

**FINAL COPY
TORRANCE COUNTY BOARD OF COMMISSIONERS
REGULAR COMMISSION MEETING
SEPTEMBER 12th, 2018**

COMMISSIONERS PRESENT: JULIA DUCHARME-CHAIRMAN
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 September 12th, 2018 Regular Commission Meeting to order at 9: 03 A.M.

Pledge lead by Brian Chaffin

Invocation lead by Mr. Gerald Chavez

APPROVAL OF THE AUGUST 22nd, 2018 REGULAR COMMISSION MEETING MINUTES

Madam Chair DuCharme asks for a motion to approve the August 22nd, 2018 Regular Commission meeting minutes. **ACTION TAKEN:** Commissioner Sanchez makes a motion to approve the August 22nd, 2018, Commission meeting minutes. Commissioner Frost seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

APPROVAL OF THE AUGUST 29th, 2018 SPECIAL COMMISSION MEETING MINUTES

Madam Chair DuCharme asks for a motion to approve the August 29th, 2018 Special Commission meeting minutes. **ACTION TAKEN** Commissioner Frost makes a motion to approve the August 29th, 2018 Special Commission meeting minutes. Commissioner Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

APPROVAL OF THE SEPTEMBER 12th, 2018 MEETING AGENDA

Madam Chair DuCharme asks for a motion to approve the September 12th, 2018 meeting agenda.

Belinda Garland requests if commission can enter into executive session after agenda Item #1 to discuss the land issues involved with the executive session. Ms. Garland states that Mr. Art Swenka requested to be on the agenda at an early time, but did not list the executive session at

the top of the agenda. In the past we have entered into executive session as needed therefore she is requesting to have executive session after item #1.

Commissioner Frost states that in his understanding the commission can go into executive session anytime they need to therefore this requests is ok with him.

Commissioner Sanchez requests, if possible, that the commission go into executive session after agenda item #2 since there are many people present that are interested in this item.

Madam Chair DuCharme states at one time she was a member of the public, and she understands how irritating it can be having to wait until it's ones turn to speak on a particular item. Madam Chair DuCharme says she likes the executive session at the end of the meeting. In the future she would like to see that we don't make any accommodations and follow the order of the agenda. If an individual requests to be at the beginning of the agenda, then place them there so they can see ahead of time their position in the meeting.

Ms. Garland states that in the future, if a person that is part of the executive session asks to be placed at the beginning of the agenda, then they will place the executive session at the beginning of the meeting.

Madam Chair DuCharme states that she wants to be respectful of those making requests and at the same time not be disrespectful to those waiting for us. Let's try to keep the executive session at the end of the meeting. **Madam Chair DuCharme** asks for a motion to approve the September 12th, 2018 meeting agenda **ACTION TAKEN: Commissioner Sanchez** makes a motion to approve the September 12th, 2018 meeting agenda and for the commission to enter into executive session after agenda item #2. **Commissioner Frost** 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 Frost** makes a motion to approve the Consent Agenda, approval of checks. **Commissioner Sanchez** 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

***Commissioner Matters**

1.) Update and Presentation on Contract between Torrance County and EVSWA-Gerald Chavez, Torrance County EVSWA Representative

Gerald Chavez EVSWA Torrance County Representative and recently elected as chairman of the board, and he is here today to give an update on what's been going on and to give a presentation on the contract between Torrance County and EVSWA.

Mr. Chavez would first like to state that he was elected to the EVSWA board 5 months ago. Within that time there has been a lot of change within the organization. When himself, and the other two county representatives began in April, we were briefed that the expenses for the county contract were over by about \$150,000.00. The contract for the county was for \$800,000.00 therefore making the total of about \$950,000.00 so it could run on its own without any subsidies. This is how the board was viewing the county contract for EVSWA to bill, collect trash, and haul it. This didn't include the tipping fees, those are separate.

In May the board was given the interim budget that needed to be sent to DFA, but that budget was negative in the amount of \$107,000. The board had two choices, give DFA a negative budget, or terminate the county contract. We could terminate the contract, give 6 months' notice, and for those 6 months received revenue from the county contract in the amount of about \$400,000.00 plus expenses. For 6 months you would be relieved of expenses, all personnel costs, and in the end, the budget was left about \$1,500.00 to \$2,000.00 in the black. This left the board with 2 budgets and they were split on which to go with.

At the meeting in May there was a motion made to terminate the county contract and it failed. Another motion was made to re-enter into negotiations with the county where the county presented the board with some figures that were lower than the \$800,000.00. The county gave lower numbers because they felt they could work with EVSWA and reduce some of the expenses. The motion for this item passed. All this is what started the renegotiations. EVSWA had a financial issue and it needed to be fixed.

A few months had passed and when FY18 ended EVSWA had a net fee of \$303,000.00. The board worked with management and the finance committee and cut the budget down to about a negative \$20,000.00 and submitted that to DFA. We then used all the actuals that came in and were able to adjust our final approved budget to DFA in the amount of \$203,000.00 net revenue. Lots of adjustments needed to be made and we took a deeper look into the budget.

We needed to look at the mission of EVSWA, and the core mission is the landfill. We needed to preserve the landfill for all entities. The county is a side contract in which they do business by providing services for a certain amount of money, and that money was not enough. We looked at the model and the total amount for payroll was \$947,682.28. The county collections were in the amount of \$467,741.62, the billing services were \$116,531.86, for a total of \$583,355.85 (this is just payroll). The landfill cost was \$364,326.43. So we began to look at each person and what they made and where the money was going. In this model there were several employees with cross expenses. In one area 45% of the salary will go to the contract and 55% to the landfill, in another one 65% would go to the county and 35% to the landfill. If we were to get rid of the county contract, those that are cross expenses, are we going to reduce their salaries or terminate those people? No, this was never the plan.

We realigned the budget, it went from \$583,355.85 to \$485,717.71. After we fixed this area, we looked at other revenues to see if they are being accounted for properly. With the new

model these are actuals and not percentages, as they were in the old model. On the table where it states June 30th, 2018, these are all actuals. They are items that the manager went out and got receipts for.

With the old model between expenses and income it looked like the county was \$190,490.82 drag to the EVSWA, meaning that if there was no contract with the county, EVSWA would have a net revenue of about \$493,608.47. This would have been problematic due to recent changes in fees from EVSWA.

Back to the expenses and with us realigning them the payroll expenses on county contract are \$485,717.71 and the core EVSWA business is \$464,513.61. These are actual numbers based on payrolls, people that are dedicated to our philosophy, the core business of EVSWA, the landfill. As you see the numbers don't add up to \$947,682.28, the total is \$955,231.32 for a difference of \$7,549.04. We couldn't split this in actuals because we weren't able to go month by month. We went forward with projections for FY19.

Back to the revenue model you will see that the county fees represent the \$200,000.00 per quarter the EVSWA should see from the billing and from commercial roll offs, tip tickets, and should see the \$800,000.00 in fees from the county. By the end of this year it will actually total about \$812,000.00. If you notice contract hauling is suspended, this is a revenue to EVSWA. Right now the county is \$812,245.59 and EVSWA is \$1,408,420.28 which includes the contract hauling. The core business for EVSWA is the landfill the overage from the county was for the hauling. EVSWA has every right to utilize the employees and the equipment for contract hauling, but EVSWA doesn't have the right to do this and not share those expenses with the county. The expenses include gas, tires, and the person driving that truck. That's where that \$800,000.00 comes in.

This is a joint venture between EVSWA and Torrance County. They are the county resources, but they are paying for these resources. Therefore we need to view this as a joint venture and help with those expenses. So in going back to the model the revenue from EVSWA is \$1,408,420.28 & \$812, 245.59 from the county contract which ended up negative \$49,387.38 in net revenue. When you share the expenses and get the \$300,559.60 from the net EVSWA core revenue and bring over \$0.00 from the net revenue county contract (no drag). We also made an adjustment to payroll of about \$2,549,04 for a total of \$303,108.64, the total for the FY18 EVSWA yearend total of \$303,108.65 making the deviation from actual year end \$0.01. Use this model, get actuals, follow the core business philosophy of the landfill, and share expenses, account for all joint intercrossing, and no drag from EVSWA, no subsidies. We need to communicate & build trust between EVSWA and Torrance County. This is a good start to a new beginning.

Madam Chair DuCharme would like to thank Mr. Chavez for all the time and effort that he put into this presentation and for representing the county on the board.

Belinda Garland would like to thank all of the EVSWA board members. There has been a great amount of time and energy into this and the county is grateful to all of those that sit on the board. **NO ACTION TAKEN. DISCUSSION ONLY**

2.) Vote on Approval to Move to a 5-Member Commission

Commissioner Frost states that this 3 or 5 member commission decision has been with us for quite some time. There are steps we have to follow and it seems like everyone is wanting to skip the first step and start at step 2 or 3. His main goal is to start at step one and make the main decision before we spend any more money.

Commissioner Sanchez states that from his perspective, transitioning from a 3 to a 5 member commission is a process. Step one is to vote unanimously on the notice of intent, which is a resolution which gives notice of our intention to move to a 5 member commission. Step 2 is the redistricting process, whereby the county, either internally or externally by a contractor, goes through the redistricting process. The third step is the public hearing process. The final step is the actual vote. Several months ago we voted unanimously to give notice of our intent to move from a 3 person commission to a 5 person commission. A month later we assigned the county manager to sign a contract with the contractor to work on the redistricting, and that was already completed. On September 19th we have a workshop scheduled to focus on the district model that we think will work best for the county. After this we still have the public hearing(s) and then the final vote. There is no need to vote on this now, because the final vote will be at the end of the process. Commissioner Sanchez asks why we need to vote on this now and not continue to follow the process that we embarked upon.

Madam Chair DuCharme states that she needs clarification from Mr. Wallin. She asks Mr. Wallin that step 1 is to give notice, does that step require a unanimous vote.

Dennis Wallin states that the only vote that requires a unanimous decision is the actual ordinance. Once the ordinance is proposed, then it will require a unanimous vote to move from a 3 to 5 person commission.

Commissioner Frost states that the way this was explained to the commission by the Clerk's office since the handle the voting, that motion of intent was to study and do research on moving to 5 members, and not move to it. The manager contacted Research & Polling to do the redistricting, which has already been done. To his knowledge this is the only main step they have voted on, and \$14,000.00 was spent on this. He does not recall the commission voting to go to a 5 person commission. After hearing from the attorney about the constitutional provision regarding the ordinance we will need to have a motion and a decision to stay with 3 or move to 5 members. Commissioner Frost states that to clear all this up, is to vote on whether or not we are going to stay with 3 members or move to 5.

Commissioner Sanchez states that on February 28th, 2018 all the commissioners voted to begin the process to move to a 5 member commission. All commissioners were in favor to adopt Resolution 2018-13 Notice of Intent by the Board of County Commissioners by unanimous vote to consider to adopt the ordinance to increase the size of the board. Back in May 23rd, 2018 the commissioners gave directive to the manager to enter in to the contract with Research and Polling, at this time Commissioner Sanchez states that it was his understanding that all commissioners were in favor of this. Why, now Commissioner Frost, is there a turnout.

Commissioner Frost states that he does not see a turnout. As he recalls, the vote to enter into a contract with Research and Polling was a 2 to 1 vote. We need clarification from the attorney for this.

Commissioner Sanchez states that the commission showed willingness to consider the matter by having a unanimous vote for the notice of intent. At that time we also gave the county manager directive to enter into the contract with Research & Polling. In the minutes all we did was give directive, we didn't have to vote on giving directive to the manager. If any of the commissioners were opposed to this contract it may have been appropriate to make that notation and state that one was opposed to the contract and proceed with a motion, but the commission gave directive to the county manager to enter into the contract with Research and Polling, which leads him to believe that all commissioners were in favor. This is where Commissioner Sanchez is seeing a turnout from Commissioner Frost.

Commissioner Frost states that he doesn't see a turnout, he just wants this all done in a correct manner. We did vote on Research and Polling and it was 2-1.

Commissioner Sanchez wants to know if Commissioner Frost is not in favor, is it because of the process or what is it.

Commissioner Frost states again he wants this done in the correct procedure and as the county attorney stated in order to make things correct, first things first and we need to vote on whether or not to move to a 5 member commission.

Commissioner Sanchez states that he believes we are following the process correctly.

Madam Chair DuCharme states that \$14,000.00 was already spent and we will vote when the Ordinance is ready, as of yet there is no ordinance. We are almost to the end of the process, why do we want to stop this process right now.

Dennis Wallin states that there will need to be an ordinance and you will vote on that. If you do not want to move forward with this, then you will need to make a motion and vote on the ordinance. In viewing the minutes on the notice of intent and its clear that Commissioner Frost wanted more information and asked the item be tabled, but was also clear that there was a unanimous vote for the resolution. The resolution doesn't add anything to the final decision, the resolution was just your notice of intent to move forward with the process.

You do have to have a unanimous vote on the ordinance, that is a must, but if you are wanting to revoke the notice of intent then that is something that you can vote on now should the commission chose to.

Commissioner Frost states that it is his understanding, that without the ordinance written, we cannot vote on this.

Dennis Wallin states that you can vote on whether or not to continue to move forward with the process, but you are not voting on the ordinance itself. If you vote not to move forward, then we will never get to the ordinance phase.

Commissioner Frost states if we get to the ordinance stage we would vote on that ordinance at that time.

Dennis Wallin states, yes, that is correct, and that will require a unanimous vote.

Commissioner Frost would like to know how long it will take to get to that stage.

Dennis Wallin states that all depends on how long it takes the commission to complete the next few steps. There is going to be a workshop next week to discuss the information that was received from Research and Polling and the redistricting. Once Mr. Wallin or the county manager receives direction from the commission on how they want the ordinance to read, how they want the districts to be aligned, (with understanding they have to be aligned pursuant to constitutional parameters), then he would draft an ordinance, and then the commission would set it up for public hearing.

Commissioner Frost states that the split of the districts has to do with population, is that correct?

Dennis Wallin states that is partially correct. It's also the population, it has to be as compact as possible, and as contiguous as possible, equal as possible in population in the district, and you need to make sure that there is no attempt to Gerrymander based on national origin or race. Research and Polling stated that if you act now, and then there is a big change in population from the 2020 census, there is a possibility you may have to redistrict again in 2020. In his experience there may not be a big shift in population, unless by some chance the prison was to reopen, the inmates are part of the count and that would raise the population.

Michael Godey states that it looks like the commission is trying to avoid the public hearing. You need to listen to the public. The new governor will appoint the two new commissioners and the choice of commissioners may be one sided. The commission owes the citizens the public hearing.

Linda Jaramillo, Torrance County Clerk, states that when the commission decided to go forward with the redistricting, she did have input, and she knows Commissioner Frost listened to her input. Ms. Jaramillo's input was more about splitting precincts that were too large. Precinct 5 is one of those precincts in the county that is too large. Ms. Jaramillo, Ms. Garland, and the commissioners received a letter from the legislators stating that the county needs to start looking into re-districting, not for the commission, but for the 2020 elections. Ms. Jaramillo runs the elections, she would like nice, clean, compact precincts, so that when the re-districting comes around, we have precincts with a population of 800 instead of 1200. There is a portion in the contract that states you can change the scope of what you are asking Research and Polling to do. Ms. Jaramillo would like for the commission to insist that Research and Polling split the precincts and do what she had initially requested. The 5 member commission is of course up to the commission but this was the input from Ms. Jaramillo when she spoke to Commissioner Frost. This redistricting needs to get done, not only for the 5 member commission but for the county as a whole. Ms. Jaramillo addresses Mr. Wallin and asks if there is any way that the scope or work can be changed to include that the precincts be split into more compact boundaries.

Dennis Wallin states that the contract does not need to be changed, we just need to get the information back to Research and Polling and let them see if they can accommodate meeting all the criteria.

Linda Jaramillo states that she did speak with Michael from Research and Polling and stated that she was disappointed. If Michael can make this more official and actually split the precincts, it will make it easier for re-districting in the future and for all the changes that may occur.

Belinda Garland states that this may be able to happen once they decide on what model the commission wishes to propose.

Linda Jaramillo states that compacting the precincts has nothing to do with the 5 member commission districts. It is for the county as a whole to have more compact precincts. Only in the Moriarty area is where there are precincts with too many voters per precinct. It's ok if we go to ballot on demand/VCC's (Voting Convenience Center's), which in the future we might have to do because of the local election issues, but it's still better for legislators to take small portions instead of 1200 voters.

The following list is a list of people that gave their opinions on for the commission going to a 5 member commission. Each person gave their opinion on how positive this change would be for the county. There would be a better balance and better representation for the county as a whole and not give more strength to one district or the other. The following people are for the change: **Norman Gonzales, Jason Quintana, Johnny Romero, Jim Summers, Venessa Chavez-Gutierrez, Frank Luna, Fred Sanchez, Daniel Antonio Herrera, Frances Gonzales, Kathleen Jessie, and Fred Otero.**

Ryan Schwebach from District 2 states that he is not in favor of this change at the present time. Financially the county is not ready for it, at some point, yes, just not at this time. There has been valid points from all here. The public hearings will help decide this. The only people he is seeing input from are those out of district 3. You need input for everyone from all 3 districts.

Commissioner Sanchez states that the cost seems to be a reason for not moving forward with this. The funds are available and that should not be a deciding factor. We are talking about liberty, about democracy, the ideals of Americanism. How can we not all support this? What is the counter argument for any opposition towards this? We are talking about inclusivity, about the representation of diverse populations, and diverse ideas. You cannot put a price tag on liberty. The price is irrelevant here. What is the theoretical basis for opposition here for not moving to a 5 member commission?

Madam Chair DuCharme states that the county is the biggest entity in Torrance County with the biggest budget. Municipalities like Mountainair, Estancia, and Moriarty have much smaller budgets but still they have 4 representatives plus a mayor, yet somehow they are able to bear the cost. She agrees with Commissioner Sanchez that the cost should not be a major factor here. **NO ACTION TAKEN DISCUSSION ONLY**

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.) Discussion regarding the purchase, acquisition or disposal of real property for Torrance County operations, Sec 10-15-1 (H) (8)

ACTION TAKEN: Madam Chair DuCharme makes a motion to enter into executive session. Commissioner Sanchez 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 10:30 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. Madam Chair DuCharme seconds the motion. All Commissioners in favor. **MOTION CARRIED**

RECONVENE FROM EXECUTIVE SESSION 11:18 am

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

b.) Consider and act upon, if necessary the purchase, acquisition or disposal of real property for Torrance County operations.

Madam Chair DuCharme states that no action was taken during executive session.

3.) Review Resolution 2017-051 Establishing the Solid Waste Management Fee as provided in Ordinance 94-12

Annette Ortiz states that this was asked to be placed on the agenda with the possibility of a wording change with in the definition. The second resolution was placed on the agenda not knowing what the possible change is. When this resolution was initially discussed there were many changes made so this essentially would be your draft resolution if you are considering changing the definition and go off this resolution.

Madam Chair DuCharme states that if this resolution is mentioned or on the agenda we should have that agenda in front of us.

Annette Ortiz states that she did not have any other information other than what was given to her and that what she just stated.

Belinda Garland states that she is not sure how the commissioners want the wording to be changed on the resolution to adopt a new one. Ms. Garland received no wording to be able to draft up the resolution.

Madam Chair DuCharme states that this would be a whole new resolution, correct?

Belinda Garland replies, yes, that is correct.

Annette Ortiz states it would either be a new resolution or the same resolution just make a change to the definition.

Commissioner Sanchez states that he has done some research into the vacant definition. Back in July of 2017 we started out with 488 vacant exempt accounts, and at current time there are in the area of about 200 accounts still out there. Many letters were sent out, and many accounts were brought into compliance. The opportunity cost that we are seeing from this correction is about \$12,000.00. It is costing the county about \$12,000.00 to carry out the corrections. The pursuing of the vacant definition is the county swapping dollars on this, we are not generating any revenue. The definition is uncomfortable in that in retrospect that there has been a total shift in the cost structure with the county contract. This has an effect on our perception and the idea that the county contract was deemed to be viewed as a drain to the EVSWA, but today is a pillar of strength and allows us a lot of flexibility on how we design our ordinances and rate schedules. A lot of research has been done to see which accounts are vacant and which are not. No additional research needs to be done. We can now redefine what it means to be vacant. We would like P & Z to utilize this on policing that. It is problematic to have a situation where our personnel are having to look inside people homes. Issues could arise and have risen. Now is a good time to shift to a self-certifying system, where we allow those vacant exempt accounts to be able to have the opportunity to self-certify. Also, if we are needing to go out to police the area, we can have P & Z go out and do a routine check and see if there are signs of activity, not an in depth check, but more of a roadside check. Monitor this for a year, on a self-certifying system and see how it evolves.

Belinda Garland states that if a person submits a form to the EVSWA that they are “Vacant Exempt,” that form is then sent to Mr. DeCosta at P & Z, he then drives to that location to see if they qualify as vacant exempt. If Mr. DeCosta can’t make that determination from the road, a letter is sent to the land owner indicating that a decision cannot be made and he would need permission to enter the property. If the land owner does not grant permission then we proceed with other options per the ordinance to be able to gain access to the property. If Mr. DeCosta is given permission, he then requests that the property owner meet him at the property. After the new definition was adopted, Mr. DeCosta no longer enters the home. He stands at the door and looks in but only if the land owner gives him permission to do so. If they say no then we proceed with another option. Mr. DeCosta is not forcing himself onto the property at all.

Madam Chair DuCharme asks Ms. Garland what would be another way that Mr. DeCosta would gain access to the property.

Belinda Garland states, if the property owners do not let Mr. DeCosta have access to the property to make that visual assessment, and there is proof that trash is being generated and the

property owners are not meeting the definition that the commission adopted for vacant exempt, then we will proceed to take it to court.

Commissioner Sanchez states that we may have approximately 250 accounts, about 15% or 37.5 of those accounts that pass through Mr. DeCosta's desk are in violation. The fee's that are not being paid are about \$2,200.00 per quarter. This is approximately what it would cost the county to do the policing. The policing has already been done. In order to offset the cost, we stop the policing for a year, allow the people to self-certify, and at the end of the year see what the numbers are.

Belinda Garland states that if you allow the people to self-certify, this could cause problems. Some of the people, not all of them, but some will take advantage of the situation.

Commissioner Sanchez states that we only allow those 250 accounts to self-certify, the option will not be offered to everyone.

Dennis Wallin states that this is what was done in the past. Many of the people were saying they were vacant. The board decided there was a need to enforce this and not allow the people to self-certify, you have gone full circle with this. It may be the most efficient way of handling this, and not having Mr. DeCosta go out and police the sites, but you haven't really solved the problem.

Commissioner Sanchez states that we have come full circle. From his perspective what was missing was all the information we now have. Any of the definitions that we have are no longer needed, we have the leeway to absorb any kind of cost for this. We have the opportunity to implement a change and monitor it.

Dennis Wallin states that a counter argument from the people that pay their bill would be, why should we subsidize just because the accounting works. Why should we be subsidizing those that should be paying a bill as well.

Madam Chair DuCharme states that it would not be a valid argument because those people already have accounts. These people are already paying for their residence where they live.

Dennis Wallin states that if other people are saying that they don't occupy the property, then other will come fourth and claim that they don't occupy their property so why should we have to pay.

Madam Chair DuCharme states that they are talking about a person's 2nd or 3rd property, not their main residence.

Dennis Wallin asks, how do you determine that?

Commissioner Sanchez states that we keep the definition of vacant and remove the sentence that talks about furniture it would take care of things.

Madam Chair DuCharme states that a vacant residence is an oxymoron, it is either a residence or a vacant dwelling. This is not an accurate definition. People that have vacant

homes still live somewhere else. They should not be charged twice. We need them to provide evidence of a second home.

Belinda Garland asks, how do we determine if this is a second home? You need to give P & Z guidelines. Dan needs a set of guidelines to follow.

Madam Chair DuCharme states that Resolution 2017-051 is an amended resolution. It should show on the document that it is amended. The original resolution was approved on October 11th, 2017 and this resolution we are seeing here states that it was approved November 18th, 2017. Madam Chair DuCharme states that she asked Ms. Jaramillo to check on the dates, and it is her belief that it was passed on November 8th, 2017. It is important to have the correct information on the resolution because it shows that all 3 commissioners signed the resolution. In the original document it shows that Madam Chair DuCharme did not support this resolution.

Linda Jaramillo states that when the resolutions and ordinances are created, they are created by the manager's office. It is the job of the clerk's office to keep them on record. If we find a mistake would you like us to bring you the document so that you can take the appropriate measures to change the document? From Ms. Jaramillo's understanding a document cannot be altered once it has been signed and approved. Our office can look at these more closely before we put them away. The record needs to be accurate.

Annette Ortiz asks, there was an original resolution approved and then it was changed?

Linda Jaramillo states that the resolution was amended.

Madam Chair DuCharme states that the resolution was amended and it is not stated on the document. It is important that it states on the document that it was amended. She signed the document and would like it to be accurate.

Linda Jaramillo states that there are some discrepancies with the dates on the resolutions. There has always been some issues with dates when it comes to amendments. The original will always stand, but throughout the years there may be many amendments to that resolution.

Madam Chair DuCharme states that if we are confused, something should be done differently. If the resolution or ordinance is amended it should state that on the document and show when the original was created.

Linda Jaramillo states that while she has been in office, it has always been the job of the manager's office to present these resolutions and ordinances to the board for approval. Once they are approved and signed it is then brought to the clerk's office to be filed or recorded for public record. The documents need to be accurate, if it's not, and the public is in the office searching for the information, they could miss something.

Commissioner Sanchez states that we need to get back to the subject

Madam Chair DuCharme states that this resolution has the same number as the one from the October meeting. There is nowhere on the document stating that it was amended. Also at this

meeting she submitted her definition of vacant property. It was part of the record but not included in the minutes for some reason.

Linda Jaramillo states that Sylvia pulled a copy that shows this. In defense of her recorders, they record these minutes here at the meeting, then they are taken to the office and transcribed. Everyone gets to review the minutes and then approve them at the next meeting, the minutes stay on the record as is once they are approved. We can't go back and fix things, but once you get your packet and you review the minutes, if there are any discrepancies, you could come and talk to me about them before the meeting instead of doing it here in the meeting.

Madam Chair DuCharme states that her issue is with the resolution, it misguides and misleads people. If Ms. Jaramillo notices an error or discrepancy in an item then there can be a request made to be placed on the agenda to make that change.

Linda Jaramillo states that when mistakes are made in our office we do correct them. The documents and resolutions and ordinances, or any other documents need to be as accurate as possible.

Madam Chair DuCharme reads her definition. She isn't really comfortable with the term Vacant Residence and would really prefer vacant dwelling or house. Here is what she proposed before as her definition. "A vacant residence means a residence that is not used for habitation by the owner(s) or anyone else. To receive a vacant residence status, the owners must fill out an affidavit, show current utility bills (gas and electric) for the dwelling he/she resides in, and proof of payment for garbage disposal at his/her residence." This is what she came up with, and it may need some polishing, but we should keep the essence of it. An affidavit and proof of people living there should be enough.

Dennis Wallin asks, what she means by "habitation?" The problem is you have taken apart a definition. Anyone can take a word and define that word. Does habitation mean that you are never there? Are you there a couple nights a week? Mr. Wallin states that he could possibly draft something that covers all contingencies, but it may take 3 or 4 pages. This is where the issues come up. Anyone can pick apart a definition and interpret it differently and that's when you run into court cases. In his opinion this definition is no better than the one currently being used, neither are perfect.

Belinda Garland states that maybe the regulation doesn't need to come so much from P & Z and the directive be given more to the EVSWA on the contract to do the regulation. If a person does not pay their fees they are still allowed to throw trash at the transfer station. If we give the directive to solid waste and if they cannot provide a current card showing that they are up to date on their solid waste account they cannot throw their trash. But then that will lead to other problems and people may just start dumping their trash along the roadways.

There is more talk and suggestions about what should be done from the members of the public. The following people all gave their input and suggestions, **Michael Godey, Leonard Lujan, Emily Sanchez, Fred Sanchez, and Johnny Romero**. They all state that there needs to be more clarity and suggest different avenues to try to enforce the rules.

Belinda Garland states that if the commission wants her to work on a definition she will need a copy of the definition to work it into the resolution.

Commissioner Sanchez states that are trying to avoid the evasiveness in allowing for self-certification.

a.) Resolution 2018-044 Establishing the Solid Waste Management Fee as provided in Ordinance 94-12

ACTION TAKEN: **Commissioner Sanchez** makes a motion to table agenda item #3. **Madam Chair DuCharme** would like to include the directive to the manager included in the motion as well. **Commissioner Sanchez** adds to his motion the directive to the manager's office to design a definition of vacant exempt that takes into account the expressed spirit of self-certification as well as minimizing the invasiveness. **Madam Chair DuCharme** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

4.) Transportation Committee

Commissioner Sanchez states that the first meeting is scheduled for November 8, 2018 at 6:30 pm. Commissioner Sanchez states that he will be submitting a list of topics and the location. If possible he would like for the meeting to be held in the commission room. The meeting will be led by Commissioner Sanchez and Mr. Ted Barela. All information pertaining to the meeting will be sent to the manager's for them to advertise. Invitations will also be sent out to the various municipalities and those on the list. It is a public meeting anyone is welcome to come.

Madam Chair DuCharme asks if any of the other commissioners are welcome to attend. Commissioner replies, yes. **Annette Ortiz** states that if the commissioners do attend they will need to let the manager's office know so that it can be advertised as a possible quorum. **INFORMATION ONLY, NO ACTION TAKEN**

5.) La Miga Canyon Road

Commissioner Sanchez states that the requester asked to table this item one last time.

ACTION TAKEN: **Commissioner Sanchez** makes a motion to table agenda item #5. **Madam Chair DuCharme** seconds the motion.

Annette Ortiz states that there are some people in the audience that have been waiting to hear what is being presented concerning this road.

Emily Sanchez states that this is the 3rd time this item has been tabled. The only person anyone has been in contact with is Mr. Paul Sanchez. Ms. Sanchez lives on part of that road and is wanting to know what is being done with the road. Something needs to be done and decided upon so that we can move forward. She lives on part of this road and she feels not all individuals are being represented fairly.

Commissioner Sanchez states that they do not know what is going on with the road since nothing has been presented.

Belinda Garland states that she spoke with Mr. Sanchez on the phone and has some pictures of the road.

Madam Chair DuCharme asks Mr. Wallin how many times can an item can be tabled before it is removed from the agenda. **Mr. Wallin** states that an item may be tabled 3 times. After that the item will be dropped and that person will have to begin the process again. No further discussion, all Commissioners in favor. **ITEM TABLED**

6.) La Parra Road

Mr. Silverio Barela states that he lives on La Parra Road and would like to let his nephew speak on his behalf due to his construction background.

Mr. Ron Otero states that he is here asking for help to repair a certain area of La Parra Rd and hands out a map showing the problem areas. Map hereto attached. Mr. Otero states that the road gets bad during inclement weather. The road area goes from HWY 337 to just a bit past Calle del Norte. We are requesting that 3 new culverts be placed to allow for better water flow from the high side to the low side. In the problem area water flow is bad and water collects causing the road to become very treacherous. The road has no cover anymore. Caliche was recently placed on the road put when it rained it was just a big muddy mess. We are asking that 3 new culverts be put in and some base course be put on the road. If we can get this done it would solve the problems on the road.

Yvonne Solis states that she would like to thank the commission for allowing them to speak and voice their opinion about the road. She states that the Road Department guys are not doing enough work on the road and they all seem to be preoccupied. There is lots of debris on the road and on one of the turns there are a lot of trees and debris that is blocking the road. This is very dangerous. There is a school bus that goes down this road and one of these days there may be an accident. Please get this road fixed.

Emily Sanchez states that she is a bus driver and has been driving this road in the school bus for about 5 years and she sees no big issues with the road. She has been able to pass through with no issues. Yes, the road has a few washboard areas but nothing major. If you go in and put in the new culverts, all that debris coming down from the mountains is going to clog up that area and flood it and that will be when she has problems with the road. In her 5 years she has had no issues.

Fred Sanchez states that he has been fighting this road issue for a while now and all he can say to the lady before is good luck.

Johnny Romero states that he is familiar with the drop off the people are talking about. There are culverts there. If you dig down about 3 feet you will find them. The culverts are necessary. The water always jumps the road and it does cause problems. No matter what the county puts in, it will get washed out. There have been two cars that have flipped on that road from the

washboard where the curve is. There may be other factors involved as to why the cars flipped but the washboard has to be one of them. There was never a problem in that area until they took the culvert out and tried to train it to go in a different direction. Putting in the new culverts will not alleviate the problem entirely, but they will help it.

Kathleen Jessie states that the first part of Lara Parra Rd is problematic. We are still living through the doghead fire and lots of water is coming down from the mountain when it rains. She lives at the end of the road and has had a terrible time getting in and out when it rains. She has contacted the road department and they do go out and fix the road as best they can and has never felt neglected by the road department.

Commissioner Sanchez states that he has conducted a site visit to view the problems. In the areas where the culverts are, the first one is plugged and the second culvert was hit and damaged by an operator. We are also aware of the portion of the road that needs some repair. Commissioner Sanchez believes that we can accomplish graveling that area of the road to make the surface uniform, repair the culverts, and take a look and see how the road drains to see if the culverts need to be repositioned.

Belinda Garland would like to know what budget this would be coming from. The road department is not budgeted for the culverts.

Commissioner Sanchez states that his motion was going to involve the road department making an assessment of the road and putting together what the cost will be. Then we can determine what budget this will come out of depending on the amount of material and repairs needed.

Leonard Lujan states that they have been trying to get to this road to work on the problems. He is aware of the issue with the road. The culverts were put in before he worked with the county and whomever put them in put them in the wrong place. At one time they may have worked, but over time with rain the silt will build up higher than what the road is. We haven't had time to go out and make repairs, but they are requesting the road be fixed with base course, this cost more money, we use caliche. We would have to haul the base course from Moriarty and it's going to take 3300-3400 tons to fix that portion of the road. He has tried to get out to the road, but he has other roads that currently require more attention. There is a gentleman at the moment who is not able to leave his residence because the road is completely damaged and they are trying to repair it so that this man can get out. There are other roads that take precedence over this one.

Commissioner Sanchez states that if we were to repair this from the material out of the county's pit, fuel, etc., what budget would it come out of?

Leonard Lujan states that the money would come from the road department budget. The original plan was for this to be fixed with caliche, but they want it done with base course and that is going to cost more money. La Parra Rd is 2.6 miles long. People are only asking to fix part of the road, if we are going to use base course we may as well just fix the entire road.

Commissioner Sanchez asks if you can make plans to get to this road and make this assessment within the next 40 days and evaluate the cost versus the benefit. Focus mainly on this portion of the road.

Leonard Lujan states that he wants to remind everyone that when you use base course on a road expect corduroy. It's the worse kinds of material you can use to repair a road. When you use the caliche it gets hard as a rock and can withstand the weather way better.

Commissioner Sanchez states the caliche may work if the drain issues can be controlled.

Commissioner Frost states that this would be a great road to get work done, but the road department is currently committed to getting the chip seal done.

Leonard Lujan states that was scheduled for the end of September but may get pushed back into early October because he had to go out for bids on materials, this will happen weather permitting. These projects are allocated state projects that have to get done. If they get pushed back until spring time this may give us time to work on some of these roads in question. To be able to get to this road I will need about 60 days.

Ron Otero states that the remainder of the road is in great conditions. The only part of the road that needs repair is from highway 337 to Calle del Norte. The reason for the request on this portion was to try to minimize the cost as much as possible.

ACTION TAKEN: **Commissioner Sanchez** makes a motion to address and assess the section of La Parra Rd that was talked about here today according to the map submitted. **Madam Chair DuCharme** seconds the motion. No further discussion, all Commissioners in favor.
MOTION CARRIED

Belinda Garland makes a request to break or lunch. Lunch break at 1:00 PM

Return from lunch break at 1:48 PM

7.) Discussion of Solid Waste Pick-up Options

Commissioner Sanchez states that he has done some research on how we may approach information gathering. The way he views this would be to get a group of people to get feedback. The group would consist of 3 representatives from EVSWA, the county manager, a commissioner, and 1 or 2 members of the public. Also he is looking at 3 different models, efficiency, private hauler, or a combination of the two.

We want to look at 3 different models. The first model would be how we can make EVSWA more efficient. The second model would be what a private hauler world would look like. The 3rd model would be a combination of the 2 models. This would take some time to be able to gather all the information on the models. It would be about 6 months before we can come up with information to present. We are not wanting to spend money on hiring a consultant. Commissioner Sanchez is not wanting for anyone to make a decision based only on data. He is wanting the decision to be made on a broader spectrum.

Madam Chair DuCharme asks Commissioner Sanchez if he is wanting a committee that will have 3 County Representatives that consist of the EVSWA board, maybe the county manager, a commissioner, and members of the public for a total of 6 members on this committee, is what she is understanding.

Commissioner Sanchez states that he is wanting to show the different views that each of the 3 models would entail. All 3 models may be viable, but we need to make an in depth look to see how each one will work. We are trying to look at inefficiencies, potential benefits, and see if there is a benefit.

Belinda Garland asks Mr. Sanchez to go over the 3 models again.

Commissioner Sanchez states that model #1 is how EVSWA operates now, can we take a more in depth look at how it operates, better efficiencies, what can we do with what we have now. With model #2 we can take a look into what a private hauler world looks like, such as the ramifications, the drawbacks, or the benefits to this model. Model #3 would be a combination of the two by leaving a part of the EVSWA in operation and use the private haulers.

Madam Chair DuCharme states that she is in full support of doing this research. When we spend public money it should be spent on data and not be political. Madam Chair DuCharme states that she would like to run this committee since Commissioner Sanchez is leading the transportation committee. Madam Chair DuCharme states that she only has a little less than four month left on the commission, but she feels that when she leaves one of the other commissioners can pick up where she leaves off, or maybe the research can be completed in the time she has remaining. Commissioner Sanchez states it will be up to Madam Chair DuCharme to set the pace since she is heading this committee.

Madam Chair DuCharme states that she and Ms. Garland will be meeting and talking about the solid waste issues more.

Belinda Garland states that she will contact Madam Chair DuCharme to set up a time to meet and discuss this.

Michael Godey makes some suggestions on who should be represented on the board. One suggestion is maybe an employee of EVSWA and not a board member. There also was a committee that was established a few years back when they were working on an RFP, maybe you could place of those members on this committee.

Madam Chair DuCharme states that the committee that Mr. Godey is talking about met several times, and came up with a document that is ready to use if the commission choses to do so. Madam Chair DuCharme asks for a motion to set up this committee. **ACTION TAKEN:** **Commission Sanchez** makes a motion to approve to create a committee consisting of 7 members of 3 representatives from the EVSWA, the County Manager, Madam Chair DuCharme, and 2 members from the public to discuss the Solid Waste Pick up Options. **Madam Chair DuCharme** seconds the motion. To get members of the public it will be advertised to submit letter of interest for 2 weeks and they will need to be present at the first

meeting in October. **Commissioner Frost** states that he has been to most of the pick-up stations and they operate very well. As we have been told many times we have the best system around. We have way too many committees and is not in favor of creating a committee for this. No further discussion, Madam Chair DuCharme and Commissioner Sanchez are in favor, Commissioner Frost is opposed. **MOTION CARRIED**

8.) Manzano Domestic Water Association Request

Commissioner Sanchez requests that this item be removed from the agenda

***Public Relations:**

9.) Proclamation Naming September 2018 as Suicide Awareness & Prevention Month in Torrance County

Tracey Master , DWI Prevention Coordinator reads off some information and statistics that deal with suicide. Suicide is the 10th leading cause of death in the United States. There are approximately 123 suicides per day with the age range from 15 to 49 years old. Ms. Master is requesting that the commission approve a proclamation making September 2018 Suicide Awareness and Prevention Month. Ms. Master reads the proclamation. Proclamation hereto attached. Ms. Master also asks if one of the commissioners would be able to lead the pledge the morning of the Suicide Awareness/Prevention 5K Run/Walk.

ACTION TAKEN: **Commissioner Sanchez** makes a motion to approve the Proclamation naming September 2018 as Suicide Awareness & Prevention month in Torrance County. **Commissioner Frost** seconds the motion. **Mr. Fred Sanchez** states that as a veteran he would like to see more things like this being done as suicide is the leading cause of death among veterans in the United States. If there is anyone that needs help they can contact him at (705) 305-4044-8888. **Tracey Master** also states that there will be different organizations set up that will have information available for anyone in need. **Commissioner Sanchez** states that he will do the pledge for the opening ceremonies. No further discussion, all Commissioners in favor. **MOTION CARRIED**

10.) Updates a.) Various County Departments c.) County Manager

A.) County Departments

1.) Tracey Master DWI Prevention Program Coordinator states that similar proclamations are being done in the municipalities of Mountainair, Estancia, & Moriarty. Also she is needing help blowing up balloons for the event. If anyone is interested in helping they can contact her.

2.) Annette Ortiz Deputy County Manager states that in the past, the commission has allowed the administrative office to close for 1 hour during certain times of the year so that we can get all of the employees together for a potluck and give out any new information that the employees may need. Ms. Ortiz states that the time this year will be September 25, 2018 from 12:30 pm to 1:30 pm. This will not happen every month maybe once or twice a year.

Commissioner Frost & Commissioner Sanchez state that they are both ok with closing for an hour.

C.) County Manager

Belinda Garland gives her update. On August 23rd she met with Dorothy & Ben from dispatch to discuss the audit trail & confidentiality in regards to the CAD system and whom will be allowed access. On that same day the electricity went out in the whole town of Estancia. It was going to be about 3 to 4 hours until the electricity would be restored. She contacted Madam Chair DuCharme and it was decided that the buildings be closed and employees be sent home for the rest of the day. Later that evening Ms. Garland attended the EVSWA meeting. A new management style was discussed and approved. With this new management style it showed that Torrance County was not causing EVSWA system to fail it was voted on to cease negotiations and not continue with this matter.

On August 27th Ms. Garland was out for doctor appointments.

On August 29th there was a special commission meeting to discuss the ICIP list. The list was approved. The final list was completed by Ms. Ortiz and sent to Santa Fe along with any additional documents. Ms. Garland thanks Ms. Ortiz for working hard and getting all this in place for Torrance County.

On August 30th Ms. Garland worked on selecting a new time keeping system that will be presented for approval later in the meeting.

On July 2nd Ms. Garland received a letter from the Town of Estancia's Code Enforcement Officer concerning the weeds surrounding the building. Ms. Garland worked with Mr. Guetschow to determine if there was a violation and they attended the Town Meeting on August 6th to get a definite directive in what the County was zoned for under the special use permit. There were no specific guidelines so they came away with no information from the meeting. The county's stance is that since this building existed before Estancia adopted any P & Z ordinance, therefore the county is grandfathered in and will continue to utilize the property to operate the day to day business. Ms. Garland would like to make note that Arely and Carl have worked very hard on keeping the weeds in control as weather and time permitted.

On September 5th the Finance Department spoke with a rep from Document solutions in regards to getting a new copy machine. No action was taken due to the fact that we had recently received a new machine.

At about 12:30 pm September 5th Ms. Garland contacted Madam Chair DuCharme and let her know that the Town of Estancia had been without water since 10:30 am. The water would not be back up for about 4-5 hours so it was decided the Administrative Offices would close since the building was affected, and the employees would be sent home for the remainder of the day.

On Thursday September 6th Ms. Garland stayed home to catch up on emails and work and organize her projects. On Monday September 10th there was a meeting with NextEra regarding

the High Lonesome Mesa Wind re-power project. NextEra is working to make upgrades to make the towers more efficient. The meeting was attended by Ms. Garland, Mr. Wallin, Mr. Guetschow, & 4 reps from NextEra.

On September 11th Ms. Garland, Amanda Tenorio, & Mr. Wallin went to Santa Fe to talk to Scott Wright from DFA in regards to the appropriation funds we received and how to spend the appropriately. Also on this day Ms. Garland participated in the Brush Truck Selection Committee and this will be presented later in the meeting.

Ms. Garland has been working with Mr. Wallin and a couple of attorney's from NM Counties on some pending legal matters & providing information for responses to be prepared. Ms. Garland has worked with Kristin on some personnel matters and interviews are being conducted to fill positions at dispatch and the Sheriff Department. Also Ms. Garland has been working with the Finance Department for the FY18 Audit. They are meeting weekly to stay on track. Thank you to Tracy Sedillo for working hard on this project. Also, Ms. Sedillo has been working with Triadic to ensure timely and accurate information for our team. Ms. Sedillo also let me know that for the first time in years the budget was perfectly balanced to the penny. That is a great accomplishment and I would like to thank everyone involved for working so hard to get out budget balanced.

Madam Chair DuCharme thanks Ms. Garland for her in depth update.

***Department Requests/Reports:**

11.) Request Approval of Articles #2, #3 & forms for the Torrance County Fire Department Policy & Procedure & Standard Operating Guidelines-Lester Gary, Fire Chief

Lester Gary Torrance County Fire Chief states that they have completed their department policy procedures and standard operating guidelines. The first part of the policy and procedures are still under review by legal. Mr. Gary is here before the commission to ask for approval of the standard operating guidelines for fire and EMS. These are guidelines that once we arrive on a scene we can start operating in an efficient manner. These guidelines are standard throughout the state of New Mexico as he as conferred with other counties so that we have some of the same procedures in place. The last part covers fire, EMS, and some of the standard forms that we will be using in the fire department.

Dennis Wallin states that he has reviewed these documents and they are comprehensive and very good.

Madam Chair DuCharme asks for a motion to approve Articles #2, #3 & forms for the Torrance County Fire Department Policy & Procedure & Standard Operating Guidelines. **ACTION TAKEN: Commissioner Sanchez** makes a motion to approve Articles #2, #3 & forms for the Torrance County Fire Department Policy & Procedure & Standard Operating Guidelines. **Commissioner Frost** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

12.) Award No. 2018-01 Firefighter Brush Truck Bid-Noah Sedillo, Chief Procurement Officer

Noah Sedillo Chief Procurement Officer would like to thank everyone that submitted a bid. He received 6 bids but 3 were deemed unresponsive as they did not follow the proper bid guidelines. Mr. Sedillo would like to thank the bid award committee Chief Appraiser Nick Sedillo, County Manager Garland, Chief Lester Gary, and Fire Administrative Assistant Hannah Sanchez for all their help. Out of the 3 bids that were selected to be reviewed we made a selection. We are asking the bid be awarded to Watts Manufacturing from Salina, KS. They came in with the lowest bid in the amount of \$104,880.00. We were able to get the truck fully equipped and we are asking the commission to formally award the bid to Watts Manufacturing for the brush truck.

ACTION TAKEN: Commissioner Sanchez makes a motion to approve award No. 2018-01 Firefighter Brush Truck Bid to Watts Manufacturing. Commissioner Frost seconds the motion. Madam Chair DuCharme asks Mr. Sedillo how long it will take to build this truck. Noah Sedillo states that the lead time will be about 210 days to build. From Mr. Sedillo's understanding, the reason it will take so long is because the federal government reached a new deal with the big trucks for Dodge Ram, and that is what we asked for was a Ram 5500, those trucks are now being built in Detroit therefore pushing the lead time back. It will be roughly 7 months from today that we should receive the brush truck. Belinda Garland states that all 3 bids that were reviewed had an extended amount of time on building the vehicle. Chief Lester Gary states that he is comfortable with that time frame. We are not in fire season at the moment and when we receive the truck it will be just as fire season is starting. It will be perfect timing. No further discussion, all Commissioners in favor. **MOTION CARRIED**

13.) Request to Make Part-Time Clark Position into a Full-Time Position-Stephanie Dunlap, Sheriff Administrator

Martin Rivera, Under Sheriff, is here to present this request. Ms. Dunlap could not be present as she is out sick. He is here today requesting that the 2 part time positions that are currently in the office be changed into a full time position. In the past the two part time people had an issue with communication since the two never saw each other. One of the ladies recently retired so we only have the one part timer. If we are able to hire her on as full time it will be easier for the rest of the girls in the office.

The current position is getting paid at \$13,946.40 per year. The total budget for the two part time employee's was \$26,018.00 per year. The conversion cost, with the cost of salary and benefits, would be \$54,726.10. The difference would be \$14,761.70. We are asking for the commission to approve this so that we can have one full time-position.

Belinda Garland asks if they raised the salary on this position, and what hours each one was working per week.

Martin Rivera states that one would work three 8 hour days per week and the other two 8 hour days. They would alternate each week the days they would work. He is not seeing the

whole break down for the hourly wage it's just showing the breakdown for the salary with benefits.

Commission Sanchez asks if this in the Sheriff Department's budget.

Martin Rivera states that he is not sure. He thinks it is in the budget. Ms. Dunlap would have had all the answers to these questions. Mr. Rivera states that there is line item transfer placing the two part time salaries into the one full time salary. It will be transferred from line item #401-50-2103 in to line item #401-50-2102.

Madam Chair DuCharme states that she is trying to understand the salary. The current annual salary for the part time employee still working is in the amount of \$13,946.40. For both salaries it would be twice as much, correct? The total amount would be \$27,892.80 for the full time. You are asking for \$54,726.10 for the full time position.

Martin Rivera states, yes, that is correct. The salary is much higher because the part time employee's do not get all of the same benefits as a full time employee does. The increase in the salary is for the difference in the benefits.

Madam Chair DuCharme asks why do we need to do this.

Martin Rivera replies that for the department there would be more continuity and it would be easier to manage one person instead of the two.

Belinda Garland states that in the budget for the two part time positions it was a total of \$31,248.00.

Martin Rivera states the reason the salary from one of the other positions was a little higher is because she had been here longer than the current employee so she had received the cost of living raises that had been issued throughout the years. The combination of the two salaries should come close to the salary being requested.

Belinda Garland states that the salary does not come close, the difference that needs to be made up is in the amount of \$23,478.00. One Clerk was budgeted at \$10.50 per hour and the one that retired was budgeted at \$14.52 per hour.

Commissioner Sanchez states that they should take some time to figure this out. He has heard to many numbers on the salaries.

Belinda Garland states that this can be tabled until the next meeting if need be. There is a difference of \$23,478.00 of what was budgeted and what is being requested.

Commissioner Frost asks if there is a place in the budget to find the money being requested.

Martin Rivera replies, he thinks that it is in the budget, there is a line item transfer attached.

ACTION TAKEN: **Commissioner Sanchez** makes a motion to table agenda item #13

Request to Make Part-Time Clark Position into a Full-Time Position. **Madam Chair DuCharme** seconds the motion. **Commissioner Frost** states that we do not need to spend any more money than we need to, but that job has to do with law enforcement, and it is important to all of us. As was mentioned earlier, there is lots of money available, let's make some of that money available for these people. No further discussion, all Commissioners in favor. **ITEM TABLED**

14.) Grant Agreement 19-CD-05-103 between NMDOT & Torrance County for Community DWI Funding-Tracey Master, DWU Prevention Coordinator

Annette Ortiz states that Ms. Master had to leave for court and was asked to present this item for her. The contract is between the NMDOT Traffic Safety Bureau and Torrance County for the community DWI funds. The amount is \$2,689.00 and no match is required. These funds are generated by a \$75.00 fee assessed to all convicted DWI offenders. The award is based on the amount that has been collected. Funds will be used to purchase promotional items such as the smart choice coasters & key chains.

Madam Chair DuCharme asks if we have a motion to approve Grant Agreement 19-CD-05-103 between NMDOT & Torrance County for Community DWI Funding.

Commissioner Sanchez asks if this was reviewed by the grant committee and legal.

Annette Ortiz states that it is her understanding that it did not get presented to the grant committee before the meeting.

Dennis Wallin states that he has reviewed the document during today's meeting and it looks fine and states that typically these do have to go before the grant committee.

Commissioner Sanchez asks what the reason was for this not being presented to the grant committee and if it would impede anything if we table and let the grant committee review this. If that is standard practice then this should go before the grant committee.

Annette Ortiz states that it is her understanding that it was bad timing. This was requested to be reviewed by the grant committee it was bad timing from the grant committee meeting and the commission meeting.

Belinda Garland states that since there is no match required on this. The grant committee will review this and set it up for tracking. Since there is no match, we should request this now so we can set it up for tracking.

Commissioner Sanchez states that the grant committee should review this and then we can approve it at the next meeting.

ACTION TAKEN: **Commissioner Sanchez** makes a motion to table agenda item #14 Grant Agreement 19-CD-05-103 between NMDOT & Torrance County for Community DWI Funding. **Commissioner Frost** seconds the motion. No further discussion, all Commissioners in favor. **ITEM TABLED**

15.) Request Approval of Time Clock Upgrade-Kristin Oliver, Human Resource Director

Kristin Oliver, Human Resources Director is asking the commission for approval to upgrade our current time clock system. We currently have Time Clock +4 and it is out dated. With it being outdated the system goes down from time to time and the company is no longer offering support. We would like to upgrade to Time Clock +7. It is a web based program, there are more options that comes along with this upgrade, and will be compatible with Windows 10. Employees will be able to clock in with their phones or their computers. This program also has GPS tracking so it will be able to inform the supervisor where the employee has clocked in from. The supervisor will have full access and to be able to keep track if each employees clock in and clock out times. This new system will be more efficient.

Belinda Garland states that she and Kristin went through several programs. This is the best program that we could find and is the least expensive. The best part of this systems is that it will go straight into triadic and make it easier for us to run payroll.

Commissioner Sanchez asks what the issue is with the current system and asks where the money for this will come from.

Belinda Garland states that the system is antiquated, if it goes down it can't get fixed because the company no longer supports it. Also, as an example the road department crew can clock in using their phones and the program will let their supervisor know they are at their blade. This program will do away with the paper time sheets. The money to pay for this will come out of the commission budget. It will be \$7,000.00 upfront to pay for the upgrade and the \$3,960.00 per year thereafter. Since this is a web based program the system will always be up to date because the company will do the update when it is needed. Not everyone will move to this system at once. We will do it in steps. The administrative building will be first so that way we can make sure that it is working properly and all bugs worked out.

Annette Ortiz states that this is a need and not a want. This system is antiquated, it keeps going down, and will no longer be compatible with windows 10 as we start to upgrade our computer system.

ACTION TAKEN: **Commissioner Frost** makes a motion to approve the time clock upgrade. **Madam Chair DuCharme** seconds the motion. **Commissioner Sanchez** states that he needs an answer to his question concerning the amount of money in the commission's budget. **Belinda Garland** states that the commission's budge includes IT fees, legal fees, etc. The total for the commission budget is \$1,344,209.00 which includes building improvements, legal fees, professional services, refunds, membership dues, training, extension office, EVEDA, KXNM community foundation, printing & publishing, office supplies, equipment maintenance/repair, workers compensation, various insurances, utilities, telephone, postage, mileage, per diem, building rent, maintenance contracts, vehicle maintenance/repair, county audit, etc. **Commissioner Sanchez** asks which line item this time clock upgrade would come from. **Belinda Garland** states that it will either come out of the infrastructure or capital outlay. **Nick**

Sedillo states that the original time clock software is about 10 to 12 years old. As with any other technology it's outdated as soon as you open the box. The time clock system and the badge reader, if his memory is correct, it was purchased out of the IT budget. Total spent at that time for the software and badge reader was about \$4,500.00. Belinda Garland states that the commission can inform us on which line item they would like for it to come out of. Commissioner Sanchez states that he would like for it to come out of IT. No further discussion, all Commissioners in favor. **MOTION CARRIED**

16.) House Bill 98 Local Election Update-Linda Jaramillo, Clerk

Linda Jaramillo, passes out some information, then states that she would like to give an update on HB 98, Local Election Act. House Bill 98 Local Election Act providing for a single election day and uniform process for certain local government elections, first of these elections to be held November 5, 2019. The participating municipalities, should they chose to opt in, will be Moriarty, Estancia, Mountainair, Willard, & Encino.

For those municipalities that chose to opt in they will have to have a public hearing to get opinions from the public and then adopt an ordinance. Ms. Jaramillo states that she sent out an email to inform everyone that Estancia is having a public hearing September 17th, 2018 at 6 pm to see what the public has to say about the town opting in to this election act. Ms. Jaramillo invited Senator Daniel Ivy-Soto to give a presentation at the meeting and answer any questions anyone may have.

This will be a whole new process for her. When it was first introduced to this, she shied away from this because she has never had Voting Convenience Center's in the entire county. Each person will get their own ballot. Each ballot printed will be specific to that one voter with their municipality, their school district, and their county election. It will not be a ballot for the entire county with every single election, it will just be a ballot specific to that voter. In her opinion there may be better voter participation. In this bill if any of the schools, municipalities, or county are wanting to have a special election, it has to be all by mail. The reason for this is to try to get everyone used to voting at one time and get more voter participation.

In June or July next year, the commission will have to pick the precincts for this election. The commission in the past has always allowed Ms. Jaramillo to pick the precinct for the elections, and the commission approves them. Ms. Jaramillo is wanting to do VCC's in each of the precincts, consolidate Mountainair, Estancia, Moriarty, and McIntosh. The mountain towns will require a little more discussion. The idea would be to have a consolidated precinct in Torreon. This will not limit them to just vote in Torreon, they will have the ability to go vote in Mountainair if the wish. Any voter can go to any of these VCC's in the county and vote. The Secretary of State's Office will pay for the ballot on demand, supplying the machines the computers, etc. it will not cost the county anything. The annual assessment per local government will be \$250.00 per \$1 million or fraction there of. For example in the budget in Estancia is \$1 million then it will only cost them \$250.00 for their election and the county clerk will conduct the elections for all these entities.

This is the law. The county has to abide by it, the Municipalities are the only ones that can chose to opt in or out. So far Estancia and Mountainair are strongly considering opting in,

Willard & Encino may opt it. Moriarty is the only municipality that is not clear which way they are going.

Madam Chair DuCharme asks if this is a proposed law.

Linda Jaramillo replies, it is the law. We will be discussing this more as we get closer to next year's election. Ms. Jaramillo is wanting the public to be aware of this as well. The more we announce it on the radio or attend meetings like the one Estancia is having to talk about this, the more informed the people will be. Ms. Jaramillo states that she invited many people to attend the presentation. **NO ACTION TAKEN. DISCUSSION ONLY**

***County Manager Requests/Reports**

17.) Straight Party Option on the General Election Ballot, Information Only

Belinda Garland states that she put this on the agenda today mainly to advise the public that the county is aware of the situation that the Secretary of State is opting to add straight party voting on the ballots again. The county did receive information from Mr. Steve Copelman, and there is also information from Senator Ivy-Soto. The decision cannot be revoked by the county. This is being decided upon today by the Supreme Court. Ms. Garland just wanted to let the public know that the county is aware of this and will keep everyone up to date on what is decided.

Linda Jaramillo states that she has received a lot of emails from other county clerks, and from the looks on the briefs it is making it look like all the clerks are in favor of removing this. She is not, she is waiting to see what the Supreme Court does, and then follow the law. Ms. Jaramillo states that she has an example of what the ballot will look like with the straight party option. If they decide not to have this, then the ballots will have to be fixed and she will have to proof the ballots again.

Madam Chair DuCharme asks who approved the ballot.

Linda Jaramillo states that when she was at the Secretary of States election school, they went through the whole school, and at the end of the meeting Maggie Toulouse-Oliver stated that she was going to put the straight party option on the ballot. Ms. Jaramillo states that she has no opinion on this, and as far as she is concerned it can stay or go, she will just follow the law. She doesn't like the fact that they dragged the clerks into this. She is here to run elections and follow the law. Ms. Jaramillo hands out an example of the ballot to show what the straight party would look like.

Dennis Wallin states that we had a straight party option at one point and former Secretary of State, Diana Duran removed it. Now Ms. Toulouse-Oliver has decided to have it put back on the ballot. Mr. Wallin states that this is a political issue.

Belinda Garland asks Ms. Jaramillo is she was in office when they had the straight party option on the ballots and if she found that people got confused because of it. For instance, a person may have chosen straight party but then went down and checked a box.

Linda Jaramillo replies, yes. With the voting machine, you can pick a straight party, it will pick all the candidates in your party, but if you go down and vote on another party for a certain section, it will cancel out that one vote and vote the choice made from the opposing party. Also she noticed that when people vote a straight party they forget to vote on the questions. Even with the current ballot people will forget to vote the back of the ballot that has the questions. **NO ACTION TAKEN. DISCUSSION ONLY**

18.) Presentation of Budget 2018-2019 Approval Letter, Information Only

Belinda Garland states that we have received a letter from DFA concerning our FY 2018-2019 Budget. It has been examined and reviewed and was approved by DFA. Ms. Garland reads the letter dated August 27, 2018 she received from Mr. Rick Lopez, Director at DFA. (Letter hereto attached.) **NO ACTION TAKEN. DISCUSSION ONLY**

Belinda Garland would like to inform the commission that during next week's special commission meeting another agenda item will be added. Betty Cabber, Torrance County Assessor will as for approval to set the tax rates.

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.) Discussion regarding the purchase, acquisition or disposal of real property for Torrance County operations, Sec 10-15-1 (H) (8)

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

EXECUTIVE SESSION ENTERED INTO AT 3:25 pm

***Reconvene from Executive Session:**

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

RECONVENE FROM EXECUTIVE SESSION 3:31 pm

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

b.) Consider and act upon, if necessary the purchase, acquisition or disposal of real property for Torrance County operations.

Madam Chair DuCharme states that no action was taken during executive session.

***Adjourn**

ACTION TAKEN: **Commissioner Sanchez** makes a motion to adjourn the September 12th, 2018 Regular Commission Meeting. **Commissioner Frost** seconds the motion. No further discussion, all Commissioners in favor, **MOTION CARRIED**

MEETING ADJOURNED AT 3:36 pm

Julia Du Charme
Madam Chair DuCharme

Yvonne Otero
Yvonne Otero-Administrative Assistant

September 26, 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.