

**FINAL COPY  
TORRANCE COUNTY BOARD OF COMMISSIONERS  
REGULAR COMMISSION MEETING  
AUGUST 8<sup>th</sup>, 2018**

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

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

**CALL MEETING TO ORDER**

Madam Chair DuCharme calls the August 8<sup>th</sup>, 2018 Regular Commission Meeting to order at 9:05 A.M.

**Pledge lead by Yvonne Otero**

**Invocation lead by Annette Ortiz**

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

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

**APPROVAL OF THE JULY 31<sup>st</sup>, 2018 SPECIAL COMMISSION MEETING MINUTES**

Madam Chair DuCharme asks for a motion to approve the July 31<sup>st</sup>, 2018 Special Commission meeting minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the July 31<sup>st</sup>, 2018, Commission meeting minutes. Commissioner Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

**APPROVAL OF THE AUGUST 8<sup>th</sup>, 2018 MEETING AGENDA**

Madam Chair DuCharme asks for a motion to approve the August 8<sup>th</sup>, 2018 meeting agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the August 8<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**
- 2.) Indigent Claim(s)**

**Madam Chair DuCharme** asks for a motion to approve the Consent Agenda, Approval of Checks, Indigent Claim(s). Madam Chair DuCharme asks if there are any indigent claims to approve and what the amount of the claim is. **Annette Ortiz** states that the amount of the claim is \$2,000.00. **ACTION TAKEN: Commissioner Sanchez** makes a motion to approve the Consent Agenda, approval of checks and indigent claims. **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

#### ***\*Commission Matters:***

### **1.) 2020-2024 Infrastructure Capital Improvement Plan Project Input and Ideas**

**Annette Ortiz** states that Ms. Garland suggests that we start the process for ICIP project ideas. This would be requests for future funding and the state is requesting that the projects we propose be shovel ready. We need to submit the requests by September 4<sup>th</sup>, 2018. If possible at the next meeting let's get public input (not a public hearing) to see if they have any suggestions or requests.

**Commission Frost** asks Ms. Ortiz if we will be ranking them today or will that be decided at the next meeting.

**Annette Ortiz** states that today is only for suggestions and we will rank them and approve them at the next meeting. If the commission or any members of the public have any suggestion they will need to submit them to us as soon as possible.

**Madam Chair DuCharme** asks if there is any specific format or forms in place that can be filled out when people are making their requests.

**Annette Ortiz** states that there is not one available, but one can be created if that is the wish of the commission. We can create a form to have all the specifics for the request so that nothing is missed.

**Belinda Garland** states that we need to start thinking about what items we want on this list. A few things that Ms. Garland would like to see on the list is property for the Tajique transfer station, because we need to move it to a new location. We need to start thinking about another building, we are running out of room, and if we are going to hire more people we need more room. The sheriff's department is in need of a yard and a shop for seized vehicles and sheriff's vehicles or possibly build a new yard and shop for the road department, since they have

outgrown the yard we have here, and then place the sheriff's department vehicles in this yard. Ms. Garland reads off last year's list of projects and some can possibly be marked off. Also the water issue in McIntosh and in the Duran area needs to be taken care of. The heating and cooling system for this building needs to be replaced. It is becoming obsolete, and becoming harder to repair. The heating system in evidence room had to be shut off due to a gas leak. Carl has gotten a few quotes on what it would cost to repair it and we are looking at \$10,000.00 to \$15,000.00 to replace it. Also, all the computers in the county are going to need to be replaced. We were recently informed that some of the software's we run will not be compatible with the current windows operating system.

**Annette Ortiz** states that if anyone is going to come forth with requests, that they have a solid dollar amount to work with when we are requesting money from the state.

**Commissioner Frost** states the EMW is working on the water issue with McIntosh and the county will no longer need to be asking for money for that project.

**Commissioner Sanchez** states that if there are vehicles that we don't need, we should consider getting rid of them. A form needs to be available for any outside entities making requests so they can provide us with all the information and the money required for the project. The current list that we are working with seems to keep repeating itself. We need to look at the list and remove projects that have been done and consolidate certain projects. The list needs to be updated. Update this list, consolidate items, and then work with it so that, we as a commission, can decide on a solid top 5.

**Belinda Garland** states that some items that are repeated on the list, such as vehicles for the senior centers will most likely always be on the list. We may not need them at this time, but in 3 years, because of all the mileage being put on the vehicles, we will need to purchase new ones. The list repeats but the need repeats. We need a good solid top 5.

On another topic, Ms. Garland spoke with Senator Lis Stefanics and she asked if there has been flooding in the county due to the recent rains. If so, the county can consider declaring a state of emergency and then request money from FEMA for damages and repairs.

**Annette Ortiz** states that it would be a great idea if the commissioners have a workshop to hear suggestions and decide what would be the top 5 most important shovel ready projects for the county. At the next meeting they will be accepting the resolution and approving their plan.

**Madam Chair DuCharme** states that the next commission meeting will be on the 22<sup>nd</sup> of August, if possible can we discuss this matter then, and then call for a special meeting after that if needed.

**Commissioner Frost** states that he would be ok with Ms. Garland and Ms. Ortiz working on updating the list and coming up with a new proposed list. Then we as a commission can study those and do the ranking as we see fit to be approved and then sent to the state.

**Annette Ortiz** states that on the initial plan itself, part of the title page, states that citizens were allotted ample time to express their comments and concerns regarding capital projects.

**Madam Chair DuCharme** states that she likes the idea of accepting proposals from everyone that wants to submit them. Then the commission will be able to choose from those projects and come up with a list. Madam Chair DuCharme would also like to hear from Ms. Garland and Ms. Ortiz what projects they think are a priority for the county.

**Commissioner Sanchez** suggests that each commissioner go out within their district and speak to the people and collect the applications, Ms. Ortiz and Ms. Garland could collect the department ones, and then hold a special meeting for the work shop to decide what will be the top 5.

**Commissioner Frost** states that these requests are for the county as a whole and not by the district. The requests should be made that will help the entire county and not just a certain area. A new list needs to be compiled and then we as a commission decide what will be the most important.

There is some discussion back and forth about FEMA, and when to hold the special meeting to approve the ICIP projects. **Commissioner Sanchez** suggest that the workshop be at the next commission meeting and then hold a special meeting the week after to approve the top 5 projects that will be submitted. **Madam Chair DuCharme** states that she is ok with that suggestion. She asks where the form will be available for those submitting requests.

**Annette Ortiz** states that the form will be available on the website as well as in the Manager's Office.

**Steve Guetschow** that in regards to the Duran situation he has been in contact with the Office of the State Engineer water quality division and the grants the city of Vaughn had applied to repair those lines and what the status was. Mr. Guetschow found in searching our county records where the commission has worked with the city of Vaughn and is still searching for the original MOU's that we had with the city of Vaughn regarding those water lines. Mr. Guetschow apologizes for the information not being complete there has been other issues that he needed to attend to but will continue to keep the commission updated.

**Michael Godey** suggests to invite people from the state to let the commission know what kind of grants etc. may be available to the county as well as money.

**Madam Chair DuCharme** states that it's a good idea but she is not sure that they will know about the amount of money available ahead of time.

**Belinda Garland** states that receiving money may be difficult this year as it is an election year and there will be a new governor in office. To her understanding the workshop will be at the next commission meeting, use the special project forms to request funding from external agencies as well as internal departments, and Ms. Garland and Ms. Ortiz will update the current list.

**2.) Consider and act upon proposed waiver of conflict of interest for Modrall Law Firm to represent Avangrid Renewables for Industrial Revenue Bonds**

Dennis Wallin states that when a law firm has represented both entities in a transaction, but not necessarily in the same transaction, require a waiver of conflict of interest to represent one that somehow might impact the other. The Modrall Law Firm has served as bond counsel for Avangrid Renewables and El Cabo in the past. Avangrid has approached them to handle the IRB transaction for the newest wind farm and require a waiver of conflict of interest pursuant to the ethical consideration that govern them.

Madam Chair DuCharme asks Mr. Wallin when this law firm represented Avangrid in the past did we go through this same procedure and what kind of conflict could this be, and will this apply only for this transaction.

Mr. Wallin replies, he thinks so, but can't recall off the top of his head. In reference to the letter that they sent Modrall Law Firm does not think there is a conflict but this is something lawyers do to make sure both clients recognize that they will be working on Avangrid's behalf on this matter. This will apply only to this transaction. Torrance County will have our own bond counsel and we are currently seeing a bond counsel at this time.

Commissioner Frost states that we have contracted with Dennis and his law firm to give us information, and this is information he has no experience with, we need to reply on the advice and information given to us by counsel.

**ACTION TAKEN:** Commissioner Frost makes a motion to allow the county manager to approve the waiver of conflict of interest for Modrall Law Firm to represent Avangrid Renewables for Industrial Revenue Bonds. Commissioner Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

**\*Public Relations**

**3.) Around the County Presentation-Annette Ortiz, Deputy County Manager**

Annette Ortiz gives a brief slide show and presentation of things that have been going on around the county. Family nights, which were for entire families, and teen nights (ages 13-19), at the Estancia aquatic center provided free summer fun for residents of Torrance County and was sponsored by Tracey Master, DWI Prevention Program Coordinator, Adrian Ortiz, and the Teen Court program. There was a great turnout from residents and teens as well as participation from the Sheriff's Deputies. The county did receive a certificate of appreciation for the support of the Estancia Aquatic Community Pool.

Thank you to the DWI program for the suicide awareness rock project with the encouraging messages on them.

The counter remodel project is almost complete. The Assessor's, Treasure's, and County Clerk are completed. Ms. Ortiz invites the Commissioners to go and take a look at the completed

work. Planning and Zoning and the Managers office are almost completed as well. Ms. Ortiz asks Ms. Garland & Madam Chair DuCharme to speak about their trip to Washington, D.C.

**Belinda Garland** gives a brief presentation on her trip to Washington, D.C. This conference was a one day conference and was for County Managers and County Commissioners which took place on July 27<sup>th</sup>, 2018. It was a great experience. Ms. Garland was able to get a lot of valuable information and great contacts that may help our county

**Madam Chair DuCharme** also attended the conference in Washington, D.C with Ms. Garland. It was a great experience and she was very grateful for the opportunity to attend this conference. The overall message seemed to be that everyone needs to be open to communication with local government to resolve issues. New Mexico had the largest attendance at this conference from any of the other states. Madam Chair DuCharme thanks the commission for allowing her to attend this conference it was very surreal.

#### **4.) Updates: a.) Various County Departments**

**Annette Ortiz**, Deputy County Manager states that they sent out requests for letters of interest for being on a complete count committee for the 2020 census and no one responded. We may need to look at different avenues and possibly reaching out to different entities and local governments to see if they may assign someone as opposed to getting letters of interest for the complete count committee

**Betty Cabber**, Assessor states that the protest hearing for the 2018 Notice of Value's will be held August 29<sup>th</sup> & 30<sup>th</sup>, 2018. We have 9 people who are protesting their values at this time. The Assessor's office as well as the Treasurer's office is doing outreach at the County Fair and will have a booth set up until Saturday. Thank you to Ms. Garland and Madam Chair DuCharme for attending the conference in D.C. and please keep in contact with those that you obtained numbers for. Do not let them forget about New Mexico we need all the help we can get.

From the New Mexico Counties Board of Directors meeting from Hobbs' that Ms. Cabber attended. Ms. Cabber hands out an itinerary of what was talked about at the meeting and what the priorities will be for the 2019 legislature. EMS & Health are two of the biggest issues that will be talked about during the legislature.

**Belinda Garland** asks Ms. Cabber what the prisoner transport and extradition funding is all about.

**Betty Cabber** states that this is for the transport of state prisoners and has nothing to do with county inmates. On the following pages it explains each topic from the front page. Also the New Mexico Association of Counties is now known as New Mexico Counties. There was lots of discussions about the Probate Judges, as they are thinking of placing them on the state judicial level and not on the local government level. There was discussion on what this will do to them as an elected official and so forth. The rest of the information Ms. Cabber handed out was letters and reports from the different groups out of the New Mexico Counties. Also

discussion on the risk management and workman's comp, the budgets are looking great and there is a possibility that the premiums the counties pay may go down.

**Tracy Master**, DWI Prevention Program Coordinator states that this past weekend was the final family night at the pool and there was approximately 135 people that attended. Saturday night was the Comic Con all and was the first ever. Was not very well attended, about 78 people showed, and the feedback we received was that there was too long of time period from when the Comic Con ended to when the ball started. Sunday was the end of summer splash at the pool and there was a turnout of about 175 people.

The underage drinking grant application was delivered to the New Mexico Department of Transportation Traffic Safety Division and we are waiting to see what the outcome will be. The teen court has a booth set up at the county fair, and the DWI goggles are there to show various levels of intoxication and the loss of coordination. The 5K for Suicide Awareness/Prevention is coming along as well and is scheduled for September 22<sup>nd</sup>, 2018 here in Estancia. The 7<sup>th</sup> Annual Dance under the stars is scheduled for September 8<sup>th</sup>, 2018 at Crossley Park in Moriarty. The next mental health first aid classes are scheduled for September 17<sup>th</sup> and 18<sup>th</sup>, 2018 from 9-1 and then again September 24<sup>th</sup> & 25<sup>th</sup>, 2018 again from 9-1 and will be held at the DWI Memorial of Perpetual Tears.

Ms. Master is also trying to find better avenues to advertise the programs. With as many ways we have attempted to reach people, we still continue to hear that they had no idea anything was going on. We do use the Independent to advertise and they give us a great rate, and we would like to thank them for all they do for us.

**Annette Ortiz** states that she is one of the County Fair's biggest cheer leaders. Everyone one involved has done a lot of great work. There is a lot of great food and fun activities for all. If anyone has the chance, please go check it out.

**Steve Guetschow** Planning and Zoning, states that tomorrow morning there is a meeting with the Estancia Basin Water Planning Committee and we are looking over the Interstate Stream Commission's new plan and ratifying that. On August 16<sup>th</sup> the forest service landscape team will be meeting at the Edgewood Soil and Water Conservation building. On August 18<sup>th</sup> the Forest Service Coordinating Council will be meeting at Isleta Pueblo. We will be discussing the draft EIS plan before its final approval to be sent to Washington.

**Leonard Lujan**, Road Superintendent, states in response to Commissioner Frost's question from earlier, we have had rain in spots throughout the county. There have been a few washouts and cutouts but everything has been fixed. All, but 2 men, are out blading the roads. We borrowed a blade from the town, the blade from the landfill is also being used, and all blades are in use trying to get the roads ready for the school busses now that school is starting. The chip seal projects have been pushed back until the end of September because of us trying to get all the roads bladed. As of right now we don't need to ask for more money we have enough to cover all the damage that has been done by the rains thus far. This winter, if it snows a lot, we may need to ask for FEMA money, but we won't be able to determine that until that happens.

In other areas, everything is good, complaints are getting repaired immediately. We are working on repairing the parking in the front of the building. Before we can lay anything down we need to kill all the weeds. If we don't kill them the right way they will just grow through the new overlay and ruin what we do. Mr. Lujan says he is trying to get this project completed by the end of August.

**Commissioner Frost** asks Mr. Lujan if the repair will be chip seal or asphalt.

**Mr. Lujan** states that he is going to get this done with an inch and a half over lay. This will last much longer than chip seal and will do as much as he can with the funding he has.

**\*Department Requests/Reports**

**5.) Resolution 2018-40 Participation in Local Government Road Fund Program Cooperative Agreement Project Number CAP-5-19(472)-Leonard Lujan, Road Superintendent**

**Leonard Lujan** states that these projects were submitted in March for the 2018-19 projects. The state recently contacted Mr. Lujan to let him know that they had extra money for these projects and if we were interested in receiving the extra money. His reply was, yes, they would be happy to receive the extra money, the extra funding would allow us to get more work done.

**Madam Chair DuCharme** asks Mr. Lujan what the amounts are and what roads will be getting fixed.

**Mr. Lujan** states that CAP project is in the amount of \$347,739.00 which includes the county's 25% match of \$115,913.00 for a project total of \$463,652.00. The roads that are getting done are within the towns. The roads will be getting chip sealed in Torreon, Manzano, Punta de Agua, some of McNabb Rd., and a few others. This will cover all the roads that the bond money didn't.

**Madam Chair DuCharme** asks Mr. Lujan where the information regarding which roads will be repaired will be located at.

**Mr. Lujan** states that it will be posted on the website when the time comes. These are for next year's projects not the current year.

**ACTION TAKEN:** **Commissioner Frost** make a motion to approve Resolution 2018-40 Participation in Local Government Road Fund Program Cooperative Agreement Project Number CAP-5-19(472). **Commissioner Sanchez** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

**6.) Resolution 2018-41 Participation in Local Government Road Fund Program Cooperative Agreement Project Number SP-5-19(186)-Leonard Lujan, Road Superintendent**



**Leonard Lujan** states that this resolution is the same as the last one the only difference is the amount. The SP project is in the amount of \$146,101.00 with the county's 25% match of \$48,700.00 for a total project amount of \$194,801.00.

**ACTION TAKE:** **Commissioner Frost** makes a motion to approve Resolution 2018-41 Participation in Local Government Road Fund Program Cooperative Agreement Project Number SP-5-19(186). **Commissioner Sanchez** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

**7.) Resolution 2018-42 Participation in Local Government Road Fund Program Cooperative Agreement Project Number SB-7803(105)19-Leonard Lujan, Road Superintendent**

**Leonard Lujan** states this is the SB project and the amount on this project is \$139,191.00 with the county's 25% match of \$46,397 for a project total of \$185,588.00.

**ACTION TAKEN:** **Commissioner Frost** makes a motion to approve Resolution 2018-42 Participation in Local Government Road Fund Program Cooperative Agreement Project Number SB-7803(105)19. **Commissioner Sanchez** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

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

**8.) USDA FY19 Work/Financial Plan for Wildlife Service**

**Belinda Garland** states that wildlife services requested more funding during the budget. This is the contract that the commission approved the additional funding for at the budget hearing. The total amount of funding is \$69,591.34. This supports the salary for wildlife damage management and also some procurement costs. The commission now needs to approve this contract.

**ACTION TAKEN:** **Commissioner Frost** makes a motion to approve the contract for the USDA FY19 Work/Financial Plan for Wildlife Service. **Commissioner Sanchez** seconds the motion. **Annette Ortiz** states that the cost from the county is \$32,500.00 which is shared. The total project amount is \$69,591.34. **Madam Chair DuCharme** asks Mr. Wallin if he has reviewed the contract. **Mr. Wallin** states that yes, he has, and it looks good. No further discussion, all Commissioners in favor. **MOTION CARRIED**

**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.)** Litigation related to Gonzales v. TCSO, Baca, Section 10-15-1(H)(3)

**Madam Chair DuCharme** asks for a motion to approve to enter into executive session.

**ACTION TAKEN: Commissioner Sanchez makes a motion to enter into executive session. Commissioner Frost seconds the motion. Roll call vote, District 1-Yes, District 2-Yes, and District 3-Yes. All Commissioners in favor. MOTION CARRIED**

**EXECUTIVE SESSION ENTERED INTO AT 11:03 am.**

**\*Reconvene from Executive Session:**

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

**RECONVENE FROM EXECUTIVE SESSION 11:24 am**

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

b.) Consider and Act upon, if necessary Litigation related to Gonzales v. TCSO, Baca.

**Madam Chair DuCharme states that the commission received a report that there will be a settlement conference next Monday and no decisions were made.**

**\*Adjourn**

**ACTION TAKEN: Madam Chair DuCharme makes a motion to adjourn the August 8<sup>th</sup>, 2018 Regular Commission Meeting. Commissioner Sanchez seconds the motion. No further discussion, all Commissioners in favor, MOTION CARRIED**

**MEETING ADJOURNED AT 11:25 am**

Julia DuCharme  
Madam Chair DuCharme

Yvonne Otero  
Yvonne Otero-Administrative Assistant

August 22, 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.**