

**FINAL COPY**  
**TORRANCE COUNTY BOARD OF COMMISSIONERS**  
**REGULAR COMMISSION MEETING**  
**April 25<sup>th</sup>, 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.

**CALL MEETING TO ORDER**

Madam Chair DuCharme calls the April 25<sup>th</sup>, 2018 Regular Commission Meeting to order at 9:10 a.m.

**Pledge lead by Mr. Bob Hudson**

**Invocation lead by Mr. Robert “Bob” Ludwig**

**APPROVAL OF APRIL 11<sup>th</sup>, 2018 REGULAR COMMISSION MEETING MINUTES**

Madam Chair DuCharme asks for a motion to approve the April 11<sup>th</sup>, 2018 Regular Commission Meeting minutes. **ACTION TAKEN:** Commissioner Sanchez makes a motion to approve the April 11<sup>th</sup>, 2018 Regular Commission Meeting minutes. Commissioner Frost seconds the motion. Madam Chair DuCharme states that in an update, given by Mr. Leonard Lujan, he named off roads that were needing to be repaired and those that were going to be repaired in the future. Madam Chair DuCharme states that she would like for those to be reflected in the minutes. No further discussion, all Commissioners in favor. **MOTION CARRIED**

**APPROVAL OF APRIL 16<sup>th</sup>, 2018 SPECIAL COMMISSION MEETING MINUTES**

Madam Chair DuCharme asks for a motion to approve the April 16<sup>th</sup>, 2018 Special Commission Meeting Minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the April 16<sup>th</sup>, 2018 Special Commission Meeting Minutes. Commissioner Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

**APPROVAL OF APRIL 25<sup>th</sup>, 2018 MEETING AGENDA**

Madam Chair DuCharme asks for a motion to approve the April 25<sup>th</sup>, 2018 meeting agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the April 25<sup>th</sup>, 2018 meeting agenda. Commissioner Sanchez seconds the motion. 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, 1.) Approval of Checks. **ACTION TAKEN: Commissioner Frost** makes a motion to approve the consent agenda, 1.) Approval of Checks. **Commissioner Sanchez** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

### ***Public Requests:***

At the Discretion of the Commission Chair. For Information only (**No Action Can Be Taken**).  
Comments are limited to three (3) minutes per person on any subject.

**1.) Yvonne Otero, Administrative Assistant Clerks Office-** Ms. Otero informs the Commission that the Clerk's Office is currently in Election mode. It is a busy time of year for the Clerk's office and wants the Commission to be aware that she will be doing a mock election on Thursday April 26<sup>th</sup>, 2018. Ms. Otero understands that the minutes are due by Wednesday following the Commission meeting, but because the Clerk's office is very busy at this time the minutes may not be ready until Thursday afternoon.

### ***ACTION ITEMS\*:***

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

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

### ***\*County Public Relations:***

#### **1.) Torrance County Fire Department**

**Chief Lester Gary** Torrance County Fire Chief would like to give a brief update on where the department is with their recruitment process. There was talk a few months back about doing open houses at the stations for recruitment and opening the stations to the public to help get out applications for volunteers.

We have 6 districts, with the 7<sup>th</sup> District being the Administration Office. Out of that there are 9 different Fire Stations that are funded by the State Fire Protection Fund for all the apparatuses and equipment for the fire fighters. There were some open houses at a few of the fire stations which were advertised in the local newspaper.

**District 4**, when they had their open house they had a total of 37 people show up, had a little hotdog cook out, and from that open house we gave out 4 applications for membership.

**District 6** in Willard, which we acquired in the past couple of years, had about 10-15 people show up. From this open house we had approximately 3 applications handed out.

In the North end from **Districts 2, 3 & 5** we did hand out about 10 applications from their open houses.

Overall the department has brought in 8 new members. With the installation of our different coordinators in the department, the training and EMS coordinators, we are now setting up a new member orientation program. During their probationary period they will be getting their DDC, CPR, physicals and fire training. By the time their 6 month probationary period is over they will be all set to go.

There will be an ad going out in the paper today about the need for volunteers in the Fire Department, so if anyone is interested they can contact our office and get an application.

The Fire Department did do a PR event at the motor cross park in Moriarty. We recently obtained some new EMT's in the department that are state and nationally certified. So we met with the people that run the motor cross and we set it up so that we could take our rescue out with our new EMT's so they could get a glimpse of what it is like at an event. We handed out 3 applications and did get 1 new member out of it.

There are a lot of events coming up within the next few months. One in particular is the MDA Fill the Boot. We take donations for a summer camp for the kids at the Manzano Camp it's about \$40,000.00 per child. At the camp they have a VIP day and several Fire Departments from around the state attend. We have a big day of food, fun, and water fights. Other events that will be coming up are the Torrance County Fair, Junior Deputy Program, Old Timers Parade, Punkin Chunkin, Pinto Bean Fiesta, and the State Fair.

Our open houses and recruitment program have been very active and will continue to be. It is hard on Chief Lester Gary's end because when we get new members we have to provide them with their gear, but with the fire protection fund and the quarter cent fund that helps us get the gear. These open houses and events we are having are getting all the districts to work together and has had great outcomes for all the fire departments and it's going to continue to grow.

**Commissioner Frost** states that we are now in our spring fire season and would like to know what is going on with that.

**Chief Lester Gary** states that he has spoken with a few people from the Mountainair Ranger District and the humidity is really low and it's still a concern for a high fire danger. The Manzano Ranger District, the State Forest Service, and the Cibola Ranger District have all gone to stage 1 fire restrictions, which is open burning in fire pits only and no smoking outside, only in vehicles. Here in Torrance County we are watching and we are getting close to 4<sup>th</sup> of July and we have been getting calls on Fireworks. We will look at this closer next month and see if we need to extend the burn ban into a fireworks ban as well. Chief Lester Gary will confer with the State Fire Marshall on this topic as it does affect businesses that we have in the county that sell fireworks.

**Madam Chair DuCharme** thanks Chief Lester Gary for his wonderful update, and asks where the information for all the events he spoke about will be posted. **Chief Lester Gary** states that when they do PR they will be posted in the newspaper or on social media.

**Madam Chair DuCharme** states that she did attend one of the open houses and the department was very well prepared. She also asks if there is going to be any more open houses.

She encourages the public to attend and show their appreciation for the Fire Departments. **Chief Lester Gary** states that, yes, he plans on doing a spring open house and a fall open house, and also plans on putting together a Junior Fire Fighter Program for those ages 14-18 that are interested in becoming a volunteer Fire Fighter.

**\*Commission Matters:**

**2.) Presentation by Mr. Bob Hudson**

**Madam Chair DuCharme** introduces Mr. Hudson with a brief bio. When she attended the New Mexico Association of Counties meetings in January 2018 Mr. Hudson was the keynote speaker. He spoke in Santa Fe before many employees from all counties around the state. Mr. Hudson is a member of our community but I had no idea that we have such a hero in our community. We decided to invite Mr. Hudson to our Commission meeting for him to share his story with our community. Madam Chair DuCharme would like to read to everyone a little bit about him. Colonel Bob Hanson USAF retired was born in 1947 in Kansas City, Missouri. He joined the United States Air Force in 1970 and one year later earned his pilots wings. His first assignment was to Kincheloe Air Force Base, Michigan, flying the B-52. His second assignment was as a T-39 instructor and flight evaluator at Offutt Air Force Base Nebraska. Next he flew the FB 111 for eight years at Plattsburgh Air Force Base, New York before being assigned to headquarters strategic air command where he was chief of the airborne battle staff and director of the future command control systems division. Colonel Hudson was then moved to be the base Commander of a classified flight test facility and then four years later became the base Commander of Brooks Air Force Base in San Antonio, Texas. His last assignment saw him as the 86<sup>th</sup> airlift wing Inspector General in Rammstein, Germany. After 28 years Colonel Hudson retired to Albuquerque where he now runs the Moriarty Municipal Airport. Among his many awards and decorations are 2 legions of merit, the Distinguished Flying Cross with V device for Valor, the bronze state medal with V device for valor, two purple hearts, and the Prisoner of War Medal. Colonel Hudson had the honor of serving his country during Operation Southern Watch the Cold War in Vietnam where he was unfortunately shot down on December 26, 1972 and spent some time as a guest of the North Vietnamese inside their infamous prison system. He has been married for 50 years to his high school sweetheart and has two children and four grandchildren. "Mr. Hudson we are honored to have you here thank you sir."

**Mr. Bob Hudson** states it is an honor for him to be here because as she said I do work in this County and it is nice to be able to speak to folks that I work side-by-side with. He has three guests here today he has Dan Moran from the state of Aviation Department, Jane Lucero the state Aviation Director, and his boss the Mayor from Moriarty, Mayor Ted Hart to make sure he is not out playing golf and is really doing something, so he is here checking up on me. What he is going to do today is tell a story, it's not a speech is just a story about something that happened to him back in December 1972. You all are probably wondering why he is wearing his flight suit. There are 3 reasons why and the first is when you do tell a military aviation story you wear the cloak so to speak so that it fits the setting, the second reason is that every aviator knows when we have a flight suit on you have to assume everything I say is the absolute truth, and the third reason is if I say something that offends our lord it's Fireproof. Mr. Hudson goes on to explain a few differences in the B-52 airplanes at the time, the B-52 D & H.

Mr. Hudson goes on to tell a story about him begging to be sent to Vietnam. After enough begging they finally sent him. First mission he flew was out of Guam. They were not going into Hanoi. On December 24<sup>th</sup> they landed in Thailand. On December 25<sup>th</sup> they stood down, the reason why is because it was Christmas day and being Americans they were going to celebrate Christmas no matter what. On the 26<sup>th</sup> the plane was to fly out. It was on this day that his plane was shot down, seeing a few of his partners killed and injured, as well as himself having a bad injury to his arm. They were captured by North Vietnamese soldiers and were taken to the so called Hanoi Hilton (a prisoner of war prison). He goes on to explain his experience in the prison cells and how they were able to communicate with other American inmates. He was also filmed during this time when he was supposed to give an interview. A Hungarian news person got ahold of this interview and sent it to a TV station in Fort Worth, TX and that was how his family knew he was still alive. Mr. Hudson goes on to talk more about his experience in this prison. After spending 93 days in captivity, Mr. Hudson was released during Operation Homecoming on March 29, 1973.

**Madam Chair DuCharme** would like to thank Mr. Hudson for sharing his story and on behalf of all those people can't share their stories anymore. We would like to show our appreciation and present you with this certificate of appreciation and if you would please take a picture with the Commission and the County Manager.

**Mr. Bob Ludwig** would also like to present Mr. Hudson with the 50 year Vietnam Pin.

**Madam Chair DuCharme** again thanks Mr. Hudson for telling us his amazing story. We often hear the word veteran and your story shows us what it really means to be a veteran.

### **3.) Proclamation, May 2018 as Motorcycle Awareness Month**

**Madam Chair DuCharme** reads a letter from a Mr. Richard Sturgeon to request that Torrance County make a proclamation to declare May 2018 as Motorcycle Awareness month. The reason for his request is that Torrance County is a big destination ride for many motorcycle enthusiasts. Letter hereto attached.

**Ms. Garland** reads the proclamation declaring May 2018 as Motorcycle Awareness Month. Proclamation hereto attached.

**Madam Chair DuCharme** asks for a motion to approve the Proclamation declaring May 2018 as Motorcycle Awareness month.

**ACTION TAKEN:** **Commissioner Frost** makes a motion to approve the Proclamation declaring May 2018 as Motorcycle Awareness month. **Commissioner Sanchez** seconds the motion. No further discussion, all Commissioners in Favor. **MOTION CARRIED**

### **4.) Proclamation, May 2018 as Fire Preparedness Month**

Martin Lucero Emergency Manager would like to request that the Commission approve a Proclamation declaring May 2018 as Wildfire Awareness Month. Mr. Lucero reads the proclamation. Proclamation hereto attached.

Madam Chair DuCharme asks for a motion to approve to declare May 2018 as Wildfire Awareness Month.

**ACTION TAKEN:** Commissioner Frost makes a motion to approve to declare May 2018 as Wildfire Awareness month. Commissioner Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

## 5.) Update of Opioid Lawsuit

Mr. Dennis Wallin County Attorney states that as you will recall about a month or six weeks ago you gave permission to publish seeking legal assistance in representing Torrance County on the opioid crisis litigation. Mr. Wallin has been in contact with County attorneys throughout the State. The smaller Counties are having some issues with regard to this. Torrance County will be publishing our notice within the next week or two. The smaller counties are getting a lot of response so Mr. Wallin has tried to rework our request for proposals in hopes of getting a proper response so we have a choice. Nationally the opioid litigation is moving forward and I know you all sat in on various seminars at the Association of Counties meetings regarding the crisis. It is important that Torrance County be able to place itself at the bargaining table. We are moving forward with this. I have consulted with the Manager's office on this and you will see the request for legal assistance being published in the next few weeks or so. **DISCUSSION ONLY, NO ACTION TAKEN**

## 6.) Request for Celebration Permit(s) – Michael Lobaugh, Two Guys Making Artisan Cheese:

Aimee Kuckark, event Planner for the Old Windmill Dairy comes forth to request permits for a Mother's Day celebration and a Father's Day celebration at the Old Wind Mill Dairy.

Madam Chair DuCharme asks what the correct name of the business is as she is seeing two names here.

Ms. Kuckark states that it is Two Guys Making Artisan Cheese, d/b/a Old Wind Mill Dairy.

### a.) Mother's Day Celebration, May 12<sup>th</sup>, 2018

Madam Chair DuCharme asks for a motion to approve the Celebration Permit for the Mother's Day Celebration on May 12<sup>th</sup>, 2018.

**ACTION TAKEN:** Commissioner Frost makes a motion to approve the Celebration Permit for the Mother's Day Celebration on May 12<sup>th</sup>, 2018. Commissioner Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

**b.) Father's Day Celebration, June 16<sup>th</sup>, 2018**

Madam Chair DuCharme asks for a motion to approve the Celebration Permit for the Father's Day Celebration on June 16<sup>th</sup>, 2018.

**ACTION TAKEN:** Commissioner Sanchez makes a motion to approve the Celebration Permit for the Father's Day Celebration on June 16<sup>th</sup>, 2018. Commissioner Frost seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

**7.) Request Permission to Attend NM Association of Counties Annual Conference, Socorro, NM**

**c.) Budget Cost(s) Report Presentation by Amanda Tenorio, Finance Director**

Amanda Tenorio states the departments are requesting permission to attend the NMAC Annual conference in Socorro, NM in June 2018. She presents to the commission a list of what was spent per department that attended the winter conference in January in Santa Fe.

Madam Chair DuCharme asks Ms. Tenorio to go over the numbers.

Ms. Tenorio states that the total spent in January was \$14,055.80. The amounts are as follows: Commission-\$882.91, P & Z-\$200.00, Manager-\$2,400.00, Clerk-\$1,969.74, Purchasing-\$175.00, Treasurer-\$1,907.00, Assessor-\$2,904.51, Sheriff-\$623.00, Finance-\$1,955.82, Road-\$445.00, and DWI \$592.00.

Commissioner Frost asks Ms. Tenorio if the funds for this are available in the current budget. Ms. Tenorio responds, yes they are.

Ms. Garland states that every department's budget does support the ability to send their employees to the conference in Socorro in June.

Madam Chair DuCharme asks if this is the amount we should expect to pay in June. Ms. Tenorio replies yes, maybe less, from her experience less employees attend the summer conference.

Madam Chair DuCharme states that the registration is normally \$175.00, but as of right now we are beyond the deadline and it will now cost \$200.00 to register, is that correct? She asks Ms. Garland for her comments on this.

Ms. Garland states that Madam Chair DuCharme requested the breakdown of the cost before sending anyone to the conference. Most of the offices have already registered for the conference, the only office that hasn't is the Manager's office, because they needed to review their budget and see how many people they could send and for how many days.

**d.) Early Registration Open, Request for decision of Commission for Travel and Registration Expenses Countywide**

**ACTION TAKEN:** Commissioner Frost make a motion to approve permission for the County employees to attend the NMAC Conference in June 2018. Commission Sanchez seconds the motion. Commissioner Frost would like to state that these conferences are very important. We meet with other people from other Counties around the state with the same jobs we have and are able to get different views that may help us here. Madam Chair DuCharme states that the total is \$14,055.80 and are planning to spend that much again for June. So does spending \$28,000.00 per year seem like a reasonable cost for us? Ms. Garland states that the beginning of the conference is mainly just classes & training in their job positions. These classes have been very beneficial, they give a lot of useful information for a particular job position. Annette Ortiz Deputy County Manager states that if one or all of the Commissioners are planning to attend they need to get with Lori in the Managers office as soon as possible so that they can get the registration and purchases orders in place. No further discussion, all Commissioner in favor. **MOTION CARRIED**

**8.) Request Permission to Post Open Fair Board Position-Marcie Wallin**

Belinda Garland states that Ms. Wallin was not able to attend the meeting today so she asked if Ms. Garland could present this item for her. Ms. Garland states that at the last commission meeting one of the Fair Board members resigned. There is now a position open on the board. We need to advertise so that we can get in letters of interest to be on the board and get the position filled. Once the Commission approves us to advertise she would like to get from the Commission the exact wording they want on the advertisement.

Commissioner Frost states that they had advertised before, is there a reason to change that advertisement?

Ms. Garland states that at the last commission meeting there was some discussion on the exact wording for them to be at the meeting for the interview by the Commission panel. We would like to know exactly how you would like that worded, and if you do want them to attend the meeting to be interviewed.

Madam Chair DuCharme states that she would like to see the word “expected” to be changed to “required” and to have a follow-up with the applicants explaining to them that if they want to be considered they have to be here for the interview. Ms. Garland asks if this is the way the Commission would like it to read for all positions. Madam Chair DuCharme replies, yes.

Commission Frost states that if it’s good for one it should be good for all. It needs to be consistent as to avoid any problems in the future.

Madam Chair DuCharme states that she would like to see some kind of procedure that every application will be stamped with the date it was received. Also you need to make sure no application is missed. Ms. Garland states that this procedure is already in place in her office.



**Madam Chair DuCharme** asks for a motion to advertise the open fair board position and if the advertisement will be posted as a main position or an alternate position. **Ms. Garland** states that she is not sure if it is an alternate position or a main position. She will speak with Ms. Wallin to get the specifics on the position so that it is advertised correctly.

**ACTION TAKEN:** **Commissioner Sanchez** makes a motion to approve to advertise for the open fair board position. **Commissioner Frost** seconds the motion.

**Commissioner Frost** would like to know if the motion includes the word “expected.” **Ms. Garland** states that it is more a directive for the staff so they will take care of that.

**Mr. Johnny Romero** states that the reason he was not able to attend the last meeting is because of a medical condition. The Commission needs to make an exception for certain circumstances. There may be times that an individual may not be able to attend, and this person may be a good person for the position. They should not be disqualified because they don’t attend the meeting, they may have a good reason for not being able to attend, and the commission should account for that.

**Annette Ortiz** Deputy County Manager states that the current advertisement reads that the applicants are to be “expected” at the Commission meeting for an interview and possible board appointment. Her question is, are we requesting letters of interest? Are we requesting letters of qualification? If the applicants are going to be interviewed, will there be a set of questions they will be asked? In some instances people show up and you ask them no questions, and others you ask them several questions. So to be fair and equitable, are we asking for letters of qualification and are there going to be set interview questions.

**Commissioner Frost** states that it is important that we are consistent. We cannot do one thing for one board this week and then turn around and do another for the next board appointment. We need a set of rules and make it all the same. We do have a motion on the floor and we could amend that motion. He does understand that there are certain things, such as medical issues, that may prevent a person from being able to attend the meeting.

**Mr. Wallin** states that they have a couple of options. You can vote on the motion and then amend it and propose how you want it to read or you can rescind the motion and then make a completely new motion.

**Commissioner Frost** would like to propose that the wording on the advertisement should read that they are expected but not required to be present at the interview for all board positions.

**Madam Chair DuCharme** asks Commissioner Sanchez if he has any comments on this.

**Commissioner Sanchez** states that he is willing to support whatever is decided upon. In his personal opinion we do not need to rule ourselves into a corner. We should leave it as open as possible so that we do not limit ourselves nor the community. The proper way to go about this is to leave the word “expected,” leave the wording as it is and if the people want to submit a resume they can and attach it to their letter. Just leave the wording as it is. Last time there was

an assumption/expectation that we would require the applicants to be at the meeting, it was problematic. Let's not change anything and just leave it as it was.

Michael Godey states that another possibility is to state that you are required to attend but if for any reason you cannot attend then provide a reason as to why you cannot be present.

Madam Chair DuCharme states that she likes flexibility and that is all up to the Commissioners. We do know a lot of people from the community but at times we may not know the person that is applying for the board position. If a person does not attend the interview it makes it difficult to make a choice.

**ACTION TAKEN:** Commissioner Frost would like make a motion propose to amend the motion to read that we recommend the applicants attend the interview and attendance is not required.

Madam Chair DuCharme tells Commissioner Frost that it contradicts and tells people that they don't have to show up. We should keep the word "recommend" and leave out the wording of "not required." As it stands we have an amended motion on the floor. Is there a second to this motion? **NO SECOND, MOTION DIES.**

Madam Chair DuCharme asks Mr. Wallin what motion is now on the table.

Mr. Wallin states that this motion died due to a lack of a second, therefore we go back to the original motion that was presented, so if you want to you can ask for a vote on the original motion.

Commissioner Sanchez states that we have two options, we can leave the wording as it was to begin with or change the wording with an amendment, make a motion and call for a vote.

Madam Chair DuCharme states that there is a motion and a second. No further discussion, all Commissioners in favor. Commissioner Frost would like to make a further motion that we do print on the request and the advertisement that they are expected but not required to attend the interview. Madam Chair DuCharme states that this is a contradiction and asks for a second on Commissioner Frost's additional motion. **NO SECOND, MOTION DIES.** Madam Chair DuCharme would like to add that it be stated on the advertisement the appearance of the applicant be highly encouraged, or in some form similar to this. **MOTION CARRIED ON ORIGINAL MOTION.**

Michael Godey states that the word recommended would cover what is trying to be said and leaves open the ability to choose someone that is not present.

Annette Ortiz asks if the applicants are going to be interviewed. If you are requiring an interview, are you requiring the applicants to attend or not?

Madam Chair DuCharme states that we need to know the candidates so we need to interview them.

Annette Ortiz replies, so are you requiring that they be here or available possibly by phone. We need that clarification for anyone that is going to be appointed to a board. Are they required to be here and are they required to be interviewed and can it be done in person or by phone.

Commissioner Sanchez states that we just need to leave it as. If we chose to interview, we interview, if we appoint someone that is not here we can do so or vice versa.

Madam Chair DuCharme asks Ms. Garland how this will be advertised.

Ms. Garland states that it will be advertised as it was before in the newspaper as well as on the county website and the radio station and the county Facebook page.

## **9.) Transportation Committee Discussion**

**a.) Consideration of Forming a Transportation Committee**

**b.) Directive(s) to County Manager.**

Commissioner Sanchez states that he would like for this item to be tabled until the next meeting as he is not completely prepared to present at this time.

**ACTION TAKEN:** Commissioner Sanchez makes a motion to table agenda item #9 Transportation Committee discussion until the next commission meeting. Madam Chair DuCharme seconds the motion. Mr. Fred Sanchez, Torrance County Resident would like to state that he is against forming another Committee. There is no need for another committee, with all due respect, we have enough bureaucracy as it is. Madam Chair DuCharme tells Mr. Sanchez to give us a chance. No further discussion, all Commissioners in favor. **MOTION CARRIED**

### **\*Department Requests/Reports:**

## **10.) Updates: a.) Various County Departments, d.) Commission**

### **a.) Various County Departments**

Annette Ortiz, Deputy County Manager-states that today is Administrative Professionals Day and we here at Torrance County recognize our success is all part of the hard work and dedication of the employees. We would like to extend our deepest appreciation to all of the efforts by all of the County employees and the commitment to Torrance County that is exemplified by our employees. Madam Chair DuCharme states that is also a good idea to place the signs upfront thanking the employees. Thank you for that.

Betty Cabber, Torrance County Assessor states that the protest period for the 2018 tax assessments have come to an end. They have quite a few protest with property owners and will try to settle them informally. If they cannot reach an agreement then the official protest board will meet in August. The office is also currently in the process of reassessing the City of Moriarty. She would like to commend Mr. Nick Sedillo, Chief Appraiser, Bill Holt Certified

Appraiser, Steve Sasnow Certified Appraiser, & Crystal Garcia who has one more class to finish to become a Certified Appraiser, all have been working very hard and have done a great job. This summer our office will also be upgrading the software system that we use. Ms. Cabber also gives a brief update on her most recent Board of Directors meeting, they talked a lot about next year's legislative session and what is to be expected. The session will be 60 days and will have a lot of new legislation being presented: from the legalization of marijuana, to GRT Reform, to Economic Development issues. On the Economic Development issues there is talk of an abatement to property taxes to try and encourage businesses to develop in certain areas. What that is, is they will let the business come in and allow them to pay the vacant land property tax for about 10 or more years. Another big thing that will be talked about is the amendment to the Constitution dealing with bond issues. Who will have to pay and is released without bond etc.

**Madam Chair DuCharme** tells Ms. Cabber that she was very passionate about the Civics Program and she looked at the website and it is a bi-partisan group. Where would she like to go with this? **Ms. Cabber** states that she needs to talk to the schools and talk to a few people at the Association of Counties. She will get a presentation together and present it at the next meeting.

**Martin Lucero** Emergency Manager states that he is working with the Extension Office, the Fire Department and a few other agencies to put on a public Fire Awareness Seminar. As soon as he gets some dates he will let everyone know, he hopes to have them by the next commission meeting. This seminar is geared toward public awareness and will discuss defensible space, evacuation, and so forth. Once we have more information we will get it going full force.

#### **d.) Commission**

**Commissioner Frost** would like to thank Betty Cabber for representing us on the Association of Counties Board of Directors. She does a great job of keeping us informed of what is going on. He also attended the sexual harassment training. It was a good training and would like to thank Mr. James Chavez from the New Mexico Association of Counties for coming down and teaching the classes. **Ms. Garland** states that there were 4 employees that were not able to attend. This training is required and they can do an online training so that we have record of them attending the training.

**Madam Chair DuCharme** states that she did attend one of the open houses that the fire departments hosted. She would like to reiterate that TCFD needs volunteers. Please, if anyone is interested apply to be a volunteer.

#### **11.) Ratification of CYFD Agreement No. 17-690-20139-2-Anna Martinez, DV Coordinator**

**Anna Martinez** would like to request the ratification agreement with CYFD.

**ACTION TAKEN:** **Commissioner Sanchez** makes a motion to approve Ratification of CYFD Agreement No. 17-690-20139-2. **Ms. Garland** states that it has been reviewed by legal

counsel and the grants committee. **Commissioner Frost** seconds the motion. **Madam Chair DuCharme** asks for Ms. Martinez to go thru what the agreement is for and what the fees are. **Ms. Martinez** states that this is for the 4 years that we did not receive this grant, CYFD has given us \$20,000.00, and this is an agreement that we have to sign with them every year for 4 years and this is the 3<sup>rd</sup> year of this agreement. The only change from last year is that they have added the line item adjustments that will be at the discretion of the Community Services Bureau Chief. No further discussion, all Commissioner in favor. **MOTION CARRIED**

## **12.) FY 2018-2019 Fire Protection Fund-Lester Gary, Fire Chief**

**Chief Lester Gary** states that there are 7 different applications placed before the Commission for the FY2019 Fire Protection Fund. The minimum amount per district is the same as last years. You will notice that he is anticipating a rollover of funds in each district, the rollover amounts will vary per district. The reason that there is a larger amount to the current balance in the fire department is because of the shortfall in the Fire Protection fund and we we rolled over an exuberant amount of money.

**Madam Chair DuCharme** asks for a motion to approve FY 2018-2019 Fire Protection Fund Distribution. **ACTION TAKEN: Commissioner Frost** makes as motion to approve FY 2018-2019 Fire Fund Distribution. **Commissioner Sanchez** seconds the motion. **Commissioner Frost** states that this says for a budgeted amount and states that Chief Lester Gary is not asking for an increase, is that correct? **Chief Lester Gary** states that this is in the budget and the money comes through the PRC from the state Fire Marshalls Office. **Madam Chair DuCharme** asks if this is a report to the Fire Marshall. **Chief Lester Gary** replies yes, once this is signed by the commission he will hand carry it and turn it into the State Fire Marshalls Office. This money will be disbursed sometime in August. **Madam Chair DuCharme** states she is under the impression that we already have this money if he could please clarify this. **Chief Lester Gary** replies, yes, we already have this money, it is money that comes in annually. These are the applications so that we can say yes, we do want to accept your funding. No further discussion, all Commissioners in favor. **MOTION CARRIED**

## **13.) Renewal of Triadic Contract-Noah Sedillo, Chief Procurement Office**

**Noah Sedillo** stated that this is a contract that was presented to you at a previous meeting. However, we had to bring this back to you because we had not completed our sole source. We have since completed our sole source, we had no protest, nothing has changed to the contract, and we can now move forward. This is the software that is used by a majority of offices in the county that stores data and runs checks and payroll. The monthly fee went up \$50.00 and this was because we needed to add more licenses to the contract so that the server can handle more users. The monthly fee that we will be paying will be \$3,944.53 for the next 5 years.

**Madam Chair DuCharme** asks if it is beneficial to have a longer contract so that it freezes the amount of money we have to pay per month without any increase, is that correct? **Mr. Sedillo** replies, yes, and also because if we would look into changing software with another proprietary company it would cost the county a whole lot of money because we would have to change out the whole entire system. **Mr. Sedillo** stated that he spoke with a few other people and if we would want to change software we are looking at a base line of about \$250,000.00 just to redo

the system, if not more depending on the software being obtained and what the company would charge. **Madam Chair DuCharme** asks if Triadic is guaranteeing this price for the next 5 years. **Mr. Sedillo** replies, yes it is guaranteed. If there are any issues that arise you can turn to page 3 of the contract and it gives you a breakdown of the fees that will be charged should they need to come out to fix any technical issues we may be having.

**Commissioner Frost** asks Mr. Sedillo how many years the county has been with Triadic. **Mr. Sedillo** replies that he does not know as he has not been here very long. The reply from a few employees is that it has been well over 15 years.

**ACTION TAKEN:** **Commissioner Sanchez** makes a motion to approve the Triadic Contract. **Commissioner Frost** seconds the motion. **Madam Chair DuCharme** asks Mr. Sedillo that this was sole sourced, what was the reason for this and is this allowed. **Mr. Sedillo** replies that because it is a proprietary software, you cannot go out and get from any software company, for what Triadic has to offer at this price. We would have to start from scratch and incur a heavy cost and this is what makes it a sole source and this is what allows us to do this. No further discussion, all Commissioner in Favor. **MOTION CARRIED.**

#### **14.) FY 18 Audit Contract Approval for Hinkle & Landers, PC-Noah Sedillo, Chief Procurement Officer**

**Noah Sedillo** states that before the commission is a letter from the State Auditor's office saying that they approve the request and contract for Hinkle & Landers, PC to conduct the Fiscal year 2018 annual audit. We are currently in our 2nd year of our multi-year contract and this approves the 3<sup>rd</sup> and final year with Hinkle & Landers, PC. We currently wrapped up our audit and are waiting to get the final draft from them. They have been beneficial to us, this company is also on the Honor Roll with the state, and it would be valuable to keep them with us for the final year. If the commission would turn to the next page that is the Audit contract provided to use by the Office of the State Auditor. We are asking for the commission to approve the contract.

**Ms. Garland** states that this company has been approved by the State Auditor's office, which is a requirement by them.

**Madam Chair DuCharme** asks for a motion to approve the FY18 Audit Contract for Hinkle & Landers, PC.

**ACTION TAKEN:** **Commissioner Sanchez** makes a motion to approve the FY18 Audit Contract to Hinkle & Landers, PC. **Commissioner Frost** seconds the motion. No further discussion, all Commissioner in favor. **MOTION CARRIED**

#### **15.) Resolution 2018-21 Line Item Transfer(s)-Amanda Tenorio, Finance Director**

**Amanda Tenorio** Finance Director states that County Departments are requesting line item transfers within their budgeted funds in the FY2017-18 Budget. The line items require authorization from the Commission, therefore Ms. Tenorio is requesting authorization. **Madam Chair DuCharme Commissioner** ask for a motion to approve Resolution 2018-21 Line Item

Transfer(s). **ACTION TAKEN:** Commissioner Frost makes a motion to approve Resolution 2018-21 Line Item Transfer(s). Commissioner Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

**16.) Resolution 2018-22 Budget Increase-Amanda Tenorio, Finance Director**

Amanda Tenorio Finance Director states that she is requesting approval for Resolution 2018-22 Budget Increase. The reason for the request is because we did receive more funding than what was budgeted. Madam Chair DuCharme asks for a motion to approve Resolution 2018-22 Budget Increase.

**ACTION TAKEN:** Commissioner Frost makes a motion to approve Resolution 2018-22 Budget Increase. Commissioner Sanchez seconds the motion. No further Discussion, all Commissioners in favor. **MOTION CARRIED**

**17.) Resolution 2018-23 Cash Transfer(s) & Line Item Transfer(s) Between Funds-Amanda Tenorio, Finance Director**

Amanda Tenorio states that the commission's approval is requested for Resolution 2018-23 Cash Transfers & Line Item Transfers between Funds. These cash transfers are necessary as per our new submission guidelines from DFA. We will be submitting our FY2018-19 Budget to the Local Government Budget Management System or LGBMS. DFA will start monitoring our line items with this new LGBMS system. One of their requirements is that any adjusted ending cash balances of any fund cannot be in the negative, including funds that are waiting grant reimbursements. LGBMS will flag this as an error. Most of these transfers are grants that are awaiting reimbursement. Wind PILT funds will be reimbursed once the grant is closed in its entirety.

Madam Chair DuCharme asks Ms. Tenorio that once the grant is paid then will the money then go back in to the wind PILT fund, is that correct? Ms. Tenorio replies, yes, that is correct.

Madam Chair DuCharme asks Ms. Tenorio if she would please read off the transfers for this resolution.

Ms. Tenorio states all transfers are coming from the 641 Wind PILT fund, the first is to the 605 DWI Grant in the amount of \$36,000.00, the 628 Raid Grant in the amount of \$15,000.00, the 629 HV Grant in the amount of \$55,000.00, the 635 JV Grant in the amount of \$60,000.00, the 690 DV Grant in the amount of \$10,000.00, the 802 JLEO Grant in the amount of \$15,000.00, 803 Legislative Appropriations in the amount of \$33,360.00, 805 Traffic Safety in the amount of \$6,000.00, 808 Forest Patrol in the amount of \$6,000.00, 834 Dog Head Fire in the amount of \$104,401.00 (which is not a grant), 420 Jail Fund in the amount of \$400,000.00 (not a grant), and 685 P&Z Court Fee's in the amount of \$3,100.00 (not a grant). We hope that this will be a onetime transfer we should be ok for the next couple of years with the grants and not be needing to transfer every fiscal year.

Madam Chair DuCharme asks Mr. Wallin if these transfers between funds are allowed.

**Mr. Wallin** replies, yes, they are fairly common.

**Madam Chair DuCharme** states that if we transfer money to the Dog Head Fire and we are not reimbursed, what will happen with that money? **Mr. Wallin** states that we will continue to seek money from the proper authorities but cannot guarantee what the federal government will do.

**Madam Chair DuCharme** asks if we can lock this money into that fund and not be allowed to use it in the future. **Commissioner Sanchez** states that in order to meet the requirements from the state we cannot go into the next budget cycle with a negative balance. We need to bring them up to what their value is, and in order to do this we have to use the PILT fund. Once we get into the new budget, at that point we can move the funds back immediately. When we do so, we then enter the budget with a negative balance. **Mr. Wallin** replies, yes, unless you have funds from another source such as the general fund to cover the amount or the grants get reimbursed. **Commissioner Sanchez** states in the issues of the Dog Head Fire, that happened several years ago, who knows when we will get reimbursed from that. So we lock up funds from the PILT and it just sits there not doing anything and we don't want to do that. **Mr. Wallin** states that the money to cover this has to come from somewhere, and if you don't want to lock up the PILT funds then it would have to come from the General Fund or from other proceeds.

**Ms. Tenorio** states that we have to be compliant with DFA. These are recommendations from DFA. Right now the Dog Head Fire is in a negative balance so we have to cover those funds starting with the new budget.

**Ms. Garland** states that once we move the \$104,401.00 to cover the Dog Head Fire we cannot move that money back until we get the reimbursement. With the new DFA requirements we cannot put that fund back into a negative balance. You cannot make any line item a negative balance, even the departments will not be able to expend out of a line item until they transfer funds to cover the amount needed. We have no choice, DFA will not approve our budget if it has negative balances.

**Madam Chair DuCharme** states that the Dog Head Fire happened in June of 2016, why have we not been reimbursed from that? **Ms. Garland** states that Mr. Lucero our Emergency Manager is working on this. Ms. Garland received an email on this today but has yet to read it. There has been arguments back and forth on some issues, and we are hoping that we will get reimbursed a large majority of it, but not sure of how much and the sum that is left is what we have to cover. **Madam Chair DuCharme** asks if that amount is left, will it stay in the fund forever. **Ms. Garland** states that once we get the final amounts it will most likely not be reimbursable and we will have to write it off and move forward, meaning we will have to cover the funds and it will be a loss. Whatever money we are reimbursed from the federal government will be put back into the PILT Fund, but whatever is left will be covered by the County and that portion will never go back into the PILT and we will close out that line item. **Madam Chair DuCharme** states that we have no choice but to approve this. **Ms. Garland** states that our budget will not be approved with anything in the negative that is the new rule. If we have no budget we cannot operate.



**Madam Chair DuCharme** asks for a motion to approve Resolution 2018-23 Cash Transfers & Line Item Transfers Between Funds.

**ACTION TAKEN:** **Commissioner Frost** makes a motion to approve Resolution 2018-23 Cash Transfers & Line Item Transfers Between Funds. **Madam Chair DuCharme** seconds the motion. No further discussion, **Madam Chair DuCharme & Commissioner Frost** in favor, **Commissioner Sanchez** opposed. **MOTION CARRIED.**

**18.) Approval on Grant Amendment #1 to CYFD & Torrance County Home Visiting, Agreement #18-690-20890-Annette Ortiz, Deputy County Manager**

**Annette Ortiz** Deputy County Manager, states that we have a more active role with the Home Visiting program as we do not have a Manager in this position. Interviews have been held for the Home Visiting Manager position and reference checks are being conducted at this time. We do now that for quite some time now the CYFD department overseeing this grant has made comments about budgets being cut and changes being made or not made. This agreement has been created by them and they have cut the grant amount for 2018 by \$32,818.00. The Grant Committee has reviewed it, the amendment changes from the total amount of \$111,000.00 to \$78,182.00 for FY18. We will have to sit down with finance and look at the numbers to make sure that we have enough room within the grant to cover the new hire. We should have enough money since we have not hired 2 other positions within that grant for home visiting.

Ms. Ortiz states that she attended the quarterly meeting for Home Visiting and it was nice to get hands on experience for the grant. She was able to see what they do and what other counties are doing with this program. We were able to make new contacts and hopefully get referrals from the surrounding counties. This is a great program and we do need to get positions filled as per state requirements. .

**ACTION TAKEN:** **Commissioner Sanchez** makes a motion to approve Grant Amendment #1 to CYFD & Torrance County Home Visiting, Agreement #18-690-20890. **Commissioner Frost** seconds the motion. **Ms. Ortiz** would like to say thank you to Julianita Aragon who is the current home visitor. She was a very big help in assisting me in keeping the program running and doing the home visits. She is awesome at what she does. **Madam Chair DuCharme** ask Ms. Ortiz if all of the expenses are to be covered by this grant, or is there a certain amount that would need to be covered by the county. **Ms. Ortiz** states as of right now all of the expenses will be paid by the grant. There are in-kind but none that require funding. No further discussion, all Commissioners in favor. **MOTION CARRIED**

**\*County Manager Request/Reports:**

**19.) Update**

**Belinda Garland** Torrance County Manager presents her update to the commission. On Friday April 13<sup>th</sup> she met with Dana from Ambitions to work on the backup batteries for the servers and also worked on the computer that controls the locks on the doors. On April 16<sup>th</sup> she and Madam Chair DuCharme viewed some county roads. On April 18<sup>th</sup> Ms. Garland attended the Sexual Harassment Training, on that same day she met with Tracey Master, Noah Sedillo, and

Amanda Tenorio about the spending of the Drug Education Fund. Ms. Garland received information from Judge Page and will be doing a follow up on that. It is Ms. Garlands understanding that we control about \$18,000.00 of the fund but no new funds are being added to it. Also on this same day Ms. Garland attended the Investment Committee meeting. In attendance were the Treasurer and Deputy Treasure from Santa Fe County. They gave us some information on investing public funds. The committee will meet at a later time to discuss investment of county funds.

Ms. Garland has also been working with Kristin on new County Policies. She has been working with Amanda on getting with each department head to discuss their budgets, working with Mr. Wallin on some legal matters, and also with Kristin on some personnel matters. Ms. Garland would also like to extend her thank you to all of the Administrative Professionals out there who assist the county, without them the offices would not function. To everyone else in the county thank you for all the hard work you all do every day. **Madam Chair DuCharme** thanks Ms. Garland for being a great role model to us all. **UPDATE ONLY, NO ACTION TAKEN**

### **EXECUTIVE SESSION**

*As Per Motion and Roll Call Vote, Pursuant to New Mexico State Section 10-15-1 H (7) the Following Matters will be discussed in Closed Session:* Attorney-Client privilege pertaining to threatened and pending litigation in which the public body is or may become participant, specifically related to the Estancia Valley Solid Waste Authority contract with Torrance County.

**ACTION TAKEN:** **Madam Chair DuCharme** makes a motion to enter into Executive Session. **Commissioner Frost** seconds the motion. **Roll Call Vote: District 1-YES, District 2-Yes, District 3-Yes.** No further discussion, all Commissioners in favor. **MOTION CARRIED**

**ENTERERED IN TO EXECUTIVE SESSION AT 12:42 PM**

### **\*Reconvene From Executive Session**

**Madam Chair DuCharme** asks for a motion to reconvene from Executive Session. **ACTION TAKEN:** **Commissioner Frost** makes a motion to reconvene from Executive Session. **Commissioner Sanchez** seconds the motion. All Commissioners in favor. **MOTION CARRIED.**

**RECONVENED FROM EXECUTIVE SESSION AT 2:51 PM**

*Pursuant to Open Meetings Act, Section 10-15-1 H (7), Commission Report from Closed Meeting: Consider and Act upon, if necessary Litigation related to;*

Attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant, specifically related to Estancia Valley Solid Waste Authority contract with Torrance County

**Madam Chair DuCharme** states that no action was taken during Executive Session. She would like to apologize to Mr. Sanchez and Mr. Romero for waiting so long. The Commission has no information for them as they cannot discuss with the public what was discussed in Executive Session.

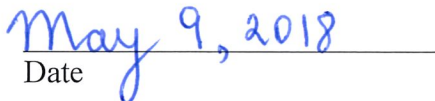
**ADJOURNMENT**

**Madam Chair DuCharme** asks for a motion to adjourn the April 25<sup>th</sup>, 2018 Regular Commission Meeting. **ACTION TAKEN: Commissioner Sanchez** makes a motion to adjourn the April 25<sup>th</sup>, 2018 Regular Commission Meeting. **Commissioner Frost** second the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED,**

**MEETING ADJOURNED AT 2:52 pm**

  
\_\_\_\_\_  
Madam Chair DuCharme

  
\_\_\_\_\_  
Yvonne Otero-Administrative Assistant

  
\_\_\_\_\_  
Date

**The video of this meeting can be viewed in its entirety on the Torrance County NM website, Audio discs of this meeting can be purchased in the Torrance County Clerk's office and the audio of this meeting will be aired on our local radio station KXNM.**