

**FINAL COPY  
TORRANCE COUNTY BOARD OF COMMISSIONERS  
REGULAR COMMISSION MEETING  
MAY 9th, 2018**

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

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

**CALL MEETING TO ORDER**

Madam Chair DuCharme calls the May 9<sup>th</sup>, 2018 Regular Commission Meeting to order at 9:07 A.M.

**Pledge lead by Mr. Richard**

**Invocation lead by Mr. Harold Crass**

**APPROVAL OF THE APRIL 25<sup>th</sup>, 2018 REGULAR COMMISSION MEETING MINUTES**

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

**APPROVAL OF THE MAY 9<sup>th</sup>, 2018 MEETING AGENDA**

Madam Chair DuCharme asks for a motion to approve the May 9<sup>th</sup>, 2018 meeting agenda. **ACTION TAKEN: Commissioner Frost** makes a motion to approve the May 9<sup>th</sup> 2018 meeting agenda. Commissioner Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

**APPROVAL OF CONSENT AGENDA**

**1.) Approval of Checks**

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

**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.

**\*Public Relations:**

**1.) Presentation: The Value of Right to Work for Torrance County – Carla Sonntag, President, New Mexico Business Coalition**

Ms. Sonntag gives a brief presentation on Right to Work Program. This program is not pro-employee and in no way does it want to do away with unions. This is merely giving employees an option. There are currently 2 counties that are RTW and they are Sandoval and Otero County, and two that are about to vote to become RTW and those are Lincoln and Chavez County. When major companies are looking for places to have a business they will look at states or counties that are RTW. If they are not then they will take their business to an area that will. Torrance County as lots of empty land and would be the perfect county to being in large corporations. Ms. Sonntag states that when Kentucky became an RTW state, within the first year they had 9 billion dollars in corporate investments.

**Commissioner Frost** states this was brought up in this year's legislative session but failed in the House and the Senate. Commissioner Frost states that 65% of people surveyed in NM are in support of RTW. It's a good way to bring new business into the state.

**Commissioner Sanchez** states that what may have spurred the need for RTW is seeing other states gain. With Kentucky they saw a neighboring state excel so they saw the need to move forward and become an RTW state. They saw a need to make themselves more attractive to those that are looking at RTW counties or states.

**Burly Cain**, state director of Americans for Prosperity. Mr. Cain states that companies are looking to move out of high tax states. These companies will look at states that are RTW before they look at any other states. The commission has the authority to pass this and give employees new opportunities. Once passed there is no risk to the county, our company takes care of it all. If the union decides to sue the county, although not likely, the county is protected by our company, we handle it all.

**Fred Sanchez**, Torrance County Resident states the RTW is an attack on unions and gives his reasons as to why unions are better than RTW. He suggests that before you make any decision you should hear from a union representative so that you can have both sides of the story.

**Sylvia Bokor** states that RTW is no more or no less. This is merely giving people the right to join a union or not. Torrance County has lots of land and people. People would like to stay here and not have to move just to get a better job. All RTW will do is give the people the right to choose.

**Michael Godey** gives his opinion on RTW and what it leans towards.

**Johnny Romero** asks how long Otero and Sandoval County have been part of RTW. Speak to them and see if this program has helped. Mr. Romero has lived in this county for over 40 years and his goal for this county is to bring in more jobs so that our residents can stay here. Whatever it takes to bring in more jobs to our county you should take a look at it.

**Charles Ring**, former council member with the city of Edgewood. During his tenure as council member the Edgewood police department decided to enter the union. Only 3 officers joined, the rest did not. Even though the others did not want to join the union, they were still forced to pay dues. After 3 months, they decertified and left the union. RTW is giving a choice to a worker, this is not forcing anyone into anything, it's not hurting the unions, nor is it excluding anyone. In Mr. Rings opinion if you pass this it won't hurt anything or anyone, it may do some good.

**Jason Valancourt** New Mexico resident, states that it hurts him that New Mexico continually ranks last in so many areas, especially when it comes to economic development. Mr. Valancourt reads an article from a union representative Jerry Castille who is the Secretary Treasure for the united auto workers. Mr. Castille states that RTW isn't out to hurt anyone. RTW creates a competition for unions. Our group is asking Torrance County to approve this and give the people a choice, not to destroy anyone.

There is some banter back and forth concerning unions and RTW.

**Betty Cabber** states there are specific reasons as to why google left and it had nothing to do with the problems of alcohol and drug addiction of county residents.

**Tracey Master** DWI director screens all of the DWI offenders. Ms. Master states that about 40% of them are unemployed or under employed. If there is an opportunity to bring in work then the county should look at it.

There is more discussion back and forth on how RTW will help or not help Torrance County.

**Mr. Marco Benales** gives information concerning the Coke Brothers and advises the commission to do their homework before making any decisions.

**Burly Cain** states that the AFP is a non-profit organization and yes the Coke brothers are one of the biggest donors, but AFP has tons of people that donate money.

**Madam Chair DuCharme** asks Ms. Sonntag to address the myth that workers won't have protection if they don't join the union.

**Carla Sonntag** states that there are federal and state laws in place regarding safety of employees. There are times we hear that if a person does not join a union they are not protected. That is not true. If you look at states that are and are not you will see that everyone has the same coverage when it comes to employee safety. RTW has nothing to do with monopolies. What you see nationwide is that some business are merging and others are going out of business, it's an economic issues that takes place all over the US. RTW does not impact this at all. When a monopoly arises the government comes in and they regulate that.

**Commissioner Frost** states that this a good group of people, it was a great suggestion for the commission to do their homework. We do owe it to our residents to listen to all they have to say. We welcome any input from the public, and as of right now he is not ready to make a decision on this until he has more information.

**Dennis Wallin** states that this is a presentation only and not an action item. If the commission was ready to make a decision on this they can't until it's placed in the agenda as an action item.

**Commissioner Sanchez** and **Commissioner Frost** thank Ms. Sonntag and those involved for presenting to them today.

**Madam Chair DuCharme** states that any interest in moving forward with this needs to be placed on the agenda for them to act upon. She would like to invite the community, union reps, and legislatures to get everyone's input. She asks if the commissioners have any interest in bringing this back to be discussed as an action item.

**Commissioner Frost** states that we should contact the people mentioned, and once we have enough information, schedule it to be placed back on the agenda.

**Madam Chair DuCharme** states that she feels she has enough information, but would like to hear from everyone else and then move forward. **NO ACTION TAKEN. DISCUSSION ONLY**

**2.) Updates:**

**a.) Various County Departments b.) Commission d.) Other Boards or Land Grants (upon request)**

**a.) Various County Departments.**

**1.) Linda Jaramillo**, Torrance County Clerk, would like to give her update on the Primary Election. In Person and Absentee is under way in the Sheriff's Department offices. Anyone wishing to vote early, can do so now. There is parking available in the rear of the building so that the voters are closer to the office. The hours of operation are Monday through Thursday from 7:30 am to 5:30 pm, one Friday which will be June 1, 2018 from 7:30 am to 5:30 pm, and Saturday June 2, 2018 from 10:00 am to 6:00 pm. The ladies in the election office are doing a great job. If anyone is wanting to vote absentee there are a few options to choose from to receive a ballot. You can call our office and we will send you an application, you can come into our office and complete the application, or you can go to [NMVote.org](http://NMVote.org) and there is a link on the page that will direct you to the application, fill out the application, it will then be sent to us, we will process that application and then send you the ballot.

Voter Registration closed yesterday May 8<sup>th</sup>, 2018 but we can receive walk in registrations that have a date of May 8<sup>th</sup> or prior up thru Thursday May 10, 2018, any registration received by our office with a post marked date of May 8<sup>th</sup>, 2018 or prior.

As a reminder, there is no campaigning allowed within 100 feet of the perimeter of this building. That includes any candidate, any person coming into vote, customers handling regular business, and county employees.

The Alternate Voting Site will open on May 19<sup>th</sup>, 2018 at 10:00 am. That site is located at the Moriarty Civic Center and the hours of operation will be Tuesday through Saturday from 10:00 am to 6:00 pm, and the last day will be on Saturday June 2, 2018 from 10:00 am to 6:00 pm. **Ms. Jaramillo** states that she would like to encourage everyone to get out and vote, your vote does count and there are so many opportunities for everyone to be able to vote. It takes a lot of work to get everything done for everyone to voice their opinion.

2.) **Dorothy Rivera**, 911 Director would like to state that dispatch is finally fully staffed thanks to Belinda. Her recent hire completed the academy and we are ecstatic about that.

3.) **Martin Lucero**, Emergency Manager, would like to announce to the Commissioners and the public that next week the Office of Emergency Management, Extension Office, Fire Department, Red Cross, and the CERT team will be conducting a Wildfire Clinic to help the community be prepared for the upcoming fire season. We would like to ask that anyone interested stop by the commission room to learn about various prevention methods for wildfire. The dates will be May 16<sup>th</sup> and 17<sup>th</sup>, 2018 from 8:00 am to 12:00 pm each day. All information pertaining to this and the topics that will be discussed are posted on the offices Facebook site and will be posted on the public website as well.

4.) **Leonard Lujan**, Road Superintendent, states that they have completed 3 more miles of projects. The department is currently working on Howell Road and should be done with it by the end of the week or the middle of next week, and they will move on to begin work on Ice Plant Road. The department is currently working on patching, our patch came in 7:30 am on Monday, and began working on Martinez road. We are trying to get as much done as we can now that the roads are dry due to lack of moisture. The reclaimer finally came in on Monday and we are waiting for them to come in to do a walk around on it so that we can start to use it. We also picked up our water truck on Monday at noon and we will begin using that at the beginning of the week.

## **B.) Commission**

1.) **Madam Chair DuCharme** states that this week is Teacher Appreciation Week. It is another opportunity to acknowledge our teachers and say thank you to those who make a difference in our lives. We have many talented, committed, and true professionals and she would to say thank you.

## **D.) Other Boards or Land Grants**

1.) **Andy Miller**, Manager, EVSWA wanted to follow up on Mr. Lucero's update on the Wildfire clinic. The solid waste authority has a 6,000 gallon water tanker that would be available to the county if they would need it in case of an emergency. The Emergency Manager or emergency outfits can contact the authority and they will volunteer that tanker if it is needed.

**\*Public Hearing:**

As part of our efforts to keep residents, business owners, and other members of the public informed and involved in the decision-making process, the Torrance County Commission will hear the question of whether the Alcohol and Gaming Division of the New Mexico Regulation and Licensing Department should approve the proposed transfer of Liquor License No. 0373. The name and address of the Applicant/Licensee is Harold L. Crass, 5 Palomino Court, Edgewood, NM 87015. The current record owner of the license is H&C Properties, LLC, a New Mexico limited liability company and the current address is 20364 Old Route 66, Moriarty, NM 87035. The Applicant proposes to operate the license at 20364 Old Route 66, Moriarty, NM 87035. Please be present if you wish to support or oppose this item.

**3.) Transfer of Liquor License to Harold L. Crass**

**Dennis Wallin**, county attorney states that this is a quasi-judicial hearing and falls under the Liquor Control Act 60-6B-4. Anytime there is a transfer of the ownership of liquor license within the local district (Torrance County) the application is first submitted to the state Alcohol and Gaming Division. They will conduct a preliminary review and then send it to the local division (Torrance County), to then consider 3 things. First, is the proposed location within an area where alcohol services are prohibited or not prohibited? Second, are there any zoning violations in the area for alcohol sales? Third, will the issuance or transfer be detrimental to the health, safety, or morals of the residents of the local option district. **Mr. Wallin** also states that due to the fact that this deals with alcohol is not an issue that is detrimental by case law and statute to the local morals. Alcohol sales are legal in the state of New Mexico so this is not one of the considerations you can give. Only if there is something particular to this transfer of this license that would be detrimental to those 3 questions.

**Dennis Wallin** states that the transferee may want to make a brief presentation, and then the commission would call for any testimony in favor or not in favor of this transfer. Mr. Wallin reminds the commission that they must base their decision from the evidence presented today since the commission is the hearing officer. Mr. Wallin will assist with the hearing procedures if the commission would like.

The public should be aware that this is a hearing that is required by statute by this body or their designated hearing officer for the transfer of this liquor license. This license is the one that is currently in place at the 203 in Torrance County. It is his understanding, from the application that this would continue to operate at that location. The public is allowed to give testimony in this matter, the testimony should not be opinion but evidentiary in nature. Anyone that testifies, other than the attorney's, will be sworn in.

**Randy Thompson**, attorney for Mr. Harold Crass, would like to bring to the commission's attention that there is a correction, from their point of view, that the public should be aware of regarding this transfer application. The last sentence states "The applicant proposes to operate the license at 203." Mr. Thompson states, this is not true. As a practical matter this transfer is going to be for holding purposes only, Mr. Crass has no desire or intent on operating Club 203.

It will not be known as Club 203 under his ownership, nor does Mr. Crass have any desire or knowledge how to operate a business or restaurant that serves alcohol. Mr. Crass owns the property known as the Club 203 as well as various other properties in Torrance County.

**Randy Thompson** states that it has taken about a year and a half to get to this point. It involved litigation between Mr. Crass and the former owner and operator of Club 203. The technical entity is H & C Properties, LLC. The name of the actual operator was Ryan Michele. As a result of Mr. Thompson's investigations upon being hired by Mr. Crass for the litigation, he began working with AGD. About a month and a half into this, we were able to go in shut down Club 203 and suspend the license. Since early March of 2017 Club 203 has not been operating as a result of Mr. Crass's efforts and expenditures. In an effort to demonstrate his sincerity about not wanting to operate a liquor establishment, I should point out to the commission and public that Mr. Crass, as a result of the litigation, obtained the assignment this liquor license in June 2017. He has not acted in any hurry to proceed with the transfer the of license process. Mr. Crass wanted to make sure that everything that was associated with the property was properly taken care of. That included another lawsuit with the eviction and removal of Mr. Michele from the Club 203 property. Mr. Michele has been gone from the property since the end of June or beginning of July. Mr. Michele is somewhere in Arizona that is all we know. As a practical matter neither the commission nor the public should worry about Mr. Crass operating Club 203. Mr. Thompson and Mr. Crass have given a commitment to the Alcohol Gaming Commission to work with them for a sale of the license and the property to a responsible decent operator so that the property will be something other than what it's been known as for a number of years. If the Commissioners or the public have any questions Mr. Thompson would be happy to answer them at this time.

**Dennis Wallin** states that on the application they received from AGD, it indicated that the location where the license was to be used was the Club 203 address. Mr. Wallin realizes this, but instructs Mr. Thompson to inform the commission that this is a requirement that you have to have a physical location for it to be tagged.

**Randy Thompson** states, that is correct. The license in question, which is number 373 with AGD, that license is associated with that 203 property. Mr. Crass owns that property and he is not permitted under the rules to separate out the two without going through some additional procedures. AGD prefers that we not go through those additional procedures. So the license and the property will be marketed and sold with AGD and the commission's cooperation as a package. Mr. Thompson assures everyone that with regard to the ultimate operation of the restaurant or truck stop or whatever it happens to be, both the commission and the public will have a complete opportunity to appear and state their testimony either for or against whatever that may be. For the foreseeable future, while we are working with AGD to market this license, there will be no operation at the site. We have an individual that is renting the doublewide home at the location to secure the property so that it doesn't get vandalized more than what it did last year. Mr. Michele was responsible for a considerable amount of vandalism to the property until we were able to get a resident on the property to prevent that. You will have an opportunity, once we find an approved buyer, to appear, listen to the presentation, what the operation will be, and give your testimony both pro and con. The commission will have another opportunity to determine whether or not the transfer takes place. Right now, as Mr. Wallin can probably explain, the application shows that Mr. Crass is the actual licensee. We

made a decision to put it in Mr. Crass's name individually, rather than in business entity form. The reason for this is because Mr. Crass has no desire operate the business. Another thing Mr. Wallin can explain is that in his individual capacity as the owner, Mr. Crass is not likely to ever think about leasing out that license. It will be sold as a package deal, and when it is sold, we will come back before the commission when we have an approved buyer.

**Dennis Wallin** asks counsel if he will be presenting evidence with testimony in regard to zoning. We also need evidence that it is not within 300 feet of a church or a school.

**Randy Thompson** states, yes, he will if it is necessary. With his research, if it is correct, the property has been at that location since 1992. This commission, has in the recent past, considered a number of things including the renewal of the conditional use permit that is associated with that property. Based upon the cleanup and repairs and bringing the property into compliance with various building safety issues of the property, the commission approved that conditional use permit renewal. Mr. Thompson state that he would be happy to provide testimony for Mr. Crass.

**Dennis Wallin** states that Mr. Thompson was correct, the zoning is D-3 because of the adult entertainment, but it has reverted now or will revert to D-2. Under D-2, you can take judicial notice that alcohol sales are permissible in Torrance County under D-2 zoning.

**Madam Chair Ducharme** asks Mr. Wallin what D-2 stands for or what does it allow.

**Dennis Wallin** replies, it is developmental to its commercial properties. We can have Mr. Guetschow present that if you would like. At this time let's get Mr. Crass to the stand and either Mr. Thompson or he can ask Mr. Crass the questions.

**Dennis Wallin** swears in Mr. Crass for his testimony and ask if the testimony he is about to give is the truth.

**Harold Crass** replies, yes.

**Dennis Wallin** asks Mr. Crass, you have heard the representations from counsel with regard to the fact that you're the purchaser of this license, is that correct?

**Harold Crass** replies, yes, that is correct

**Dennis Wallin** asks if Mr. Crass knows what the zoning is for the property.

**Harold Crass** replies, yes, he just heard it discussed as D-2.

**Dennis Wallin** asks Mr. Crass if he is familiar with the property.

**Harold Crass** replies, yes.

**Dennis Wallin** asks if Mr. Crass if there any schools within 300 feet of the property.



**Harold Crass** replies, no.

**Dennis Wallin** asks if Mr. Crass if there are any churches within 300 feet of the property.

**Harold Crass** replies, no.

**Dennis Wallin** thanks Mr. Crass and asks if there is any cross examination for Mr. Crass? Seeing none, Mr. Crass can be seated. Mr. Wallin asks Mr. Steven Guetschow, Planning and Zoning director, if he has any statements to make concerning this topic and informs him that he will be placed under oath.

**Dennis Wallin** swears in Mr. Steve Guetschow for his testimony and asks if the testimony he is about to give is the truth.

**Steve Guetschow** replies, he does.

**Steve Guetschow** planning and zoning director, gives his response to Madam Chair Ducharme's question. The D-2 zone district is intended to accommodate the major business activities in the area. Those include highway regulated commercial activities, office and entertainment facilities, wholesale and retail sales, and service providers. The land uses within this district shall be developed with adequate transportation access and appropriately designed to minimize the negative impacts to budding lands. All permissive uses allowed in a D2 district are animal shelter, animal pound, animal kennel, auction house, excluding livestock, automobile, truck, trailer, camper, RV, boat sales, service repairs, rental, bars, lounges, package liquor sales, bottling plant, etc.

**Dennis Wallin** stops Mr. Guetschow from continuing and lets him know that is as far as he needs to go. He thanks Mr. Guetschow and asks if there is any cross examination. Mr. Wallin asks counsel if there is any other evidence that he needs to present. Mr. Thompson states there is not. Mr. Wallin asks if there is anyone in the audience that would like to testify in favor or against this transfer. Mr. Wallin asks if there are any questions from the commissioners.

**Madam Chair DuCharme** thanks Mr. Guetschow for answering her question.

**Dennis Wallin** addresses the commission and once again the question is whether the zoning is appropriate, which you have evidence of that. Question number two is whether or not it's within 300 feet of the church or school, you have testimony regarding that. Question number three is whether it would be detrimental to the health and welfare of the public. The commission has representation from counsel that this is just a transfer and that is not going to be an operation. If it will become operational at some point and it sells and there is a subsequent transfer, that owner will have to come before the commission again and you can ask about their operation.

**Commissioner Frost** states he is not sure if his question is pertinent or allowable, but as he understands it, Mr. Crass owns or will own the liquor license and the property. His thought would be that the liquor license might go somewhere else, or that there might be a different business at that property.

**Randy Thompson** addresses Commissioner Frost. Based upon his understanding and discussions with the AGD both the director and deputy director, and the attorney for AGD, the preference is that this remain a package deal in regard to the sale. This is what we are trying to accomplish. Given the past history of Club 203, we want to cooperate as much as possible with both AGD and Torrance County. There are certain detriments associated with separating a liquor license of this type from the actual property that it's associated with. Under the rules and regulations it will lose some of the advantages it has, such as commercial advantages, retail sales advantages that are a discouraging factor for trying to separate the license from the property. It reduces the value of the liquor license substantially. In addition to our discussions with AGT, we also hired Linda Akin, an attorney from Santa Fe, who is a well experienced liquor license attorney in the state and taking her advice in considering any separation of the liquor license, which in this case, is not a consideration.

**Dennis Wallin** states that Ms. Akin is the former director of AGD. So the concern with this type of license is that it allows both package and on site premises sale. With the transfer you might lose one or the other and that's a concern. So it makes sense, for the value of the liquor license, to keep it in the same location.

**Madam Chair DuCharme** asks Mr. Thompson if he can clarify something for her. On the transfer of dispenser type liquor license application it says the current owner of the existing license H&C Properties, LLC

**Randy Thompson** replies, that is correct.

**Madam Chair DuCharme** states that at the same time you are saying that the owner of that license is Mr. Crass.

**Randy Thompson** would like to explain to Madam Chair DuCharme that H&C Properties, LLC is a New Mexico limited liability company it was set up in the mid 2000's. It acquired, as a business entity, the liquor license, and the property back in May 2008 in a sale from the former owners of Club 203 which were the Goemmers. The Goemmers sold all of their interest in the liquor license and the real estate to both H&C Properties, LLC and another LLC called Quality Funding Group which actually for a period of time owned the real estate. Of record, with AGD right now, the transferring owner is H&C Properties, Inc. H&C Properties, Inc. is a result of the litigation that Mr. Crass initiated, ended up last June signing approved assignments of the liquor license over to Mr. Crass individually. We worked with the AGD in the construction of those assignment documents. AGD was involved in that process as well and that is how Mr. Crass has ended up as the proposed owner of H&C Property's liquor license.

**Madam Chair DuCharme** states the he is proposed but not the owner yet, correct?

**Randy Thompson** explains that the process that Mr. Wallin explained earlier, that AGD, under the statute, has the responsibility for making an evidentiary preliminary determination with a public hearing. That was done back in late February of this year. Based upon what AGD heard at that hearing, the documentation we submitted to AGD, AGD gave their written preliminary approval. That preliminary approval is subject to the commission approval today.

Dennis Wallin informs the commission that they are now at a point, if they have heard enough evidence, they can approve this transfer

Madam Chair DuCharme asks for a motion to approve the transfer of the H&C Properties, LLC liquor license to Mr. Harold Crass. **ACTION TAKEN:** Commissioner Frost makes a motion to H&C Properties, LLC liquor license to Mr. Harold Crass. Commissioner Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION Carried.**

\*Commission Matters:

**4.) Consideration of Salary Increases for Elected Officials**

Belinda Garland would like to introduce Ms. Tasha Young, from New Mexico Association Counties.

Tasha Young, contract lobbyist with New Mexico Association of Counties, has worked on this legislation for a number of years. Ms. Young works closely with the legislatures on the issues of salaries for the elected officials. The counties are required to go to the legislature, by the constitution in Article 10 Section 1, whenever there is a request for a salary increase for elected officials. Unlike the municipalities, the counties have to go to the legislature and ask “Please may we chose whether or not to increase our own salaries.” In Ms. Young’s experience with this topic the legislature does not care about the counties raising the salaries of the elected officials, what they do care about, is that we are clear that the legislature is not raising the salaries and that it is a local option question. This legislation was passed this year so it’s up to counties on how they want to implement this. The county can chose to give all, none, or part of the increase. There are discussions going on now to be proposed in 2019 legislature to allow the counties to not have to ask legislature to approve the elected official’s salary increase and leave it up to the counties themselves. It will be on the ballot and be left to the voters and not the governor.

Madam Chair DuCharme thanks Ms. Young for coming from Albuquerque to attend our meeting.

Belinda Garland states that she gave the commission the final version of the Legislative Bill that passed and some information from Steve Copelman, the Executive Director for the New Mexico Association of Counties. Ms. Garland is asking that this issue be tabled until the budget hearing at the next commission meeting so that there will be various numbers to choose from. The numbers will include a 5%, 10%, or 15% (which is the max that the commission can approve) increase to the salaries for the elected officials. If the commission desires to approve this increase it must be done this calendar year or it will be available for the officials in this county. Only the new incoming officials are eligible and then in 2 years the other officials are eligible for the increase. So Ms. Garland requests that this item be tabled so that the commission will have more accurate numbers to go by.

Madam Chair DuCharme asks for a motion to approve to table Consideration of Salary Increases for Elected Officials. **ACTION TAKEN:** Commissioner Sanchez makes a motion

to approve to table Consideration of Salary Increases for Elected Officials. **Commissioner Frost** seconds the motion. No further discussion, all Commissioners in favor. **ITEM TABLED**

**5.) Consideration of Media Response:**

- a. Martinez Road Facebook Complaint**
- b. Future Media Inquiries Response Strategy**

**Belinda Garland** states that this item was placed on the agenda by her. Ms. Garland is asking for direction from the commission on how to handle this type of situation. This past week there was a complaint posted on Facebook concerning Martinez Road. The media caught wind of it and contacted Ms. Garland for a TV interview. She was not comfortable in giving a response without legal counsel. Legal advised her, given the nature of this, to give a written response. Ms. Garland and Mr. Wallin put together a written response to this issue. For the future she would like some direction from the commission on how they want for her to respond to the media.

Before this became an issue on social media, Martinez road had already been discussed with the Road Superintendent, the commissioner for that district, and the material to repair the road has already been ordered. Martinez Road was in the process of being fixed, but some roads had to be put aside for a bit so that the Road Department could finish up the state projects.

**Commissioner Sanchez** asks Ms. Garland if we have a Public Information Officer.

**Belinda Garland** responds that we do not currently have one. She is in the process of trying to put one in place. As of now the duties have fallen on her and she is trying to transfer some of those to Annette Ortiz the Deputy County Manager. When it comes to media responses those have to be reviewed by Ms. Garland and legal counsel.

**Commissioner Sanchez** states that it was his understanding that Ms. Ortiz was the PIO.

**Belinda Garland** states that she has functioned as that.

**Commissioner Sanchez** states that if Ms. Ortiz is the PIO or if she was to be the PIO it would be adequate and then let Ms. Garland, legal counsel, and perhaps the commissioners review the responses before they go out.

**Belinda Garland** asks Commissioner Sanchez, if we went that route, are you asking us to call a special meeting every time we need to approve a media response? The commission operates as a whole. If we need approval from the commission, then she will need to call a meeting to get approval.

**Commissioner Frost** states that if there is a response needed, it should be made as quick as possible. However we respond the media will have to accept it as that and we are giving the facts and the truth. When it comes to social media things may not be so clear and be a matter of opinion, and then create more problems.

**Belinda Garland** states that she has instructed Ms. Ortiz that there will be no banter back and forth on social media nor will we give a response to the comment. If a reporter approaches us

with question concerning a topic, we want to know if you are ok with myself, legal counsel, and Ms. Ortiz to give a response written or oral.

**Madam Chair DuCharme** states that she had experience with this complaint when she saw it on Facebook. She asked the person that posted a video of the condition of the road to send her the video so that she could let Ms. Garland view it. There was a comment given by another individual that the person that posted the video was a reporter for channel 13. The reporter asked if anyone would be willing to do an interview and Madam Chair DuCharme stated she would be willing to do an interview. Madam Chair DuCharme never heard from the reporter after that. Madam Chair DuCharme contacted Ms. Garland on how to respond and Ms. Garland and legal counsel gave her a response for the media. Madam Chair DuCharme does not like bad responses. She agrees that a response should be made as quick as possible, but we need to provide people with facts and not excuses. If a road is to be maintained then we need to inform the people and assure them that the road issues will be taken care of as soon as possible. We need to know the exact amount of miles that are reported to the state that the county maintains. She saw somewhere that we have 937 to maintain, if those numbers are not correct, she asks Mr. Lujan to provide more accurate numbers. Madam Chair DuCharme is tired of excuses and can imagine the public feel even worse. We need to provide the public with facts and reassurance. Each individual commissioner has the right to contact the media or communicate with the media.

**Commissioner Sanchez** addresses Madam Chair DuCharme that he feels, that rather the Manager's office act as PIO, but each commissioner act as PIO concerning matters that occur within their district.

**Madam Chair DuCharme** replies that the commissioners may not always have all the correct data to answer any questions a reporter may ask. If that commissioner feels that he or she has the information, then they should have that right to reply to the media to state his or her opinion. The Manager's office should also reply to a question with facts and numbers.

**Dennis Wallin** states that the county as no policy on how we should respond to the media. Words matter. The commissioners have their right to speak to whomever they wish, but it is important to have the facts that concern the topic, correct. There are legal implications when you address the media. You need to be safe with what you ask and how you respond. There needs to be a policy in place from the commission on how county employees should respond to the media.

**Michael Godey** states that the official comment should come from the manager's office. Also when replying one should state that it is his or her opinion or they feel like, so that he or she is protected from any legal ramifications.

**Commissioner Sanchez** states that the manager's office should have a PIO. They should send an email out to the commissioner the reply they are sending to the media so that they are aware of what is going on. The commission can either give feedback or help determine what course of action is applicable.

**Belinda Garland** asks if the commission would like for her to draft up a written policy and bring it before the commission. They are currently working on a few other policies, and if the commission wants, they can begin work on this policy as well.

**Madam Chair DuCharme** asks if the commission could be given examples from other counties of policies they have in place concerning media response.

**Tracy Sedillo**, Trance County Treasurer, states that she would like to see someone designated as the PIO. Not only to respond to complaints, but to put out all the good things that are going on as well. Ms. Sedillo states that she is so busy in her office at time that she has no time to contact the radio station to give them news. Place someone as PIO or public relations person, let that person be the voice for the county.

**Martin Lucero**, Emergency Manager, states that since he has been in his office they have developed a Facebook page for the Office of Emergency Management. Mr. Lucero states that the manager's office, Ms. Ortiz specifically, is very helpful in maintaining our page. The notices that go out are clear and concise, and no legal ramifications should come from them. If the commission does decide to become a PIO for their own district, Mr. Lucero recommends that they do take a training course for a PIO. It's helpful and will teach you on how to respond to the public.

**Belinda Garland** states that she will move forward with getting example from other counties, and she will also work on drafting a policy. **NO ACTION TAKEN. DISCUSSION ONLY**

#### **6.) Discuss and Act Upon, Potential Renegotiation of Estancia Valley Solid Waste Contract**

**ACTION TAKEN:** **Commissioner Sanchez** makes a motion to commence re-negotiation of the county contract with the assignment of a negotiating team consisting of the county manager and 1 commissioner.

**Madam Chair DuCharme** asks Commissioner Sanchez if he should specify in his motion what commissioner will be on the negotiating team.

**Commissioner Sanchez** states that it could be himself or whichever commissioner would like to do so.

**Commissioner Frost** asks Commissioner Sanchez to please repeat his motion.

**Commissioner Sanchez** states that his motion is to commence the re-negotiation of the county contract and the assignment of a negotiating team consisting of the county manager and 1 commissioner.

**Dennis Wallin** states that from his understanding that the intent is to appoint a negotiating team to approach EVSWA to see if they are willing to re-negotiate the contract between themselves and Torrance County. Mr. Wallin states that anything that is re-negotiated will have

to be brought back before the commission for approval. The team does not have the authority to make the changes. The commission would have the final say.

**Madam Chair DuCharme** seconds the motion.

**Betty Cabber** asks if there will be a public hearing to let the public know what was renegotiated.

**Dennis Wallin** states that it would be up to the commission if they would like a public hearing but it is not a requirement. The first thing that needs to happen is the commission has to approach the board of directors of the solid waste authority and see if they are willing to re-negotiate. If the commission gets passed the first step, the next step would be Commissioner Sanchez and Ms. Garland entering into re-negotiations. If the team would come up with some changes, step 3 would involve the team bringing the information back to the commission for approval. The authority will also have to get the blessing from their Board of Directors to enter into renegotiations as well.

**Andy Miller**, manager EVSWA states that he sees no provision in the contract for renegotiations. Line 14 Amendment, "This agreement shall not be altered, changed, or amended except by instrument and writing executed by the parties hereto. Mr. Miller retracts his statement, saying there is room for negotiations, but it depends on what is being renegotiated. If what is being renegotiated would close one of his business lines, then it would be his recommendation to his board to receive a 180 day cancellation notice from the county.

**Dennis Wallin** informs Mr. Miller that even his legal counsel may tell him the contracts can always be renegotiated. This isn't an attempt to see if there is middle ground that can avoid a nuclear option where termination is involved.

**Andy Miller** again states that it depends on what is going to be negotiated. It is not clear to him what those parts are. Will it be modifying of days and times of the operation of the collection stations, or removal or replacement of one of the business lines. He does not think this is a contract negotiation. Some areas of the contract may not be open to renegotiation. It may either require contract renewal or cancellation.

**Johnny Romero**, EVSWA board member (recently appointed member) states that the members are between a rock and a hard spot, especially the 3 new members. You are telling us that there is no negotiating unless it is done a certain way. Isn't it up to us as the board members to vote on this before you can make that kind of a decision?

**Andy Miller** replies to Mr. Romero that he is not saying that there is no room for negotiations, but it depends on what the negotiations involve. If the county is looking to take over or remove one of the 3 business lines, then Mr. Miller will suggest to the board that this is not best done under contract negotiations, but with a new contract. Mr. Miller is not speaking to the solid waste board, he is merely letting the commissioner, and the public know where he stands on this. He presents all sides and makes recommendations to the board. Ultimately the board has the final say.

**Commissioner Frost** states that he isn't sure how two people on a committee, and he isn't doubting the intelligence or ability of the two, but a committee of two isn't really a committee. In order to negotiate with any meaning behind it you need to know what this board is thinking about.

**Commissioner Sanchez** would like to address the commission and the public concerning this issue. We have an issue of tremendous importance, that being the EVSWA. We have a clean county and the authority has tremendous value. We are in an unsustainable relationship. Higher costs drive increased rates, there is a problem. The document in place is costing the county more than what it can bare. It is the responsibility of elected officials to have forward thinking, to see the lasting effects of decisions we make. With that in mind we must save this system. The EVSWA is a tremendous value and we cannot let this go by the wayside. We need to makes this sustainable for now and the future and cement a relationship with the authority that will sustain growth. Have those that are not paying and bring them into compliance, and reward those that have followed the rules. Foster a balance between service and rate of payment. Commissioner Sanchez states it is his belief that the re-negotiations will benefit all involved. We must be adversarial and not place conditions where there is not room for re-negotiations. We need to foster a better more positive relationship that will work for everyone. He implores everyone to come together and fix this. This can be fixed. Commissioner Sanchez is full prepared to make his recommendations to the commission. Let's put the pencil to the paper, he doesn't a negotiating team. His intent is to do what is right for the county, let us move forward.

**Commissioner Frost** commends Commissioner Sanchez on his presentation it was well stated. In the spirit of transparency and honesty, Commissioner Sanchez states he has a plan and Commissioner Frost would like to see that plan and present that to the board.

**Commissioner Sanchez** would like to call for the question. **Madam Chair DuCharme** asks who is in favor, Commissioner Sanchez and Madam Chair DuCharme are in favor, and Commissioner Frost is opposed. **MOTION CARRIED**

**ACTION TAKEN:** **Commissioner Sanchez** would like to make a motion to amend the county contract by removing the billing task and modifying the station days and times of operation. **Commissioner Frost** asks Commissioner Sanchez to repeat his motion. **Commissioner Sanchez** states that the points of re-negotiations will be to modify the days and times of operation and eliminating the billing task from the contract. In other words the county would take over the billing.

**Belinda Garland** spoke with Mr. Gerald Chavez yesterday in regards to the contract. An option that the commission has is to call for an independent audit so that the commission as numbers to go by. If the commission agrees for an independent audit, the county would be responsible for payment of the audit.

**Commissioner Sanchez** states that if this is passed, the re-negotiating team now has direction on what parts of the contract will be discussed. **Madam Chair DuCharme** seconds the motion.



**Commissioner Frost** states that the goal of this commission, previous commissions, and EVEDA is to increase jobs. With this proposal it seems to be taking away jobs. How many jobs will it take away?

**Commissioner Sanchez** believes it will not take away any jobs.

**Commissioner Frost** state that if this is not taking away any jobs how will this save us money.

**Commissioner Sanchez** states that the matter is cost ineffectiveness and cost inequality between organizations.

**Bill Williams** ask Commissioner Sanchez if the county is going to take over the billing, who will be doing it.

**Commissioner Sanchez** states the county will take over the billing and who specifically will be divulged in due course.

**Madam Chair DuCharme** states that it will be discussed in the negotiations as to who will take over negotiations.

**Bill Williams** states that 3 or 4 months ago at a solid waste meeting, which Commissioner Sanchez attended, you were given a long list and recommendations to present to the commission. They were never presented and now Commissioner Sanchez is wanting to do the same thing over again. The customer database is an amazing database that has been built over 20 years. The customer service is amazing. There is no need to make changes to it. If you try to change the system and take over, it may be destroyed. They run a tight ship at solid waste and they are amazing at their job.

**Johnny Romero** those of us sitting on the board are representing the people Torrance County. Mr. Romero states, that in his conversations with Mr. Miller he is a very opinionated, and doesn't pick sides. Mr. Romero's only concern is to do what is best for the people. This issues with solid waste and the county has been going on for years. The people are feeling threatened. As a group we all need to get together and talk it out.

**Gerald Chavez** states he has been on the solid waste board for only a month. There is a lot to learn. In his opinion, after viewing the contract, there are parts that are faulty. For example, there is a unit that is responsible for taking in revenue and expenditures of doing a service. Then you have another unit (the county) that will do whatever they need to do to get the money for that service. You raise the rates, but you have no control over their efficiencies. They are independent. There are a few other areas in the contract that could be problematic. To resolve them you need to talk. There needs to be common ground. There was a recent asset management study done. In that, they determined that the expenses for the \$800,000.00 that the county is paying, it's not enough. An additional \$100,000.00 would be needed to cover those expenses. Not sure if this is fact or not, maybe an independent audit would be good to figure all this out. We need to talk it out and see what can be done to control this high dollar amount, its needs to be fixed.

Marco Benales being a previous EVSWA board member, being on that board was quite a learning experience. Mr. Benales addresses Commissioner Sanchez, stating that he called for special sub-committee meetings by the county for solid waste to address certain issues. On various Saturdays we discussed many issues, probably the same that are being discussed now, many people sacrificed their time to attend these meetings. Recommendations were made and were to be presented to the rest of the commission. Did you ever present those recommendations to the commission? Did you ever discuss what we talked about in our meetings with your fellow commissioners?

Commissioner Sanchez states that the working group never compiled a set of recommendations. Commissioner Sanchez states he was never given a written document of those recommendations.

Marco Benales states that he took notes at the meeting and Commissioner Sanchez states that he did as well and a set of written recommendations was never presented to him, or any that he agreed to.

Commissioner Frost states that at the last meeting the commission was presented with a 2 page chart with numbers concerning services and staff and what each would cost. Only given a small amount of time to study the chart, he cannot give his input on something he has not had enough time to look over.

Marco Benales states that he took notes and did send them to Mr. Miller and to Commissioner Sanchez. Mr. Benales states he will go through his files and look for the minutes.

Betty Cabber is wondering about the motion at the moment concerning the changes that are to be made. You voted on it, so to her it sounds like the commission is going to make those changes. The motion should go away and you need to just state that those are ideas you have and then move forward with them. The motion in her opinion isn't correct.

Belinda Garland states that with Ms. Cabber's comment, she would like to clarify that if we do go into re-negotiations, is that all we are at liberty to discuss, as proposed by Commissioner Sanchez's motion.

Commissioner Sanchez replies, yes, those would be the specific items discussed. Commissioner Sanchez asks Madam Chair DuCharme if she would like to set specific dollar amounts to each of the tasks to be discussed.

Madam Chair DuCharme states that she does not think it should be so specific. There needs to be flexibility. No further discussion, Commissioner Sanchez and Madam Chair DuCharme in favor, Commissioner Frost opposed. **MOTION CARRIED**

**\* Department Requests/Reports:**

**7.) Proposal for Starting Pay Increase Restructure for Equipment Operator Position(s) – Leonard Lujan, Road Superintendent**

**Leonard Lujan** road superintendent comes before the commission to request to increase starting pay for the equipment operators. He is requesting an increase of \$1.00 per hour. With this increase it would give them an incentive to stay with the county. The operators are paid so low that when they are trained they end up leaving somewhere else because they are offered more money. It is still not a lot of money, but maybe with this increase it will give them an incentive to stay with the county after they are trained. Also the department is going to offer a \$1.00 increase incentive after one year to the employee who stays on with the county. This will all take effect in the new budget if it gets approved.

**Commissioner Frost** states that he read in the information sheet is this increase in the road department's budget or not.

**Leonard Lujan** states that it is in the budget and is not asking for additional funds. **ACTION TAKEN: Commissioner Frost** makes a motion to approve starting pay increase restructure for equipment operator positions. **Commissioner Sanchez** seconds the motion. **Belinda Garland** states she supports this increase for beginning salary and hopes that this incentive will help the road superintendent to retain his staff and have more experience on these \$100,000.00 machines that we are giving them to operate. No further discussion, all Commissioner in favor. **MOTION CARRIED**

#### **8.) Ratification of Memorandum of Understanding between Torrance County Emergency Management & the American Red Cross- Martin Lucero, EM**

**Martin Lucero** comes before the commission a MOU between the American Red Cross and the services that they have provided for the county for many years. This ratification is updating the MOU in present time.

**Madam Chair DuCharme** asks for a motion to approve Ratification of Memorandum of Understanding between Torrance County Emergency Management & the American Red Cross. **ACTION TAKEN: Commissioner Sanchez** makes motion to approve the Ratification of Memorandum of Understanding between Torrance County Emergency Management & the American Red Cross. **Commissioner Frost** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

#### **9.) Volunteer Firefighters PERA Annual Reporting, District 1 – Lester Gary, Fire Chief**

**Chief Lester Gary** states that he is having each individual district take care of their own PERA reporting form. The reason for this is because each district hold their own meetings and they are the ones that are aware of their meetings and who attends. Before the commission is the application that was sent to PERA for the volunteer fire fighter retirement. The applications were returned to us because it requires the signature of the commission chair. This was placed on the agenda for approval and to obtain the signature of the commission chair.

**Madam Chair DuCharme** asks Chief Lester Gary who will be responsible in each district for taking care of the PERA.

**Chief Lester Gary** states that the Battalion Chief from each district will be responsible for keeping the records. They do not fill them out, all they need to do is sign them. Chief Lester Gary states that his office recently began making copies of all the PERA forms, so that he can make sure all volunteers are on PERA. In the past it was not done correctly, so he wants to make sure it is done right and in a timely manner, so that these volunteers will receive PERA when the time comes.

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

**10.) Request to Purchase Brush Truck for Dist. 4, Utilizing Donations – Lester Gary, Fire Chief**

**Chief Lester Gary** states that he has been working with Chief Perea in District 4 for some funding donations that have been coming in to purchase a new brush truck. We are in fire season, and if we continue to wait for more funding to purchase this truck, we may not get the truck until fire season is over. We have yet to have any fires, but we are wanting to be prepared if there is one. We are looking at 60 to 180 days for that apparatus to arrive and be ready for use. Chief Lester Gary is proposing that he be given permission to use the quarter cent fund to match what we have already received in donations to purchase the brush truck.

Before the commission is 3 different quotes that he has received for brush trucks. We currently have \$50,000.00 in donations, and another \$20,000.00 is proposed to come in from the water authority. What Chief Lester Gary is proposing is to take the \$50,000.00 that is already there and adding another \$60,000.00 to purchase the brush truck. The first brush truck we looked at came to \$168,805.00, the next with a quote of \$142,000.00, and the last quote from Outback Fire Trucks, out of Utah, and meet all specs we were requesting, came in with a quote in the amount of \$108,995.00. We are asking that you give us permission to purchase the truck for \$108,995.00.

**Commissioner Frost** asks Chief Lester Gary that he is shaid \$60,000.00, correct?

**Chief Lester Gary** replies, yes, that is correct. In the quarter cent fund, for fire protection, we have an exuberant amount of money there and would not harm the budget.

**Madam Chair DuCharme** ask if the money is available right now.

**Chief Lester Gary** replies, yes, it is available right now.

**Madam Chair DuCharme** ask if he will receive that money again next fiscal year.

**Chief Lester Gary** states, yes, we receive quarter cent fund on a monthly basis. When we receive the additional \$20,000.00 funding, we will leave that in the District 4 donation fund.

**Commissioner Frost** states that as he understands, it is not a county budget increase, the funds are already there. It's bad that fire season is upon us and we need to move forward with this and be prepared in case a fire does break out.

**Chief Lester Gary** replies, that is correct. The money is already available. He also contacted Outback Fire Trucks and the turnaround time is 30 days. **ACTION TAKEN: Commissioner Frost** makes a motion to approve to purchase a brush truck for District 4 Fire Department under terms presented by Chief Lester Gary.

**Noah Sedillo** Chief Procurement Officer states that since the price is over \$60,000.00 the purchase would have to go out for formal bid. **Tracy Sedillo** states that the commission can approve this purchase, it just needs to go out as a formal bid.

**Madam Chair DuCharme** asks Mr. Sedillo if it is ok for the commission to approve this funding under the circumstances given.

**Noah Sedillo** replies, yes, it is ok to approve to move forward, but the approval for the purchase will go through himself.

**Belinda Garland** states that the commission can approve to purchase from that vendor because of the bid process as well approve for him to use county money to cover any balance over the donation amount and move forward with going out for bid. You will need to rescind the previous motion and be more specific. **ACTION TAKEN: Commissioner Frost** would like to rescind his previous motion and make a motion to allow Chief Lester Gary to move forward with the purchase of the brush truck and give permission to use county money to cover the balance due. **Commissioner Sanchez** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

#### **11.) Resolution 2018- Line Item Transfers – Amanda Tenorio, Finance Director**

**Amanda Tenorio** would like to request the approval of the commission for Resolution 2018-25 Line Item transfers. The line item transfers are within the County Departments budgeted funds in the FY2017-18 budget. **ACTION TAKEN: Commissioner Sanchez** makes a motion to approve Resolution 2018-25 Line Item Transfers. **Commissioner Frost** seconds the motion.

**Madam Chair DuCharme** asks Ms. Garland if the money being moved from one line item to another in the sheriff's department is being moved from employee salaries to vehicle maintenance and repair in the amount of \$29,155.04. How many vehicles will be repaired with this transfer?

**Belinda Garland** states that she cannot give a definite number. Ms. Garland has talked with Sheriff White and what they will be doing is taking parts from other vehicles that are not running and try to make a few good vehicles from those that are usable. We are trying to avoid purchasing new parts. There are several vehicles in the Sheriff's department that aren't running and we are trying to get all the deputies fully equipped.

Madam Chair DuCharme asks if the money is moved from full time salaries, will we not have money to hire new deputies.

Belinda Garland states that there is still money in that fund if we need to hire new deputies. She believes that the department is almost fully staffed. There was savings in that line item because the department was not fully staffed throughout the year. There has been extra costs for vehicle repair for the department and that is why they are requesting the line item transfer.

Madam Chair DuCharme states as she remembers correctly, when those additional positions in the sheriff's department were approved, funding for vehicles for those deputies was also approved, is that correct?

Belinda Garland replies, yes, that is correct.

Madam Chair DuCharme asks, were those vehicles purchased.

Belinda Garland states that two of the vehicles were purchased, two were not due to budget constraints. No further discussion, all Commissioner in favor. **MOTION CARRIED**

## **12.) Bid Award 2018-05R for the Counter Remodel Project for Admin. Building**

Noah Sedillo Chief Procurement Officer states that on the re-bid for the countertop projects we received one bid. The bid was from Albuquerque Office Systems in the amount of \$32,480.59 before GRT. Mr. Sedillo is asking that the county award this bid. We are well under budget with the \$100,000.00 that was originally approved by the commission for this project. We have not been billed yet by the architect or NCA yet. That amount will be \$14,408.00, which will put us just under \$50,000.00. Albuquerque Office systems will only be doing the countertops, they will not be doing the demolition nor the electrical, and another company will be responsible for that. We currently have one bid for that, roughly in the amount of \$900.00. Mr. Sedillo is very confident that we will remain well under budget for this project.

Belinda Garland states that the architect fee for the animal shelter foyer will be paid out of this budget, but will still be well under budget.

Noah Sedillo states that the only reason we received one bid, was because of the specifications set forth for this project. We asked for a modular type counter, so that if for any reason we need to be moved, we can easily remove the counters and locate them in another building.

Madam Chair DuCharme asks Mr. Sedillo since we received only one bid, are we able to move forward with this task. Mr. Sedillo replies, yes, we can. Madam Chair DuCharme asks for a motion to approve Bid Award 2018-05R to Albuquerque Office Systems for counter remodel project. **ACTION TAKEN: Commissioner Frost** makes a motion to approve Bid Award 2018-05R to Albuquerque Office Systems for counter remodel project. **Commissioner Sanchez** seconds the motion.

Madam Chair DuCharme asks Ms. Garland if it is separate funding for the chip seal project that was approved to repair the parking lot in the front of the building.

Nick Sedillo states that the chip seal project comes from a different funding source. It is one of four projects that are placed before the commission to be brought up in item #16. No further discussion, all Commissioners in favor. **MOTION CARRIED**

### **13.) Contract between Torrance County and Albuquerque Office Systems**

Noah Sedillo states that this contract has been reviewed by legal and is a basic contract between Torrance County and Albuquerque Office Systems for the counter remodel. We ask that you approve this contract with the prospective bid you approved in the previous motion.

Madam Chair DuCharme asks for a motion to approve the contract for counter remodel between Torrance County and Albuquerque Office Systems.

**ACTION TAKEN:** Commissioner Frost makes a motion to approve the contract for counter remodel between Torrance County and Albuquerque Office Systems. Commissioner Sanchez seconds the motion. Noah Sedillo states that the demolition will be done on the weekends or on a Friday when there is no business being conducted in the administrative building. When the construction is being done, it will be done one office at a time. Madam Chair DuCharme asks Mr. Sedillo if he is satisfied with this contract. Mr. Sedillo replies, yes, he is satisfied with the contract. No further discussion, all Commissioner in favor. **MOTION CARRIED**

### **14.) Framework for Regional Oil and Gas Operations Ordinance Information – Steve Guetschow, Planning & Zoning Director**

Steve Guetschow states that he was wanting to get the commissions opinion on being a part of this item. He had recent conversation with Sandra Geyser at the Mid-Regional Council of Governments, she stated that the letter was not discussed with her legal counsel. It is her request that we hold off on this discussion until her legal counsel has had a chance to review it. Mr. Guetschow is requesting that this item be tabled until the next meeting. **ACTION TAKEN:** Commissioner Sanchez makes a motion to table Framework for Regional Oil and Gas Operations Ordinance Information. Commissioner Frost seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

### **15.) Planning & Zoning Board Terms, Approval to Advertise for Appointees, Letters of Interest – Steve Guetschow, Planning & Zoning Director**

Steve Guetschow states that the end of the fiscal year is approaching. Mr. William Larson, board member from district 2, term will be done at the end of this fiscal year, Mr. Guetschow will need to advertise for letters of interest to fill that position. At the P & Z meeting he asked Mr. Larson if he would be writing us a letter of intent to remain on the board, should we not receive any other letters of interest. Under the commissions board policy, Mr. Larson can put in his letter of interest to continue to serve, but only if the commission approves it. The alternate, Mr. Marty Hernandez, a representative from district 1, is also up. The alternate position comes up every year. At the meeting it was brought up to the board that Mr. Hernandez is no longer living in Torrance County as he has recently sold his home and is renting a home in Santa Fe County. His intention is to move back to Torrance County as he has

some vacant land that he is planning on building a home on. Mr. Guetschow would like some direction on how to proceed with this. The policy reads that a board member must be a resident of Torrance County. Mr. Guetschow would like to know if he should advertise this position or will the commission continue to allow him to serve.

**Commissioner Frost** asks Mr. Wallin if it would be proper to extend.

**Dennis Wallin** says that the policy states that the board member should be a resident of Torrance County. Then the question arises, what is a resident. In some places in New Mexico residency has been determined as your place of abode or the place that you intend to be your place of abode. That is the requirement for people that register to vote in Torrance County. If you have lived in Torrance County and declared it as your residence, but do not currently live in Torrance County, and you intend to move back to the county, then you are allowed to vote in Torrance County. This ultimately comes down to how the board wants to interpret residency. That is why Mr. Wallin advised Mr. Guetschow to bring it to the board and ask for their guidance. The language in the policy states: A.) No member of the governing body or any employee of Torrance County will be appointed to the planning and zoning board as a voting member, B.) Must be a resident of Torrance County, and C.) Not already serving on Torrance County board or a similar board or commission of another governmental entity. Mr. Wallin states that Mr. Hernandez has been an excellent board member and provides excellent input, but with this issue of him no longer residing in Torrance County, it's up to the commission how they want to handle this.

**Commissioner Frost** states that he commends Mr. Hernandez for being open and honest about him not living in the county. Had he not brought this up no one would have ever known. In the past there has been P & Z Board Members that did not live in the county but had a lot of property in Torrance County with the intent of moving back. **ACTION TAKEN:** **Commissioner Frost** makes a motion to extend or renew Marty Hernandez's status as a board member. **Commissioner Sanchez** seconds the motion.

**Madam Chair DuCharme** states that she does not want to deviate from the Torrance County P & Z policy for board requirements that we have in place. It clearly states that the board members must be a resident of Torrance County. Mr. Wallin's brought forth an example of intent. The intent can be of the person has a residence here, or maybe he is under contract with the military and is serving somewhere else, but can still vote here because his residence is here. Mr. Hernandez's situation does not fit the law. If his position is up for renewal, we need to advertise that position, and give others the opportunity to serve on this board. It is inappropriate to renew Mr. Hernandez position on the P & Z board since he no longer resides in the county.

**Commissioner Sanchez** is under the impression that Mr. Hernandez is doing a great job and his intention is to return to the county. Mr. Hernandez was honest enough, to bring this to our attention, would it be appropriate that we call Mr. Hernandez and exceptional member?

**Steve Guetschow** replies, yes, it would be. He would include that the entire board is exceptional. They are non-biased and equal. In his experience, since being hired on as P & Z Director, this is the best board so far.



**Commissioner Sanchez** states that there may be a theoretical need but not a practical need to replace membership, and we should just leave it alone.

**Madam Chair DuCharme** states that if his term is ending, then we need to advertise for that position and give other people a chance. If no one applies, and we have no, other choice then maybe we can consider appointing him. Mr. Hernandez currently does not live in our county therefore it makes it a contradiction to the policy in place.

**Commissioner Sanchez** states that Mr. Hernandez, can still submit his letter of interest if he so wishes, is that correct?

**Steve Guetschow** state that yes he can submit his letter of interest to continue serving for another year on the board.

**Dennis Wallin** reads the election code Section 1-1-7: For the purpose of determining residence for voting, the place of residence is governed by the following rules: a.) the residence of a person is that place in which his habitation is fixed, and to which, whenever he is absent, he has the intention to return; b.) the place where a person's family resides is presumed to be his place of residence, but a person who takes up or continues his abode with the intentions of remaining at the place other than where his family resides is a resident where he abides; c.) a change of residents is made only by the act of removal joined with the intent to remain in another place. There can only be one residence; d.) a person does not gain or lose residence solely by reason of his presence or absence while employed in the service of the United States or of this state, or while a student at an institution of learning, or while kept in an institution at public expense, or while confined in a public prison or while residing upon an Indian or military reservation. (This is what Madam Chair DuCharme was referring to). The election code speaks about other areas of residency as well. And there was a court case the Mr. Wallin cannot site, here in the state of New Mexico in Torrance County where families essentially have a base. The court cases have held, that if there intent is to return to Torrance County, they are able to vote on this county or the county of residence in the state of New Mexico.

**Madam Chair DuCharme** states that in our P & Z Policy on page 2 item B its states "Must be a resident of Torrance County." If that person sold the house and moved to another county, why would you want that person representing interest in our County?

**Steve Guetschow** states this is the reason they brought this matter before the commission. Mr. Hernandez did not buy house in another county, he is renting, until they are able to establish their other property to be able to move back in to. It is a temporary home for Mr. Hernandez.

**Commissioner Sanchez** states Mr. Hernandez owns property and is just renting in another county.

**Madam Chair DuCharme** states that her understanding he sold his property and no longer owns property in Torrance County.

**Steve Guetschow** states that he does still own other pieces of property in Torrance County.

Linda Jaramillo is grateful that the law for voting is so open. There are a lot of people that want to vote in this county and with this law in the Election Code, it allows them to do so. Ms. Jaramillo states that she is glad that the law is so open when it comes to determining residency. Commissioner Frost votes in favor, Madam Chair DuCharme, & Commissioner Sanchez vote against, no further discussion. **MOTION DIES**

**16.) FY18/19 Capital Outlay/Additional Staff Request(s), Presentations by Department, for Approval**

Amanda Tenorio states at this time the department heads will be presenting before you their department's request for capital outlay, additional staff, or additional operating funds. This is an opportunity to explain & justify what the department is planning for the FY2018-19 Budget. Ms. Tenorio would like to request that a motion be made on each individual item upon available funds. This will help her to work in the numbers for the budget hearing at the next commission meeting on May 23<sup>rd</sup>, 2018. Please keep in mind that many of the department requests are anticipated by the efficiencies of our revenue and expenditure stream with in the budget. Our cash valances are tentative until we fully close out the FY2017-18 fiscal year.

**a.) Assessor & Treasurer Request for Delinquent Tax Specialist I – Field Position**

Tracy Sedillo states that the Treasurer's office and Assessor's office is coming before the commission to request funding to fund a full time position between the two offices. It's currently a part time position. The position is a Delinquent Tax Specialist I that will concentrate on field duties. Ms. Sedillo states she requested from the commission, last year, a permanent part time position. It started out at 25 hours per week, placing notices on the doors. As the individual was out on the field he noticed that a lot of the mobile homes were gone, destroyed, or burned down. The information was creating a backup in the assessor's office. They talked about sharing this person to help with the increased work load. They spoke with Ms. Garland on starting a pilot project. The individual works 25 hours in the Treasurer's Office and 15 hours for the Assessor's office. The salary was shared to pay this person between the 2 offices.

Jesse Lucero gives some stats. We have 31,000 parcels, 3355 square miles of land, and 953 miles of county maintained roads (all number approximate). There are 5 appraisers trying to get around the county to appraise all these properties. When the chief appraiser sends out one of his appraisers to put a mobile home on the tax role, this may be the only time they set foot on this land. So if something happens to the mobile home we don't know. The employee has been extremely helpful in cleaning up the issues we have when it comes to mobile homes. When we place a mobile home on the tax role, it keeps getting taxed. The employee has been a great asset to both offices and has brought in a lot of money to the county. We are asking that you please consider this position.

Tracy Sedillo states that this person has helped to clean up the tax rolls. We have had people come in to pay their back taxes because of the door hangers and have been able to remove mobile homes from the tax rolls as an uncollectable when we the mobile home is gone or destroyed. There has been 360 door hangers placed in the field, 26 accounts have been deleted,

and in the past 6 months and has brought in \$30,364.00 from going out placing those door hangers. This person has brought in enough money to fund the position. Please consider to fund this full time position. It's a great asset to both offices.

**Commissioner Frost** asks if at some point this position will bring in a profit.

**Tracy Sedillo** replies, yes, it will. The money goes into the general fund and that is why she is requesting the general fund pay the salary. The salary covered by her office currently comes out of her 609 fund, but that fund will not be able to sustain it for the next fiscal year and she will have to drop the hours back to part time. If that happens then all the work that has been done will start to pile up again. The money the employee has brought in will cover the salary.

**Belinda Garland** states that the employee has not even been at this for a full year and has already funded their own position.

**Madam Chair DuCharme** asks Ms. Sedillo and Mr. Lucero how many full time employees they have in their office at the moment.

**Tracy Sedillo** states that she has 4 full time employees herself and the chief deputy treasurer and the part time, so 6 ½ employees.

**Jesse Lucero** states that he currently has 10 full time employees and himself and the assessor for a total of 12 employees. **ACTION TAKEN: Commissioner Frost** makes a motion to approve the request from the Treasurer's and Assessor's office for the Delinquent Tax Specialist 1 pending approval of the budget. **Commissioner Sanchez** seconds the motion. Commissioner Sanchez asks Madam Chair DuCharme how she feels about this.

**Madam Chair DuCharme** is not in favor of this. There seems to be enough employees in both offices to be able to handle this. They are requesting \$35,673.00 but does not include benefits. Ms. Sedillo replies that it does include benefits.

**Commissioner Frost** states that opportunity to clear up records and to collect money, which this position has done, it would make sense to make more money.

**Belinda Garland** asks Ms. Sedillo to explain how this position is currently fund.

**Tracy Sedillo** states that it is currently funded from the Treasurer's fee fund and the assessor's and the re-appraisal fund. Neither office generates enough money to fund this salary. The money we are collecting on these all goes into the General Fund and that is why we are asking that it be funded from that. It would also make things easier for payroll if this person is paid from one line item instead of multiple line items.

**Commissioner Sanchez** states that we are considering a 5 member commission, economic development, a grant coordinator, the EVSWA contract, and few other things going on at the moment, how do we foresee planning in our budget for that growth.

**Belinda Garland** states that for a position to strictly handle economic development has not been factored in yet, because of other positions being considered and the EVSWA contract. These approvals you approve today will be finalized in the budget, if the budget cannot handle them then we will talk to the department heads about the situation. Ms. Tenorio needs guidance so that she can fit the numbers in to show you how everything will fit into the budget.

**Tracy Sedillo** states that this position brings in a steady cash flow. If we can continue to bring in money, then she will be able to keep money in investment longer to gain interest. We earned almost \$9,000.00 last month in what is in state investment pool.

**Madam Chair DuCharme** states that with the 10 people in the assessor's office, no one has a job description that involves this job?

**Jesse Lucero** states that is correct. There are 5 appraisers and with only 5 appraisers, how do we get to 3000 miles of property with just those 5 appraisers. Mr. Lucero states that he understands where the commission is coming from, but the taxes fund about 70% of the budget. If we don't collect taxes then we have no budget and we cannot fund anything or hire more deputies, etc.

**Tracy Sedillo** states that the property taxes account for the bulk of the budget. It is about 70%, if not more, of the General Fund.

**Nick Sedillo** Chief Appraiser, explains the education and uniqueness of the appraisers and what they do when they go out to appraise the property. Mr. Sedillo states that the last time he looked at the budget about 87% of the budget comes from the taxes that are collected. There are other areas that bring in the money but the bulk of the work comes from the work of the treasurer's & assessor's office from taxes.

**Michael Godey** suggest that instead of approving each item one by one, listen to them all, then prioritize them and approve them at the end.

**Tracy Sedillo** states that the budget is due by June 1<sup>st</sup>. It must be adopted by the next meeting.

**Madam Chair DuCharme** states that she likes Mr. Godey's suggestion that we listen to each item and prioritize them and approve them at the end. Every proposal should be considered.

**Commissioner Sanchez** states that the approval is tentative until the final budget is presented. His idea is to approve items A through K and adding in a few of his own. He feels he needs more information, he wants to know where his vision fits into all of this.

**Commissioner Frost** states that we have a group of elected officials, some have been here a long time, others a short time, one elected official that was the comptroller for many years, and these people know how the process works. Commissioner Frost would not have any idea how to do their jobs, he has complete faith and trust that these people are doing the right thing, the honest thing, and they have his full support.

**Belinda Garland** states that every item, with the exception of the predator control funding for USDA, is presented before the commission. The predator control is worked into the budget every year because it is a revolving fund.

**Madam Chair DuCharme** asks if this amount will be more or will it be the same amount as last year.

**Amanda Tenorio** states it is the same amount as last year and will be discussed at the budget hearing. The commission will be presented with the interim budget at that next meeting. Approving these requests will help here to put the numbers into the budget so that you can see how it all fits. We need to get this all completed, DFA has changed things and we need a little extra time to be able to get the budget in on time. **Commission Frost & Commissioner Sanchez** are in favor of this request. **Madam Chair DuCharme** is not in favor of this request. No further discussion. **MOTION CARRIED**

#### **b.) Clerk Request for Live Web Site Software**

**Linda Jaramillo** is here today to ask for capital outlay funds for a live website software for her office. The amount requested is \$7,000.00. This software will allow the public to search documents online. Ms. Jaramillo states that she had been approved for this last year. She was asked by the county manager and the deputy manager to apply for grant. She did apply for the grant and a year later has received nothing. She emails/calls her contact at the Attorney General's office, Mr. Eckhart, every 3 months to ask him where the grants is at. She emailed him a week ago and they are close to the award. It is not a sure thing that she will get the grant, which is why she is before the commission today asking for this funding so that she can be in step with the other departments by having her documents available online.

**Belinda Garland** states that the commission did approve this for the current budget. She did ask Ms. Jaramillo to wait because there was a grant from the attorney general's office that would cover items such as this. As stated, it's been a year and we are still waiting to hear if we are going to receive it or not.

**Linda Jaramillo** asks Ms. Garland if we are awarded the grant the money will it just go back to the county.

**Belinda Garland** states that we won't use the money, we will use the grant money.

**Amanda Tenorio** states that this was allocated in infrastructure tax when we did the current budget. The money is there. This money will roll

**Linda Jaramillo** states that along with this grant she asked for money to fund the marriage license software.

**Madam Chair DuCharme** asks for a motion to approve the clerks request in the amount of \$7,000 for live website software. **ACTION TAKEN: Commissioner Sanchez** makes a motion to approve the request for the clerk's office in the amount of \$7,000.00 for the live

website software. Commissioner Frost seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

**c.) Dispatch Request for Storage Shed**

Dorothy Rivera & Ben Daugherty are requesting money for dispatch ion the amount of \$5,000.00 for a storage shed to store records and equipment that is currently being stored in the building in a closet. The closet is over loaded and they need to get it out of the building before it becomes a safety issue. They are looking at a prefabricated building, like a tuff shed.

Belinda Garland asks what fund they are requesting this come out of.

Amanda Tenorio states that this can come from the General Fund, Wind PILT, or the Infrastructure.

Commissioner Sanchez states this doesn't seem to be a large request, is there another fund that we can pull this money from.

Belinda Garland states that the best place to pull this money from would be from the infrastructure. We cannot use capital outlay for these.

Madam Chair DuCharme asks what they will do to make sure the storage shed is secure.

Ben Daugherty states that they will have to purchase a storage shed with an integrated locking system, and if that isn't sufficient enough after the sheriff's department does its inspection, we will install another locking system. It is close to the dispatch building, there will be security cameras watching the shed.

**d.) Dispatch Request for Remodel of Entryway to Training Room**

Ben Daugherty states that the request is listed as a Remodel, and that is not the case. This is mainly for repairs to concrete floors in the dispatch center and the training room. The concrete floors are eroding and in desperate need of repair. We would like to resurface, re-stain, and re-seal the floors, as well as repair some molding and painting to the interior of the building. This originally was requested along with the storage shed as one request in the amount of \$15,000.00. We have received on quote on the remodel from B & R Contractors for the concrete resurfacing in the amount of \$13,792.00. If we have to wait on this we will, but we need to have this fixed as soon as possible.

Belinda Garland states this repair can come out of capital outlay. What we can do is raise the request to \$15,000.00 and do away with the request for the storage shed. Will that work better for you?

Dorothy Rivera replies, yes, this would work better for us. We would rather have the floor repaired before it becomes a safety issues and will cost us more money.

Commissioner Sanchez ask how much is budgeted for capital outlay.

**Tracy Sedillo** states that about \$500,000.00 is generated for capital outlay. More information was given, but not heard because they were not using the microphone.

Again it is stated by several employees that the commission is not approving the final budget, these are requests for money so that Ms. Tenorio can plug into the budget. If you don't like the numbers you see in the budget they can be removed. More conversation ensues regarding the requests and the budget. Most cannot be picked up because no one came up to the microphone.

It is decided that, instead of approving each one independently, the commission will hear all requests and then vote on them at the end of the presentation.

**e.) Domestic Violence Request for Annual Operational Funds to Subsidize State Contract**

**Anna Martinez** is requesting funds to keep the program running. The program lost the grant and it was part of a 4 year cycle. The commissioner granted the program \$46,500.00 last year and she is requesting that amount again. This is the last year of the 4 year cycle, after two more budget cycles the program can apply for the grant again.

**Madam Chair DuCharme** states she has last year's interim budget before her and the amount given to DV was \$30,000.00. It shows \$30,000.00 from wind PILT and \$20,000 from DV Grant for a total of \$50,000.00. She asks Ms. Martinez to explain her budget.

**Anna Martinez** goes over her budget and explains that the part time employees do not pay into PERA nor do they receive insurance. The only one that get insurance is herself, and they all work only 19 hours per week. Ms. Garland asks Ms. Martinez to go over how many people she has helped. Ms. Martinez states that they 20 new survivors, 30 offenders, for a total of 439 contacts and the survivors were for 39 contacts. Ms. Martinez explains a few basics on what her program does.

**Madam Chair DuCharme** asks where the money would come from.

**Belinda Garland** states that the money has been coming from the wind PILT. Madam Chair DuCharme and the previous commission approved that because you all felt it was a great program and it needed to continue to operate. As Ms. Martinez stated only 2 more budget cycles and they can apply for the grant again and the county will no longer need to fund it.

**Commissioner Frost** states that he is happy to hear how many survivors there have been. If they are not given this money then how many survivors will there be.

**Anna Martinez** replies, that if they do not get the money then it will most likely be her running the program. She will have to handle all aspects of the program therefore less time will be spent on helping people and the survivor rate will decrease.

**f.) Emergency Management Request for Dispatch Fence**

**g.) Emergency Management Request for Deputy Emergency Manager**

**Martin Lucero** states the he has a specific order regarding this request. He is requesting that he be allowed to hire and Deputy Emergency Manager first and then request for a fence at dispatch. EMPG funding has changed the way that state funding is allocated. Last fiscal year you would request an allocation amount and it goes before the state and if they have funding they would approve it. This year they have set a policy as to how they will fund that and it is based off of census population. Now there will be no money allocated to fund a second position. At one point and time the Emergency manager did have an assistant, but that was transferred over to the Fire Department. Mr. Lucero states he needs help, if leave to attend meetings and trainings that are required it leaves his office empty, he needs an assistant to be here when he has to be away, Mr. Lucero is a one man show. He has been able to do all this with the help of other departments, but it would make things so much simpler if he has an assistant. If something was to happen to him there needs to be someone in place with the knowledge to take over, and if there is an emergency, and you need to be available 24 hours constantly during the emergency, then an extra person would be there as a relief so that each one could get rest and not have to be going around the clock. Mr. Lucero would like to hire someone as a part time employee, with emergency management knowledge, to be able to come in and help.

The request for the fence at dispatch is for security purposes. Back in November of 2017 Mr. Lucero applied for a grant to pay for the fence. We were denied the grant because the fence was expensive. The dispatch center is a critical infrastructure for the county, they provide emergency services for the county, and they should have a fence surrounding the property. There have been a few instances where disgruntled previous employees tried to enter the building. With a fence around dispatch it would give an added level or protection to the employees at dispatch and the animal shelter and equipment that is stored on the dispatch property. Torrance County is the only dispatch center that does not have a fence around it.

**Belinda Garland** asks Mr. Lucero if his grant would help fund a Deputy Emergency Manager.

**Martin Lucero** states that it does not. As of now they are at max capacity for what we will receive for the county, we are at \$20,650.00. Which is a match contribution that the county matches at 50%. There are different types of fences that can be placed and he has tried to look at the cheapest available and we are looking at a minimum of \$50,000.00 for that 3 acre lot. The next up would be around \$70,000.00 and that would include the access control. The fence will not only support the dispatch center but other departments as well, and protect the counties assets.

#### **h.) Manager Request for Operations Manager**

**Belinda Garland** is requesting to move a salary. There is a position that was in the assessor's office that will become vacant on June 30<sup>th</sup>. It was an IT position and she would like move this position into the Manager's office as an Operations Manager. What she sees for this position is to help make sure the buildings are maintained, help with IT operations to possibly help cut costs for the IT operations, help with claims on liability insurance, help to make the county ADA compliant, and a few other things. It is a much needed position.



**Commissioner Sanchez** asks what the difference between this position and the Deputy County Manager.

**Belinda Garland** states that the Deputy County Manager is taking on special projects, working into being the full time information officer, working on the project with children in the workforce program, the census project, and a few other things.

**i.) Manager Request for Grant Coordinator**

**Belinda Garland** states that she brings this before the commission for consideration. Ms. Garland had a meeting with Mayor Hart from the City of Moriarty, Mayor Dial from the Town of Estancia, Mayor Nieto from the Town of Mountainair, and Mayor Harrington from Encino about this request. There are a lot of grants out there that the county is missing out on. All of our offices are very busy and don't have time to take to write the grant. The reason for my meeting with the Mayors in each of the towns is to have an MOU and they would help us fund the salary for the grant coordinator. The person hired would work for the county and the 5 municipalities. All the particulars for this position have not been considered yet because Ms. Garland wanted to bring this before the commission to see if they would consider this request. One option would be to make this position full time and combine it with economic development.

**Commissioner Sanchez** ask how would you intermingle the two.

**Belinda Garland** states that there are a lot of grants out there having to do with economic development. The person hired could work with Myra Pancrazio from EVEDA. There may be grants out there having to do with economic development that Ms. Pancrazio can suggest we apply for.

**Commissioner Frost** asks what amount of money we could apply for, he understands Ms. Garland can't give an exact amount, but at least a general idea.

**Belinda Garland** states that we can apply for anything from \$200.00 to \$1,000,000.00. The way she sees it, if we can get in a person with experience in writing grants, it would kind of pay for itself. Ms. Garland has spoken with Ms. Pancrazio and she is not against this. Having this person here, would be like a point of contact for her.

**Steve Guetschow** agrees with Ms. Garland on hiring a grant coordinator. In his office, Dan DeCosta, handles two grants and it take up a lot of his time. Hiring a person to handle the grant and attend meetings for the grants would help and free up his time to take care of other duties he has.

**Martin Lucero** states that, when it comes to grants, the opportunities are limitless. Mr. Lucero states that he manages two grants. There is a lot of time that needs to be spent on this when it comes to reporting, quarterly financial reports, and staying on task when it comes to submitting the deliverables and everything else that goes with maintaining the grants. This position would be a great asset to the county.

**Madam Chair DuCharme** asks Ms. Garland that she is proposing this position be part time, why is that?

**Belinda Garland** states she needs the feedback from the commission on this. This position would need to be as a part time, shared with the municipalities, or be combined with the position of economic development. The need for this would be to keep them busy, once the person would have a good flow, they would not be busy constantly and have some down time, Ms. Garland would hate to see money being wasted if the person is on full time and not working all the time. Share the position and keep the individual busy.

**Commission Frost** states that he would like to see this shared between the county and the municipalities.

**Madam Chair DuCharme** asks if we were to go with a contractor, would that be cheaper for the county.

**Belinda Garland** replies, maybe, but it depends. In most cases the contracted grant coordinator would take a percentage of the grant and their time is not fully devoted to the county. If we want someone to write grants, to bring money into our county, we would want their full attention. Ultimately it is up to the commission to hire or contract out.

**Madam Chair DuCharme** states that a person, eligible for this position, should have some knowledge in economic development.

**Belinda Garland** states that is a possibility. There are lots of other counties that have a similar position, Valencia County being one. The person that is there is bringing in lots of new businesses into the county. Ms. Garland states that she isn't saying Ms. Pancrazio, isn't doing her job, but she spends more time in the Edgewood area. If we hire someone for the county they may be able to help assist her with the county projects.

**Noah Sedillo**, Board of Trustee member for the Town of Estancia, states that the town will dedicate \$10,000.00 to \$15,000.00 for the position of the grant coordinator, contingent upon the approval of the commission to hire for this position.

#### **j.) Planning & Zoning Request Vehicle Maintenance and Repair**

**Steve Guetschow** states that he is requesting \$6,000.00 to put a long block in their 2012 F150. The vehicle is failing and in desperate need of repairs. This repair is cheaper than asking to purchase a new vehicle. If we get funded for this, the mechanics turnaround time would be about a week. We may need to go out for bid on this, but it is still a lot cheaper than purchasing a new one.

**Belinda Garland** asks if Mr. Guetschow has the money for this repair in his current budget.

**Steve Guetschow** replies that he would need to see what he can find. He said he had a bit of a downfall with the computer and the software he was wanting to get and looking at fencing in

the property in McIntosh. They had applied for some grants from the Environmental Department, but were denied. We have some money for that project but not for both.

**k.) Risk Management Request for Steamatic Environmental Cleaning Service HVAC System & Ductwork**

Nick Sedillo states that he has come before the commission with a wish list of projects. Those projects have included the outdoor lighting project in the parking lot (completed), the emergency shut off switches or the gas tanks at the road department (completed), the third project is the resurfacing of the parking lot in the front of the building, and the fourth project that the safety committee began discussion late last year, is to have our HVAC systems cleaned. Mr. Sedillo has been searching for vendors and met a vendor at the NMAC Meeting in January and they came out and gave us a quote. Mr. Sedillo's request for funding is for this fiscal year. There is funding in the 620-94-2215 County Infrastructure building maintenance and repair. Mr. Sedillo has used this line item for the other projects.

The scope of work for this project will be to clean the ducts in our HVAC system. Pricing is based on floor plan submitted in the amount of 16,800 square feet all supply handlers will be cleaned, including supply, return, and exhaust ducting. Pricing is also based on the current CES contract pricing method. The job would entail two four day work weeks to complete, and would be done on the days we are closed. Mr. Sedillo has been with the county for 23 years and he has no recollection of the ducts ever being cleaned, in this building nor the dispatch. Not having the ducts cleaned can become a health hazard. Nick gives some info from OSHA on the effects of poor Indoor Air Quality.

Commissioner Frost asks Mr. Sedillo that there is money available in the current budget that needs to be spent before the end of the fiscal year.

Nick Sedillo states, that is correct. The safety committee tries to present 2-3 projects per year for the commission. We were able to get all four projects on the list. Mr. Sedillo will be meeting with Mr. Lujan to start work on the parking lot here soon.

Amanda Tenorio states that these projects were budgeted in this year budget through the infrastructure fund.

Belinda Garland states that this request should not have been placed on this request. This had already been approved in the current year's budget and is not a request for the FY18-19 budget.

Commissioner Sanchez states that he is in favor items A, E & I. Two of the requests will generate revenue for the county and the other offers a great service to the community. It's kind of difficult to make an approval without any numbers to compare them to.

Commissioner Frost states that he agrees with Commissioner Sanchez that those 3 requests should be approved.

Amanda Tenorio states that we can use different funds from different line items. She needs to have them all approved so that she can plug them into budget for the budget hearing. At that point all of the numbers will be presented.

Belinda Garland suggest that a budget workshop be done to go over all the numbers. This will allow you to go over each item one by one and see how the money is being distributed. You can figure everything out at the work shop so that way when you get to the hearing you can just listen to public comment and then approve the budget.

Commissioner Frost likes the suggestion made by Ms. Garland to have a workshop so that we can see what the budget will look like and then pick apart things we don't like or vice versa.

It is decided that a budget workshop will take place Monday May 21<sup>st</sup>, 2018 at 1:00 pm.

**ACTION TAKEN:** Commissioner Sanchez make a motion to approve items B-K. Commissioner Frost seconds the motion. No further Discussion, all Commissioners in favor.  
**MOTION CARRIED**

**\*County Manager Requests/Reports:**

**17.) Request Approval to Pay Past Due Wal-Mart Card**

Belinda Garland states that it has been brought to her attention that at one point the county had a Wal-Mart credit card that is no longer valid. Ms. Garland found out the card had never been paid and was sent to collections. By law we cannot pay a collections agency. Ms. Garland was finally able to speak with a supervisor from Wal-Mart and asked how we can resolves this issue. The supervisor suggested that Ms. Garland do a written request for Wal-Mart to buy back the debt and pay them. It is hard to determine what was charged to the card as Wal-Mart was never able to provide an invoice. So this is why it was never paid. As Ms. Garland went through the payment history, the bill was never zeroed out. It is hard to determine what was charged to the card. If the commission approves for Ms. Garland to move forward with this to write a request for Wal-Mart to buy the debt back, she is also going to negotiate with them to remove the penalty and interest. This needs to be paid. Ms. Garland states she may need to speak with the auditors to make sure that this is done properly so that there will not be an audit finding.

Commissioner Frost asks Ms. Garland what is the amount owed in the debt.

Belinda Garland states that the amount is \$813.28.

Madam Chair DuCharme asks what would be the consequences if this debt is not paid.

Belinda Garland states that she is not sure what type of authority a collections agency has against a government agency.

Commissioner Sanchez states that we need to pay this debt.

**Commissioner Frost** asks if the card can still be used and if pay the debt off would they allow us to use the card again.

**Belinda Garland** states that the card has been destroyed and suggests that if we are allowed to use the card again that we do not.

**Madam Chair DuCharme** asks for a motion to approve to pay the past due Wal-Mart credit card. **ACTION TAKEN: Commissioner Frost** makes a motion to approve to pay the past due Wal-Mart credit card. **Commissioner Sanchez** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

### **18.) Update on 2015 CDBG Planning Application**

**Belinda Garland** states that back in 2015 the county applied for a CDBG Planning Grant. The grant was awarded but nothing was ever done with the grant. When Ms. Garland took over as County Manager there was some work done on the grant, the commissioner allowed Ms. Garland to represent the county on this. Ms. Garland worked with Sandy Geysler at MRCOG, and back in January the commission signed the MOU with MRCOG as the fiscal agent on this project. She has emails from Sandy stating that DFA said everything was a go and we could work on it. When it was completed Ms. Garland was contacted by Scott Wright at DFA he advised Ms. Garland that because the grant was never worked on within 3 months of being awarded, it was no longer valid. He got Ms. Garland in contact with the deputy secretary, his boss, Jolene Slowen, and she said took responsibility for this because she never should have let it get this far and should have pulled back on it.

Ms. Garland asked for a letter advising us of what happened. The county can re-apply. If the commission wants she can bring it to the commission so that they can approve to reapply for the CDBG grant. As it stands right now the CDBG grant is gone.

**Madam Chair DuCharme** states that when the grant was approved, a committee was formed to help with updates of the plan. We need to contact those people that were on the committee and tell them what happened. **NO ACTION TAKEN DISCUSSION ONLY**

**Belinda Garland** gives her update (update hereto attached) on what she has been doing since the last commission meeting. On April 26<sup>th</sup> she worked with Ambitions on the migration from Fortis to Square9 for all scanned images. On that same day she met with the Mayors from Estancia, Mountainair, Encino, and Moriarty to discuss projects that will benefit the municipalities and the county, mainly the hiring of a Grant Coordinator. On May 1<sup>st</sup> she spoke with Jolene Slowen concerning the 2015 CDBG Grant. On May 3<sup>rd</sup> she had a meeting with Steve Guetschow and Brenda Smythe concerning the Mescalero Dam Project. On May 3<sup>rd</sup> she attended a special meeting with the Tajique Land Grant Board concerning the agreement the land grant to lease the area where the transfer station is located. On May 8<sup>th</sup> she met with Gerald Chavez in regards to the EVSWA contract. She has also been working with Kristin, legal counsel and payroll on some personal matters. Ms. Garland is continuing work with Tracy and Amanda to meet with each department head concerning the upcoming budget. She has been working with Dennis on some legal matters, working with Department Heads to discuss proposal to the FY19 budget, with department heads on grant funding, met with Steve

and Dan in regards to possible grant funding for cleanup projects, and has had discussions with the County Commissioners.

**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.) Limited personnel matters pursuant to NMSA 10-15-1 H (2) regarding Dispatch Supervisor Salary

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

**EXECUTIVE SESSION ENTERED INTO AT 4:57 pm**

**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**

**RECONVENE FROM EXECUTIVE SESSION at 5:16 PM**

**\*Reconvene from Executive Session:**

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

a.) Consider and Act upon, if appropriate, Limited Personnel Matters regarding Dispatch Supervisor Salary

**Madam Chair DuCharme** asks for a motion to approve to raise the salary of the dispatch supervisor. **ACTION TAKEN: Commissioner Frost** make a motion to approve the salary increase for the dispatch supervisor. **Madam Chair DuCharme** states that the amount to be given in the pay raise needs to be specified in the motion as well as the name of the person receiving the raise. **Commissioner Frost** withdraws his previous motion. **Madam Chair DuCharme** makes a motion to approve the salary increase Ms. Snow by \$1.16 per hour. **Commissioner Frost** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

\*Adjourn

**Madam Chair DuCharme** asks for a motion to adjourn the May 9<sup>th</sup>, 2018 Regular Commission Meeting. **ACTION TAKEN: Commissioner Sanchez** makes a motion to adjourn the May 9<sup>th</sup>, 2018 Regular Commission Meeting. **Commissioner Frost** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

**MEETING ADJOURNED AT 5:19 pm**

Julia DuCharme  
Madam Chair DuCharme

Yvonne Otero  
Yvonne Otero-Administrative Assistant

May 23<sup>rd</sup>, 2018  
Date

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