall. A round of applause was given for Sonya

District 2: Madam Chair DuCharme mentions that she attended a job fair in Moriarty put on by Workforce Solutions & the Department of Veterans affairs. There were 8 vendors there and she was sad to see that there was not a good turnout. She spoke with the vendors and 2 of them mentioned that they are having a hard time finding people to work in Torrance County. The National Guard stated that they are always looking for people to apply to become guardsmen.

8. Resolution 2018-19 Line Item Transfer(s) - Amanda Tenorio

Ms. Amanda Tenorio presents the Commission with Resolution 2018-19 line item transfers. This does not change the department budgets it's just moving money from one line item to the other. Resolution hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Resolution 2018-19 Line Item Transfer(s). Commissioner Sanchez seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

9. Resolution 2018-20 Budget Increase - Amanda Tenorio, Finance Director

Ms. Amanda Tenorio presents the Commission with Resolution 2018-20 for budget increase. Resolution hereto attached. **ACTION TAKEN:** Madam Chair DuCharme makes a motion to approve Resolution 2018-20 Budget Increase. Commissioner Frost seconds the motion.

Commissioner Sanchez asks for more information on the monies being used out of the PILT monies for professional services.

Ms. Tenorio explains that this will be the money that will cover the additional funding for transport costs for the Sheriff's department. This will cover those costs until the end of the fiscal budget.

No further discussion, all in favor. **MOTION CARRIED.**

10. Ratification Warranty Agreement for Tender 2-1 between HME Inc. & Torrance County Fire Department- Lester Gary

Hanna Sanchez, Admin. Asst. presents for Chief Gary, she is here today to ask for ratification for the Warranty on the Tender that was recently purchased.

Madam Chair DuCharme asks Ms. Sanchez if this is for the vehicle we started to purchase back in August.

Hanna Sanchez replied yes it is.

Documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Ratification of the Warranty Agreement for Tender 2-1 between HME Inc. and Torrance County Fire Department. Commissioner Sanchez seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

***County Manager Requests/Reports:**

11. Ratification of Addendum to Memorandum of Understanding between Torrance County & Mid-Region Council of Governments

County Manager Garland is asking for approval of the ratification for the addendum to the MOU with MRCOG. MRCOG is the County's fiscal agent and DFA would not allow us to move forward in spending money without this addendum.

Documentation hereto attached. **ACTION TAKEN:** Commissioner Sanchez makes a motion to the Ratification of Addendum to Memorandum of Understanding between Torrance County & Mid-Region Council of Governments. Commissioner Frost seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

12. Update & Proposals from the Road Department Communications Networking Conference held on Wednesday April 4, 2018

County Manager Garland mentions that she will ask Leonard Lujan, Road Foreman to help her with this item but she states that there was a meeting held at the East Torrance Water & Soil building here in Estancia on 4th of April. The meeting was very well attended by a lot of different agencies throughout the County. There were ideas and suggestions on what could be done on all roads in Torrance County and bring tourism into our Communities. Hwy 60 between Willard and Encino was brought up, the wind turbine projects have increased the heavy load traffic but the cattle trucks and milk trucks travel that road many times throughout the day and its proof with the condition of the road. If we work together as a team we can get this roads taken care of. By forming a team put together of people from our County we could use our resources together and get better attention to these roads that are in need of repair.

Leonard Lujan, Road Foeman states that NMDOT district 5 is who maintains that portion of Hwy 60. We need to work on these highways that run through our County to bring visitors back to the County. The state is strapped financially just like we are but if we work together maybe we can get these highways taken care of as well as some of our county roads. The County trucks use Hwy 542 (Ewing Hwy) almost every day and our vehicles take a beating on that road more so than on of our county roads because of the condition it is in. Mr. Lujan feels that if the elected officials from Torrance County would form a group and go and voice their concerns to the state that group would get more attention than just the average county resident. Mr. Lujan mentions that there are some county roads that could be improved that connect to highways in case there is an emergency on one of the main highways.

Madam Chair DuCharme asks Commissioner Sanchez what his thoughts are from this meeting since he was the one that envisioned it and was essential in getting it put together.

Commissioner Sanchez states that everything Belinda and Leonard have said is true and in order for this to happen we need to form a Committee to get this transportation issue going. Working on our state roads will have a cascading affect for everyone so it will be very beneficial for everyone. If the Commission is interested in this Commissioner Sanchez will move forward with this. Also

another issue that was brought up was the maintenance of the roads, which may lead the Commission to revisit the road policy.

Madam Chair DuCharme asks Commissioner Frost if he would be interested in moving forward with forming a Committee.

Commissioner Frost states that he would like to study this a little bit more before making a decision, he is in support of anything that is good for the County but would like to look at more.

Madam Chair DuCharme asks who would be a part of this committee.

Commissioner Sanchez hasn't thought about it but perhaps someone from EVEDA, County, NMDOT and the Municipalities.

Madam Chair DuCharme asks Commissioner Sanchez for clarification on what he means by transportation network? It is for public transportation or just transportation all together. Perhaps this can be something MRCOG can assist the County with.

Commissioner Sanchez states that it would be for anything to do with roads, all roadways any means of transportation. Railroads, dirt roads or trails.

Leonard Lujan, Road Foreman states that in order for MRCOG to help the County we would need a plan that is done from start to finish. Then it is put in a pot along with all the other requests that need to be funded. Mr. Lujan would like to touch basis on road maintenance, he feels that if the County went back to doing maintenance every quarter this gives more time to get other projects done or to get to complaints.

Madam Chair DuCharme mentions that when she receives complaints on a road it's about the condition of the road not about the maintenance of the road.

Commissioner Sanchez states that everyone has different perceptions on road maintenance from the public, to the Commission, to the road foreman but if we were to standardize the maintenance everything would be taken care of but unfortunately we cannot always have the same operator doing the maintenance on the same roads. Training would be helpful to get good operators in the department but with good operators comes more money to pay to those operators.

Leonard Lujan, Road Foreman states that having skilled operators is key to good maintenance. There are new operators in the road department that need to learn what kind of maintenance it takes for each road because each road in the County is different, it's a skill they will have to learn.

Madam Chair DuCharme states that when she receives a complaint on a road it's usually in pretty bad shape and would like those looked at right away.

Leonard Lujan, Road Foreman states that he responds to those complaints right away, he either calls them, goes and visits with them or has a blade out there within 3 days.

Commissioner Frost takes the time to thank the road department on the continued good work they do on the all of the County maintained roads.

Madam Chair DuCharme asks in what direction does the Commission wants to go.

Commissioner Sanchez feels that the road policy needs to be revisited and if something needs to be changed than the Commission needs to do so. And feels the Commission should move forward with the Committee and he will develop some criteria for the committee and get back with the Commission.

Madam Chair DuCharme agrees with Commissioner Sanchez, with all the improvements we have seen it's because we have continued the open conversation. Little by little we will get a better system going and is interested in starting this committee.

Commissioner Frost mentions that he has lived in Torrance County since 1981 and has seen tremendous improvements to the county roads since living here. Commissioner Sanchez states that he will get something together for the Commission to review but wants to know if the Commission will be the ones to move forward with this committee or have the working group move forward with it. The working group has done their job and held the meeting and reported back to the Commission but do they continue or be done at this point.

County Manager Garland states that it depends on where the Commission wants to go with this, if the Commission wants to seek out funding for roads then there needs to be a small group formed to do that.

The decision was made to get more information to be presented at the next Commission meeting and move forward from there.

13. Update

County Manager Garland gives her update:

On April 2nd she met with NM Department of Health about moving the public nurse office back to Estancia. Also on that day she attended the Investment Committee meeting. On the 3rd attended the communication network meeting.

On the 5th she attended a meeting in Albuquerque in regards to the CoreCivic lawsuit. She has been working with Amanda and Tracy on the audit. Been working with Kristin on HR related issues. Helping Martin Lucero with emergency policies. Working with Carl on maintenance issues that have come up. There will be mandatory sexual harassment training for all employees on the 17 & 18th of April. There will be different times so that every employee can attend. Manager report hereto attached.

EXECUTIVE SESSION:

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

a) *Pending Litigation related to:*

Pacheco v. Torrance County Section 10-15-1(H)(3)

Gonzales v. Torrance County Section 10-15-1(H)(3)

McSwain v. Torrance County Section 10-15-1(H)(3)

Gutierrez v. TCSO Section 10-15-1(H)(3)

Rogers v. TCSO Section 10-15-1(H)(3)

Filippi v. Torrance County Section 10-15-1(H)(3)

Filippi v. Torrance County Section 10-15-1(H)(3)

CoreCivic v. Torrance County Section 10-15-1(H)(3)

ACTION TAKEN: Madam Chair DuCharme makes a motion to go into Executive Session. Commissioner Frost seconds the motion. Roll Call: District 1- Yes; District 2- Yes; District 3- Yes. **MOTION CARRIED**

EXECUTIVE SESSION BEGAN AT 1:55 PM

***Reconvene from Executive Session:**

ACTION TAKEN: Commissioner Frost makes a motion to come out of Executive Session. Commissioner Sanchez seconds the motion. Roll Call: District 1- Yes; District 2- Yes; District 3- Yes. **MOTION CARRIED.**

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

Reconvened from Executive Session at 2:35 pm

Madam Chair DuCharme state that the following was discussed in closed session:

b) Pending Litigation related to:

- Pacheco v. Torrance County Section 10-15-1(H)(3)*
- Gonzales v. Torrance County Section 10-15-1(H)(3)*
- McSwain v. Torrance County Section 10-15-1(H)(3)*
- Gutierrez v. TCSO Section 10-15-1(H)(3)*
- Rogers v. TCSO Section 10-15-1(H)(3)*
- Filippi v. Torrance County Section 10-15-1(H)(3)*
- Filippi v. Torrance County Section 10-15-1(H)(3)*
- CoreCivic v. Torrance County Section 10-15-1(H)(3)*

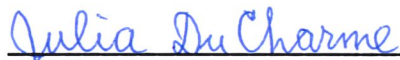
An update was given on these pending litigation, no decision was made on this.

Adjourn

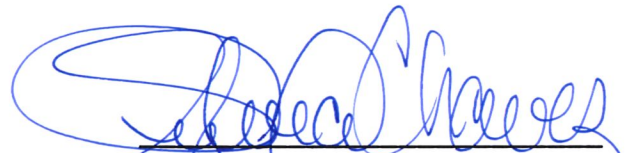
ACTION TAKEN: Commissioner Frost makes a motion to adjourn the April 11 Regular Commission Meeting. Commissioner Sanchez seconds the motion. No further discussion, the Commission votes all in favor none opposed.

MOTION CARRIED.

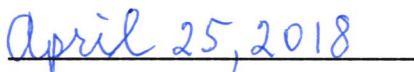
Meeting adjourned at 2:36 pm



Madam Chair DuCharme



Sylvia Chavez



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.