

**FINAL COPY
TORRANCE COUNTY COMMISSION
REGULAR MEETING
SEPTEMBER 26, 2018**

Present: **Julia DuCharme, Chair**
 Jim Frost, Member
 Javier Sanchez, Member

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

Call to Order:

Madam Chair DuCharme calls the meeting to order at 9:08 am. Fred Sanchez, leads the Pledge of Allegiance and Sylvia Chavez (myself) gave the Invocation.

Approval of Minutes:

September 12, 2018 Regular Meeting Minutes:

Madam Chair DuCharme asks for a motion to approve the September 12th meeting minutes.

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

September 19, 2018 Special Meeting Minutes:

ACTION TAKEN: Commissioner Sanchez makes a motion to table the September 19, 2018 Special Commission Meeting Minutes until the next regular meeting. **Commissioner Frost** seconds the motion. No further discussion all in favor. **ITEM TABLED.**

Approval of Meeting Agenda:

Madam Chair DuCharme asks for a motion to approve the meeting agenda. **ACTION TAKEN: Commissioner Frost** makes a motion to approve the September 26, 2018 Regular Commission Meeting Agenda except for agenda item #3. There was no second to Commission Frost's motion. **MOTION DIES.**

ACTION TAKEN: Commissioner Sanchez makes a motion to approve the September 26, 2018 Regular Meeting Agenda. **Madam Chair DuCharme** seconds the motion.

Commissioner Sanchez asks Commissioner Frost why he did not want agenda item #3 approved.

Commissioner Frost states that for legal purposes he wants to make sure that it is legal and proper for the Commission to be approving the additional funding.

Commissioner Sanchez states that all of those questions can be addressed when we come to agenda item #3.

Dennis Wallin, County Attorney states that there is nothing wrong with the Commission allocating funding for the budget. Doesn't mean it will be spent just means it will be set aside in the budget.

Commissioner Frost asks if it is ok even after DFA has already approved the County's budget for the Fiscal Year, we can still allocate these monies.

Dennis Wallin yes, if it comes as a directive from the Commission.

Commissioner Frost asks if DFA will have approve the budget increase or the line item transfer for the allocated funding.

Annette Ortiz, Deputy County Manager DFA would need to approve the budget increase to the Commission budget.

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

Approval of the Consent Agenda:

1) *Approval of Checks*

Madam Chair DuCharme asks for a motion to approve the Consent Agenda. **ACTION**

TAKEN: Commissioner Frost makes a motion to approve the Consent Agenda.

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.

Commission Matters:

1. La Miga Canyon Road

Gilbert Sanchez resident of Torrance County who lives off of CR AO19 aka La Miga Canyon Rd would like to talk about a small portion of road known as "Sanchez Rd". This road has a low spot that is a catch point for water when it rains. When it rains the natural flow of the creek goes through the property on either side of the road and it catches in the low area on the road. This causes the road to erode and the road is not wide now as it is, we have to drive in the middle of the road to pass through. Mr. Sanchez feels that the road needs culverts to help with the flow of the water, his estimate of what it would cost to fix this road is \$5000.00.

Commissioner Sanchez asks how many people live on this portion of the road.

Gilbert Sanchez explains that there are 4 different households on the road but those residents receive services that require vehicles to travel on this road.

At this time Annette Ortiz, Deputy County Manager shows the Commission a slide show of pictures taken of the road in question.

Emily Sanchez states that she also lives off of Sanchez Rd, she does not believe that the road needs the culverts. It does need work, some caliche and widening the road would be all it needs. The culverts would only cause more erosion when it rains. Ms. Sanchez is a school bus driver and does go down this road with the bus and feels that the caliche and widening would be all that needs to be done. *Ms. Sanchez also presents the Commission with pictures of the road.*

Commissioner Sanchez asks what maintenance is done on this road.

Leonard Lujan informs the Commission that this road has never been unpassable, yes it can use some work and material. Mr. Lujan explains that if culverts are put on this portion of the road the whole road, (to include La Miga Canyon Rd) would need culverts along the road because the culverts speed the flow of the water going down the road.

Commissioner Sanchez states that for clarification purposes Mr. Lujan is just suggesting that more material and widening the road is all that needs to be done on the road.

Leonard Lujan states yes, that's all.

Commissioner Frost states that the pictures show how green the grass is, that's what happens when it rains. We need to be thankful for the rain.

Commissioner Sanchez asks Leonard what the cost will be to the County.

Leonard Lujan states that it will be the fuel and man-hours, the caliche will come from the County's pit.

Commissioner Sanchez asks Gilbert Sanchez if he is ok with what Mr. Lujan is suggesting be done on the road.

Gilbert Sanchez answered that he is ok with adding the material and widening of the road. We can see how it works and if there is a problem he will let the Commission know.

Emily Sanchez asks the Commission if this will be done on La Miga Canyon Rd too or is this just going to be on the portion of Sanchez Rd.

Discussion goes back and forth about the name of the road.

Commissioner Sanchez states that his attention was just brought to this portion of the road "Sanchez Rd".

Madam Chair DuCharme mentions that the pictures do show that there is work that needs to be done on the road and she asks Dennis if the Commission can approve work be done on Sanchez Rd when the agenda states La Miga Canyon Rd.

Dennis Wallin as long as everyone is in agreeance on what portion of the road needs to be worked on then it is ok. Mr. Wallin asks that the Commission take the advice from the department heads when it comes to working on things that they may be receiving complaints on. That is the departments job they know what needs to be done.

Madam Chair DuCharme states that the way the road is now could be a liability for the County and it does need work.

Annette Ortiz mentions that is could be more of an administrative situation and not necessarily need Commission action. The Commission can instruct the road department to get the work done on the road.

Leonard Lujan mentions that Mr. Sanchez has put a gate up on part of a County road, which causes a problem for the road department. The road is not wide enough for the county equipment to turn around on. The road department would turn around on the loop in front of Mr. Sanchez's house. So now that there is a gate Mr. Sanchez needs to decide if he wants to vacate that portion of the road or leave the gate open.

County Manager Garland states that she understands why Mr. Sanchez put up the gate but he either needs to leave it open or vacate that portion because there is not enough room for the road department to turn the equipment around if they are going up to blade the road or move snow if the gate is closed.

Gilbert Sanchez asks if the County can call his dad (Mr. Sanchez) and let him know when they will be up on the road and he can open the gate.

County Manager Garland stated that, No, the road department does not have the time to do that. They are busy and if they are pushing snow they can be doing that at any given time during

the day. So Mr. Sanchez needs to decide if he wants the County to maintain that portion of the road or not.

Gilbert Sanchez asks if that decision needs to be done today.

County Manager Garland answered, no, it does not but if it is decided to vacate it needs to come before the Commission to be approved and there is a process on getting that done.

Public Comment:

Michael Godey states that the issue with gates has come up before with previous Commissioners, if a road is County maintained that means that road is open to the public. If there is a gate the homeowners need to be willing to have the gate open to the public and have the gate open for public access.

Madam Chair DuCharme clarifies with legal that a road can be vacated by the owner or by the Commission, correct?

Dennis Wallin replied that Madam Chair is correct on that.

County Manager Garland informs the Commission that only Mr. Sanchez's resident is the only one behind the gate. Ms. Garland asks Gilbert Sanchez if at any time during the rains if the road was unpassable.

Gilbert Sanchez stated that no there was never a time the road was unpassable, maybe for a smaller vehicle but anyone with a high vehicle or a 4wheel drive could pass on that portion of the road.

Commissioner Sanchez states that we just need to give the directive to the road department to work on the portion of the road that gets flooded and the rest of La Miga Canyon Rd.

NO ACTION TAKEN.

2. Resolution 2018-44 Establishing the Solid Waste Management Fee as Provided in Ordinance 94-12

Annette Ortiz, Deputy County Manager informs the Commission that because the Commission had previously changed the definition on "vacant exempt" through a resolution she has prepared a resolution for today to reflect the updated definition of vacant. She has it on word form and can reflect any changes that may be done today. Resolution hereto attached. **ACTION TAKEN: Commissioner Sanchez** makes a motion to approve Resolution 2018-44 Establishing the Solid Waste Management Fee as Provided in Ordinance 94-12. **Madam Chair DuCharme** seconds the motion.

Commissioner Frost asks what the differences are now.

Madam Chair DuCharme states that the 1st definition required that there be no furniture in the dwelling to qualify as vacant and now that is being eliminated as a qualification.

Commissioner Frost states that there was discussion about "policing", will this be a part of this in order to determine if it is vacant or not.

Commissioner Sanchez brings attention to the wording on page 2, the definition of vacancy "the dwelling is not being used for residency by the owner or by anyone else on a permanent basis." Commissioner Sanchez feels that on a permanent basis can be left out.

Commissioner Frost states that perhaps we need to define what permanent means, 365 days out of the year or 150 days out of the year. Commissioner Frost also asks about how often the customers need to file for the vacant exempt, biannual or semiannually.

Commissioner Sanchez states that if we eliminate the permanent there would be no need to define what permanent means.

Madam Chair DuCharme states that she is ok with that, she would like the whole definition to be part of the body of the resolution, so that there is no confusion on the definition.

Annette Ortiz reminds the Commission that the last resolution only has the definition and the process was on another separate page. For the record Ms. Ortiz wants the Commission to know that dwelling and residence have the same definition, a living area, an apartment is a home.

Madam Chair DuCharme states that it is designed for residency not necessarily home but for residency. She saw another definition that stated that and can provide that definition.

Annette Ortiz reads the definition into record “the dwelling is not used for residency by the owner or by anyone else on a permanent basis.” “To receive a vacant status, home owners or the party responsible for the property must sign an affidavit, show current utility bills (electric & gas) for the dwelling he/she resides in and proof of payment for garbage disposal at his/her permanent place of residence. EVSWA shall waive the solid waste management fee to any responsible party owning or possessing a vacant dwelling, upon affidavit and verification of documentation, that the dwelling is indeed vacant. Affidavit and supporting documentation shall be the responsibility of the property owner, and shall be submitted biannually. And property owner falsely certifying that a residence is vacant is in violation of the solid waste ordinance, and is subject to penalties set forth in section 16.A.” Ms. Ortiz mentions that she highlighted the word biannually, she is not sure how often the Commission wants this done.

County Manager Garland states that the definition and procedures should go into the body of the resolution, just her opinion. That’s all administration, County Manager Garland asks Dennis for his opinion.

Dennis Wallin states that typically the definition and procedures are not part of a resolution, the resolution just states what you are in support of but it’s not unheard of and can be part of the resolution if the Commission chooses to.

Madam Chair DuCharme mentions that on 1 & 2 of the resolution the procedure is outlined why can’t the definition be part of this as well. Madam Chair DuCharme also mentions that she supports #1 but does not support #2 and she will specify that when signing the resolution.

Commissioner Sanchez states that either way he is ok with it, as an attachment or in the body of the resolution it doesn’t matter. But Commissioner Sanchez does not support the wording “with permanent” in the definition.

Annette Ortiz asks the Commission about the proof of utility, she does not have a gas bill or a garbage bill. She uses propane at her home and she pays her neighbor to take her garbage to the transfer station in Tijeras. How would she be able to prove her vacant exempt according to the vacant exempt definition? Would she be able to use her propane bill because the definition states “a gas bill?”

Public Comment:

Michael Godey states that gas as a utility may be a tricky thing because not everyone has gas, a lot of people use either propane, electric or wood stoves to warm their homes.

County Manager Garland clarifies for Commissioner Frost that biannual means 2 times a year, every six months.

Charlene Guffey states that the ordinance is working just fine, Dan is working hard on the vacant exempts. He gets those people that are cheating the system. By changing the ordinance you will be weakening the ordinance you have in place. Ms. Guffey suggests getting rid of the discounts, the County pays for those out of the PILT monies. You want the authority to be sustainable, this is like any other utility that people have to pay. It's just like the monthly bill people in the municipalities have to pay. Town residences have to pay the same amount as County customers.

Madam Chair DuCharme states that County residence pay more than the municipalities pay.

Ms. Guffey explains that everyone pays the same, there has been an increase all across the board for everyone.

County Manager Garland explains to the Commission that she does not feel that the Ordinance needs to be changed any more than what is being done today. The vacant exempts can be taken care of through the administrative side of it. The customers must sign an affidavit and if they are cheating the system, it will be taken care of like it has been in the past.

Commissioner Frost states that he agrees with County Manger Garland, he feels this is a good approach.

Dennis Wallin states that the Commission needs to give P/Z the discretion to make those decisions on what is vacant. Mr. Wallin reminds the Commission that the agenda item is to approve the resolution, anything else being brought up today would need to be on another agenda for further discussion and approval if necessary.

Commissioner Frost states that the motion was to change the definition of vacant exempt, if it doesn't pass it stays as is. This process has come a long way and it works. Commissioner Frost is in favor of leaving it as is.

County Manager Garland states that if the Commission chooses not to change anything, the vacant exempts can be taken care administratively. Ms. Garland understands the Commission has a hard road with this, you don't want to charge a lot and you don't want to double charge people if they have a vacant home, that's why we have them sign the affidavits and we can research those that apply for that exemption. But she also feels that the County needs to take care of those customers that do pay for their trash services.

Commissioner Frost states that the County has employees to do the research and we (the Commission) need to let them do their jobs.

County Manager Garland states that Dan DeCosta is black and white when it comes to the vacant exempts, if there is furniture in the house Dan does not consider the house to be vacant. Therefore those households would need to come before the Commission and prove that no one lives in the homes. Ms. Garland mentions that with the help from Dennis they can draw up an affidavit for those vacant exempt customers. Leave the process the way it is now because it is working and take care of the people that do pay their bill every quarter.

There is discussion back and forth between Madam Chair DuCharme & County Manager Garland on who is being double billed and taking care of those that can prove they have a vacant home and still pay for their trash service at their residence. Also on how vacant exempt homes are inspected to prove the home is truly vacant.

Dennis Wallin reminds the Commission that the agenda was only to approve the Resolution, the discussion has gone beyond the resolution and anything else being brought up today will need to be on another agenda for further discussion and possible approval.

County Manager Garland states that Dennis did research on the word “biannually”, it does mean 2 times a year.

Dennis Wallin states that “biennially” is the correct spelling for every other year.

Madam Chair DuCharme states the affidavit should be done once every 2 years, so the correct spelling should be “biennially” in the resolution, to help regulate if a home has furniture or no furniture for the vacant exempt affidavit.

Commissioner Frost states that he tries to learn something new every day and he just did. Commissioner Frost mentions that since he has been in the County (since 1981) he knows people will always want to complain but he has not heard of any complaints on how the vacant exempt are being handled. He lives in the Moriarty/Edgewood area and he has not received complaints, he does not believe that the people are unhappy with this service. So he would like to see the Commission make a decision on this particular item, up or down we need to get down with our agenda for today’s meeting.

Public Comment:

Michael Godey states that he asked Dan how he makes the decisions on the vacant homes, Dan explained to Mr. Godey that you can see if the furniture is being used. If it’s dusty then it’s not in use. Dan does use discretion when making those decisions so maybe that needs to be put in the definition. If the furniture is being used or if it’s just being stored. Mr. Godey states that no law is perfect and someone will always complain no matter what the law is. The affidavit gives the County permission to look into what they are stating is accurate.

Commissioner Frost calls for the question.

Madam Chair DuCharme asks for a second.

Commissioner Sanchez states that there was already a second, Commissioner Frost is asking for the roll call vote.

Madam Chair DuCharme would like to make a comment, this shouldn’t be up to Mr. DeCosta or anyone else for that matter. The language should be clear and it should apply to every situation. She would like to see the word “biennially” which means once in 2 years and that the whole definition be put in the body of the resolution.

Commissioner Sanchez states that he would like to discuss this a bit further, he would like to see it changed from biennially to annually. Commissioner Sanchez isn’t just looking at the ordinance it’s self he is looking at this as a tool that can be used to gather information and see what the behavior of the account holders will be over the year. Take out “permanent” from the definition

Commissioner Frost asks for clarification on the motion.

Commissioner Sanchez states that the motion reads to approve Resolution 2018-44 with the directive of changing biennially to annually, take out the word “permanent.”

Madam Chair DuCharme adds that the full definition be added to the resolution.

Dennis Wallin states that this is a different motion, he suggests the Commission rescind the previous motion and make a new motion with the additions mentioned.

Commissioner Sanchez withdraws his previous motion

ACTION TAKEN: Commissioner Sanchez makes a motion to approve Resolution 2018-44 and change biannually to annually, take out the word “permanent” and include the full definition in the resolution. **Madam Chair DuCharme** seconds the motion.

Madam Chair DuCharme wants to clarify that she is in favor of #1 in the Resolution and the changes made today but she is not in support of #2 where people get charged when they use private hauler in the amount of \$6.40 per month plus tax. No further discussion, 2 in favor Commissioner Frost against. **MOTION CARRIED.**

Commissioner Frost states that he is confused on what happened today, seems like we went around in circles and believes that everyone here is not sure what was just said.

Dennis Wallin wants to clarify the motion, Madam Chair, you approve the resolution as amended today but you are only in support of only a portion of the resolution, is that correct? Because you can only do one, either support Commissioner Sanchez’s motion or not be in favor of the motion. You can’t second the motion and then only support a portion.

Madam Chair DuCharme states that it was ok before but now it is not, in a previous amendment to this resolution I stated that I was not in favor of #2 and you Mr. Wallin stated that was ok, that the minutes would reflect that.

Dennis Wallin states that he just wants to make sure that he understands the motion, you approve the resolution but you want to say that you don’t approve a portion of it, correct?

Madam Chair DuCharme states “YES”.

3. Budget Request to Add to Commission Budget to Allow 5-Member Commission

Commissioner Sanchez would like to see funding allocated for this project, not spend the money but allocate the funding. In order to demonstrate that we do have funding for this project. Commissioner Sanchez has an issue with it being touted that there is no funding to have a 5 member Commission, it casts a whole shadow on the project. It causes an inaccurate picture of the whole idea of the 5 member Commission, by allocating the funding it will be a moot point that there is no funding.

County Manager Garland mentions that with the new DFA system, it is really hard on the finance department, (Amanda Tenorio) to keep bouncing back and forth with the budget. Ms. Garland asks that the Commission not amend the budget but to give herself and the finance department the directive to hold the funds for the 2 additional positions to see if the ordinance does pass. This way if the project does not move forward the budget will not have to be amended again. She cautions the Commission on bouncing back and forth with the funding.

Commissioner Sanchez asks for clarification on how the funds can be held for the funding.

County Manager Garland states that whatever line item the Commission chooses to allocate the funds from, they can say that those funds cannot be used and keep the funding available if the ordinance is passed.

Commissioner Frost asks about the time line, when will this money need to be available. If the new Commission chooses to move forward with the 5 member Commission when will the money need to be available?

County Manager Garland states that the funding will need to be in the fiscal year, the funding was not approved for this year’s budget. It is Ms. Garland’s understanding that the amount needing to be allocated is in the amount of around \$92,000.00. We can hold those monies until the Commission makes the decision to move forward and then we can actually move that funding to the Commission budget from the PILT monies. County Manager Garland explains

how money is transferred from different line items to cover day to day maintenance. But to answer Commissioner Frost's question we will need the money once the Commission makes the decisions to move forward with the 5 members. And then the decision will need to be made on how the appointments are made, by the Governor or by an election. So we won't know exactly when the funding will need to be available until the ordinance is approved.

Madam Chair DuCharme asks how accurate these numbers are for each Commission district, or are these just projected numbers for the budget.

County Manager Garland answers that the numbers are projected.

Madam Chair DuCharme asks if the County pays 100% of the health insurance for the employees and wonders why the numbers are so high.

County Manager Garland answered, no, we only pay 100% on of the long term disability and it is 80/20 coverage for health care. (80% County 20% Employee). Ms. Garland states that Amanda put in the highest numbers for this, it is better to have more allocated plus these numbers are just projected numbers.

There is discussion back and forth of the costs with the additional members, i.e... PERA, Retiree health, Health Insurance. There could be no cost to County if someone opted out of PERA.

Commissioner Sanchez states that the amount needed to be allocated is \$85,746.00 for the additional Commissioners. The idea here is to shatter the misconception of the funding coming out from other budgets and it will be coming from the PILT monies.

Documentation hereto attached. **ACTION TAKEN: Commissioner Sanchez** makes a motion to allocate the additional salaries in the amount of \$85,746.00 to come from the PILT monies.

Madam Chair DuCharme seconds the motion.

Public Comment:

Linda Jaramillo, County Clerk asks that once this is deducted from the PILT how much is left.

County Manager Garland answers, none.

Linda Jaramillo states that if there was money left over our County employees could get a raise, the elected officials received raises and there are employees that have been here for a long time and they deserve raises.

Madam Chair DuCharme states that the employees received a raise last year and the year before.

Linda Jaramillo states they received a cost of living raise.

Commission votes:

2 in favor, Commission Frost against. **MOTION CARRIED.**

4. Memorandum of Understanding between Torrance County and Bernalillo County for Fiscal Agent Assistance

County Manager Garland asks that item be tabled. **ACTION TAKEN: Commissioner Sanchez** makes a motion to table the Memorandum of Understanding between Torrance County and Bernalillo County for Fiscal Agent Assistance. **Commissioner Frost** seconds the motion. No further discussion, all in favor. **ITEM TABLED.**

5. Contract Amendment between Tajique Land Grant and Torrance County for Tajique Transfer Station

County Manager Garland informs the Commission that there needs to be an amendment to the Contract with Tajique Land Grant for the transfer station. The date was to start on September 1st but the 1st payment was due August 1st, so the amendment will be to change the contract date to August 1st. Documentation hereto attached. **ACTION TAKEN: Commissioner Sanchez** makes a motion to approve the Contract Amendment. **Commissioner Frost** seconds the motion.

Madam Chair DuCharme asks Dennis if this is commonly done with contracts.

Dennis Wallin answers, yes, this is a very common occurrence when it comes to contracts. Dennis states that he subscribed the verbiage on the contract.

Commission Votes:

All in favor. **MOTION CARRIED.**

6. NM Counties 2019 Legislative Priorities for the 54th Legislative Session-Betty Cabber, Assessor

Jesse Lucero, Deputy Assessor presents for Betty Cabber, he reads the list of the NMC priorities, HB 2 Appropriations, Behavioral Health, Tax Reform, Fire Protection Fund and Forfeiture Act Reform. Documentation hereto attached. **ACTION TAKEN: Commissioner Frost** makes a motion to approve the NM Counties 54th Legislative Priorities. **Commissioner Sanchez** seconds the motion. No further discussion, 2 in favor Madam Chair DuCharme abstains. **MOTION CARRIED.**

***Public Relations:**

7. Around the County Presentation-Annette Ortiz, Deputy County Manager

Annette Ortiz presents the Commission with a slide show of different events some of the County departments participated in. The Assessor's office attended the gathering of Counties at the State Fair. The Torrance Fire Department also attended the State Fair for Fire Day, they took several different vehicles from the different districts. This past weekend Tracey Master, DWI Prevention Coordinator held the Inaugural 5K run for Suicide Awareness & Prevention.

Tracey Master informs the Commission that the event was very well attended. Bea Chavez was the guest speaker at the opening ceremonies, she is the chair for the NM chapter of American Foundation for Suicide Prevention. Mayor Nathan Dial spoke of his experience with suicide with the servicemen he served with and he played taps as the walk began from the Veteran Memorial Plaza to Lake Arthur Park. Yvonne Duran did yoga warm up and cool down before and after the 5K. Ms. Master was expecting about 40 participants and actually had 76 registered for the walk/run and they were from all different age groups.

Madam Chair DuCharme states that she was happy to see the County was represented at the state fair.

8. Updates: a. Various County Departments, b. Commission, c. County Manager, d. Other Boards or Land Grants (upon request), e. Forest Service

a. Various County Departments

Tracey Master, DWI Prevention Coordinator informs the Commission that the 5K walk/run for Suicide Awareness & Prevention was more successful than she anticipated. She thanks Ana Martinez & Sonya Galvan for the encouragement to get this event up and going, So many staff members were so helpful in getting balloons blown up and rocks painted. They were several vendors also in attendance, the Veterans Affairs had a booth here with information for veterans. There were hotdogs, chips and water provided to everyone who attended. Tracey will be having a lunch special tomorrow with the hotdogs and chips that were left. She will be cooking up hotdogs and selling a hotdog and chips for \$1.00. Ms. Master is still doing prevention at the schools and she just did 2 mental health 1st aid classes and got 20 more people certified in mental health 1st aid.

Linda Jaramillo, County Clerk would like to give information on the upcoming General Election, October 9 is the last day to register to vote if you need to register to vote or to even check on your current registration please contact her office at 505-544-4350. Also on October 9 In Person and Absentee begins, the in person voting room is located in the back of the building and there is also parking in the back, you can early vote Monday – Thursday 7:30am to 5:30pm. October 20 the alternate voting site at the Moriarty Civic Center starts, Tuesday – Saturday 10am to 6pm. The certification of voting machines is being done this week, this is done to ensure the accuracy of the voting machines. Ms. Jaramillo states that sample ballots are available in her office as well as on the County website, under the Clerks' tab. You can also apply for an absentee ballot by calling our office and we can mail you the application and ballots will start being mailed out on October 9. November 6 is the General Election polls are open from 7am to 7pm, she encourages everyone to vote it is your civic duty. Ms. Jaramillo also informs the Commission that the Supreme Court voted and there will be no straight party on the ballots.

Nick Sedillo, Risk Management informs the Commission that at the Safety Committee meeting earlier this month, it was voted to increase the safety boot stipend from \$100.00 to \$150.00 per department, per fiscal year, per employee. It has been 7 years since this policy was last visited, so obviously prices have gone up in the last 7 years. This effects all high risk departments, Sheriff's, Road department and any other department that is required to be out in the field. Also October is Breast Cancer Awareness month, there will be several different events the County will be doing in honor of BCA. The county has recognized this for the past 11 years.

Annette Ortiz, Deputy County Manager gives a quick reminder that the County offices will close to the public next Thursday October 4 from 12:30pm to 1:30pm.

Steve Guetschow, P/Z Director informs the Commission that he attended the flood plain meeting, the NRCS completed their fly overs for the state. The data they will compile will not be available for another year. This information will be used to change the flood plain boundaries for the County. Ms. Guetschow also attended the open house for the forest service at the Mountainair ranger district for the soft roll out of the forest management plan. There will be a meeting tomorrow to go over our revisions for the plan. The public will be able to attend and give their input on the plan.

Leonard Lujan, Road Department Foreman informs the Commission that they are working on state projects. His crew is working on Charlie Breckenridge road, there are blades running in

the southern and middle section of the County. They will be getting their coal mix next and will be doing some patch work on some roads. Mr. Lujan did check on La Para Rd to see what it is going to take to get the road done, he is wanting to know if the Commission will be willing to pay OT for the guys to work on weekends to get this road done. It will cost approximately \$40,000.00 to get this road done with base course and culverts put in. Mr. Lujan explains that he spoke with his guys and they are willing to work on the weekends to get this project done (La Para Rd) alongside getting all his state projects done.

Commissioner Sanchez thought that caliche would be used to get this road repaired and thought the road would get worked on whenever the road department had time to do the work. Was not asking for the repairs be done now.

Commissioner Frost tells Mr. Lujan to do what you can when you can but to get his state projects done first, those are the priority.

Leonard Lujan asks if they will be working on the whole mile of road or just do patch work on the road.

Commissioner Sanchez states that he is willing to go look at the road with Mr. Lujan to decide what needs to be done.

Leonard Lujan stated that he knows what needs to be done but at the Commission meeting he was told to do the whole mile of La Para Rd.

Madam Chair DuCharme asks what the cost will be to use the caliche on the road.

Leonard Lujan answered that it will be labor hours and fuel, the material they will get from the County's pit and \$5000.00 for the culverts.

Commissioner Frost states that Leonard did tell us (the Commission) that base course would be expensive to do on this road, so it seems that Leonard is in favor of using caliche and Commissioner Frost thinks it's the consensus of the Commission to use caliche on the road.

Commissioner Sanchez tells Mr. Lujan to work on the road when he can, he does not want to pay OT to get the road done and he believes that the culverts that are there are still good and just need some repair. Commissioner Sanchez would like to meet with Mr. Lujan to go look at the road and determine if there needs to be new culverts or if he thinks the repair on the road will be suffice.

c. County Manager

County Manager Garland explains that she doesn't have a written report but states that she has attended several meetings: September 13 attended MRCOG meeting, September 13 herself and legal counsel met with the Torreon Water Assoc., September 17 had a meeting on Active Shooter training, September 19 held the Special Commission Meeting, September 20 was out sick, September 24 Special Commission Meeting, also on the date had a teleconference with other County Managers from the state, will be having a conference in November with other County Managers. Met with Superior Ambulance service on coverage in the southern part of the County. Will be meeting with JJAC and will have meeting with staff in regards to budgets. Also attended the meeting along with Steve at the Mountainair Forest ranger district and has been dealing with legal & personnel matters.

Madam Chair DuCharme asks about the advertisement for the committee for the solid waste options.

County Manager Garland answers that those positions have not been advertised yet.

Madam Chair DuCharme asks that once Mr. Sharp has made the modifications to the maps do we need to have another meeting to go over those modifications.

County Manager Garland answers that it is up to the Commission but you need to know that with the contract we signed with Research and Polling we can have Mr. Sharp out for 4 meeting. Anything more than that we will have to amend our contract with them.

Annette Ortiz Deputy County Manager reminds the Commission that Mr. Sharp asked the Commission to give him dates for possible meetings.

Commissioner Sanchez states that it depends on when Mr. Sharp can have those changes complete, he indicated that he could possibly have those changes done by the end of this week. So we could have a meeting next week or wait until the next Commission meeting. Or if the results come back to all of our likening we don't need to have a meeting at all. He tells Madam Chair that it is at her discretion.

***Department Requests/Reports:**

9. Request to Make Part-Time Clerk Position into a Full-Time Clerk Position-Stephanie Dunlap, Sheriff Administrator

Stephanie Dunlap explains to the Commission that currently there are 2 part-time positions in the Sheriff's department and they would like to turn those 2 part-time positions into 1 full-time position. With the 2 part-time positions there is a huge lack of communication because the 2 part-time people do not see one another due to their work schedules. Their budget for this fiscal year can cover the increase but next fiscal budget they will need a budget increase to cover the position

County Manager Garland states that the 2 part-time positions is \$31,000.00 without benefits and the 1 full-time position will be \$54,726.00 that includes benefits.

Commissioner Frost asks if this will be a problem with the budget with the new DFA system.

County Manager Garland states that there will need to be a line item transfer but this is not a huge budget change. Documentation hereto attached. **ACTION TAKEN: Commissioner Frost** makes a motion to approve the full-time clerk position in the Sheriff's Department.

Commissioner Sanchez seconds the motion.

Madam Chair DuCharme asks if the 2 part time employees can be trained to be more efficient, the 2 positions save the county money.

Stephanie Dunlap states that having the one full-time position will help with the overall duties in the office. The 2 part-time workers do not see one another because of their work schedule, so at times it is hard to get a job completed when the other is not sure what has been taken care of by the other staff member.

Commissioner Frost states that Police departments and Sheriff's departments' job is to protect the public and those departments consist of police officers, deputies, a Sheriff and office staff. They all work as a team to protect the public and he does not feel this is a place that we need to be pinching pennies. Money can be spent in other places why not here as well. Commissioner Frost calls for the question, he explains that he called for the question because his motion was already seconded, discussion ceases and they would vote.

Madam Chair DuCharme states that, yes, if there was another Commissioner in favor.

Commissioner Sanchez states that he did second Commissioner Frost's motion but he is open to discussion on this matter.

Public Comment:

Tracey Master states that she has been around for 3 Sheriffs and 2 administrators and this office is more efficient than in years past but there is always room for improvement. Information from the Sheriff's office is always readily available due to the continuity in that office.

Michael Godey reminds the Commission that their number one responsibility is safety, the second is infrastructure and the third is education. You are being penny wise and pound foolish if you are arguing about this. So the additional money is just a small amount to have someone employed with healthcare. Having someone always present in the office is better communication with the public as well as the Deputies. Office staff is just as important as the deputies.

Madam Chair DuCharme responds to Mr. Godey, in all the meetings Mr. Godey that you have attended you know that I advocate for the Sheriff's department and she understands that safety is the number one concern. Madam Chair DuCharme asks how many years has there been 2 part-time positions.

Stephanie Dunlap states that she has worked for the Sheriff's department for 10 years and it has always been that way. Ms. Dunlap also mentions that the dynamics of their office has changed due to CCA closing. They are two times busier in the office and with being down deputies that puts more paperwork on the office staff.

Madam Chair DuCharme states that there were more deputies and transport deputies hired for their department.

Stephanie Dunlap answers, yes, there were transport deputies hired but they don't do the administration paperwork.

Under Sheriff Rivera explains that though the Sheriff's department has received more transport deputies there is more paperwork for all the transport being done for the admin., staff.

Madam Chair DuCharme asks how many full-time employees are in the administration staff.

Stephanie Dunlap answers that there are 2, myself and Donna.

Commission Votes:

2 in favor Madam Chair DuCharme is against. **MOTION CARRIED.**

10. Ratification of Out-of-State Travel, Transport Deputies for Inmate Extradition

Stephanie Dunlap explains to the Commission that because of time constraints on the extradition of the inmate, they had to do the out of state travel before they could get Commission approval, the inmate would have been released. **ACTION TAKEN: Commissioner Frost** makes a motion to approve the out-state-travel for the transport deputies for the extradition of an inmate.

Madam Chair DuCharme states that she does not see the paperwork and asks for the amount.

Annette Ortiz, Deputy County Manager explains that there was a question on what information could be made public.

Stephanie Dunlap answers that's it was \$145.00 for 2 transport deputies so a total of \$290.00

County Manager Garland wants to clarify for the record that she will only approve them if it is an emergency and this was because of the time constraints on the extradition.

Commissioner Sanchez seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

11. Grant Agreement 19-CD-05-103 between the NM Dept. of Transportation and Torrance County for Community DWI Funding-Tracey Master DWI Prevention Coordinator

Tracey Master asks the Commission to table this item. **ACTION TAKEN: Commissioner Frost** makes a motion to table Grant Agreement 19-CD-05-103 between NMDOT and Torrance County for Community DWI Funding. **Commissioner Sanchez** seconds the motion. No further discussion, all in favor. **ITEM TABLED.**

***County Manager Request/Report(s):**

12. Estancia Rotary Request for Torrance County to Mow Weeds for Pumpkin Chunkin Event

Marcie Wallin, Member of the Estancia Rotary Club informs the Commission that October 20 will be the annual Pumpkin Chunkin, which is held just west of Estancia. But due to the amount of rain we have received the weeds out there need to be mowed and is asking if the County can mow the field for the Rotary Club. This way people can walk from their vehicles to the exhibit and launching area, as well as being able to see where the pumpkins have been chunked to. Ms. Wallin has spoken with Leonard about getting the weeds mowed but would like to get approval from the Commission. **ACTION TAKEN: Commissioner Frost** makes a motion for the County to mow the field for Pumpkin Chunkin. **Commissioner Sanchez** seconds the motion.

Madam Chair DuCharme asks who owns the property where Pumpkin Chunkin is held.

Marcie Wallin answers that the Town of Estancia owns the property.

Madam Chair Ducharme asks who did the mowing before.

Marcie Wallin answers that she believes it was being alternated between the County and the Town of Estancia but asks myself (Sylvia Chavez) to clarify that.

Sylvia Chavez (myself) explains to the Commission that in the past the Town would mow the field and would need to borrow the brush hog from the County, I am no longer with the Town but I am assuming that the Town does not have the equipment to mow and that is why the County is being asked to get the mowing done.

County Manager Garland states that this would be government to government.

Leonard Lujan, Road Department Foreman states that, yes, in the past it was done between the County and Town and he does not have a problem getting the mowing done for the event.

Commissioner Frost states that this is a great event, it brings a lot of people to the County and the money raised provides scholarships for the local youth.

Dennis Wallin, County Attorney states that there is a fire danger out at the field with the weeds as high as they are. There are hundreds of cars out there and it can be considered a public safety issue.

Commission Votes:

All 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) 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 go into Executive Session. **Commissioner Frost** seconds the motion. Roll Call Vote: District 1: Yes, District 2: Yes, District 3: Yes.

Executive Session starts at 1:03 pm

***Reconvene from Executive Session:**

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 of real property For Torrance County Operations.

ACTION TAKEN: Commissioner Sanchez makes a motion to reconvene from Executive Session. **Commissioner Frost** seconds the motion.

Reconvened at 1:30 pm

Madam Chair DuCharme states that there was no decision made while in Executive Session.

County Manager Garland asks the Commission if they would like to schedule a Special Meeting for next week. The Road Dept. needs to award a bid that was not able to be placed on today's agenda. The Commission can also go over the maps for the 5 member Commission next week as well. There was discussion on rather Mr. Sharp should attend the meeting or not, the Commission decided to have the meeting without Mr. Sharp attending the meeting. The meeting is set up for Wednesday October 3, 2018 at 3 pm. If there are any question the Commission may have for Mr. Sharp he can be reached via phone.

***Adjourn:**

ACTION TAKEN: Commissioner Sanchez makes a motion to adjourn the September 26, 2018 Regular Commission Meeting. **Commissioner Frost** seconds the motion. No further discussion, the Commission votes all in favor. **MOTION CARRIED.**

Meeting adjourned at 1:35 pm

Julia DuCharme
Madam Chair DuCharme

Sylvia Chavez
Sylvia Chavez

October 10, 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.