

**FINAL COPY
TORRANCE COUNTY BOARD OF COMMISSIONERS
SPECIAL COMMISSION MEETING
OCTOBER 3rd, 2018**

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

OTHERS PRESENT: BELINDA GARLAND-COUNTY MANAGER
YVONNE OTERO-ADMIN ASST

CALL MEETING TO ORDER

Madam Chair DuCharme calls the October 3rd, 2018 Special Commission Meeting to order at 3:02 pm.

Pledge lead by Lester Gary

Invocation lead by Lori Archuleta

**APPROVAL OF THE OCTOBER 3rd, 2018 SPECIAL COMMISSION MEETING
AGENDA**

Madam Chair DuCharme asks for a motion to approve the October 3rd, 2018 Special Commission meeting agenda.

ACTION TAKEN: Commissioner Sanchez makes a motion to approve the October 3rd, 2018 meeting agenda. Commissioner Frost seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

ACTION ITEMS*:

ITEMS TO BE CONSIDERED AND ACTED UPON

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

***Commission Matters**

1.) Consider and act upon whether to offer to purchase and enter purchase agreement if offer is accepted for real property and improvements located at 903-A State Highway 41, Estancia, New Mexico-Lester Gary, Fire Chief

Lester Gary states that the fire department has increased in size within the past year and has outgrown the current space at the communications center aka dispatch. As the department has grown we have found a need to increase our space. The office staff has increased, we now have 2 assistant Fire Chiefs, 4 department coordinators, started the Fire Fighter 1 classes, and EMT

classes. With this growth a few months back we began looking at a few places that the Fire Administration could possibly move into. We found the building at 903-A Highway 41 which is the Summer's building. We went in and looked at the building, looked at our finances, looked at the GRT's, to see where we could up with funding to purchase a building.

We began looking at the Summer's building. We have had the building appraised, have done some inspections on our own as well as with Nick Sedillo and Belinda Garland. Mr. Gary states that he is coming before the Commission for approval to move forward to get a purchase agreement to purchase the building, with some stipulations. We would like to get a formal inspection of the building, do a phase I environmental survey, and also a title search to make sure everything is free and clear with the building.

Commissioner Frost states that this is just an approval to continue with your current process, is that correct?

Lester Gary replies, yes, that is correct. Once Mr. Gary has received the approval from the Commission to move forward, he will get a purchase agreement drawn up. Mr. Wallin has also been working on this to find out what the next steps will be. There was some thought that this may have to go through New Mexico Taxation and Revenue or through DFA, but with the monies that will be used to purchase this property we will not have to go that route. Once the purchase agreement has been made and accepted, the next step will be to purchase the property.

Commissioner Frost states that has Mr. Gary mentioned at another meeting, the department already has the funds to makes this purchase. Is that correct?

Lester Gary replies, yes, that is correct. The funds will come from the GRT fund, which currently have a total amount close to \$500,000.00 in it.

Commissioner Frost asks if using this money will take away from other things you made need such as equipment or training fees.

Lester Gary replies, no, it will not impede anything. This money is from the Gross Receipts Tax that we get from the sales of goods throughout the community. This money has not been utilized for the past 3-4 years so it has been built up. Once we purchase this property we will let it build back up again. We also have other GRT funds such as the communications/911 tax that we use. Using this fund will not impeded any other funds that we will need to run the fire department on a day to day basis.

Commissioner Frost states that what Mr. Gary is stating is that the money for equipment and so forth comes from a different source, correct? We just want this to be clear, not only for us, but so the public understands as well where the money comes from.

Lester Gary replies, yes, that is correct. We have a Gross Receipts fund that we use, but we also have the fire protection fund that each individual district receives from the state Fire Marshalls Office. That money is designed for supplies, equipment (not large like a fire truck),

but it will allow us to continue our day to day operations. This will not interfere with any of the fire districts, their funding will not be touched.

Madam Chair DuCharme asks Mr. Gary when the building was built.

Lester Gary replies, the building was built approximately 12 years ago.

Madam Chair DuCharme states that there should not be a problem with lead or asbestos, or any other type of hazardous chemicals.

Lester Gary replies, no, not that we are aware of. That will be something that we look closer at when we get the formal building inspection done, and that will give us all the information in detail.

Belinda Garland states that she did a walk through yesterday and there were no real problems other than a few spots on the ceiling, but don't really know where those spots came from.

Nick Sedillo states that one huge plus on the building is that it is fully ADA compliant and will not require any additional money to bring that into compliance.

Commissioner Frost asks how much space will be left over from spillover from this building.

Lester Gary states that about a third of the building will still be free once the fire department has moved in. One room will be made into a break room, no gas lines or stoves will be put in. What we will be doing is putting in a counter and have a convection oven, a microwave, some hot plates, etc. so that we will have a place to prepare our lunches. There is also another room that will be made into a training room for everyone not just the fire department.

Commissioner Frost states that he likes the bits of information that Mr. Gary gave. Commissioner Frost also states that in the past there was some mention of flood plain issues that maybe Nick Sedillo can address.

Nick Sedillo states that he does not think that area is not in the flood zone even though it is in the city limits, but he will go get a map so that he can be sure and give everyone the correct information.

Belinda Garland states that we may be able to put a clause in the contract about liability.

Lester Gary states that he did mention in the purchase agreement about the inspections.

Madam Chair DuCharme states that the property can be found on the FEMA flood zone map and it gives a number.

Lester Gary states that as County Manager Garland stated all of Estancia is in the flood plain but not sure about this area.

Commissioner Frost doesn't doubt that it is not in the flood zone but wants to be sure.

Madam Chair DuCharme states that the county also owns the two buildings next to this building as well.

Lester Gary states, that is correct. The county owns the judicial complex as well as the Esperanza health clinic, so with the purchase of this building the county will own all of that area now. It is close to the county administrative offices and if there is over flow they will have the ability to be placed here if need be.

Madam Chair DuCharme asks for a motion to approve to offer to purchase and enter purchase agreement if offer is accepted for real property and improvements located at 903-A State Highway 41, Estancia, New Mexico. Ms. Garland states that the motion should include how much they are going to offer. **Commissioner Frost** states that the motion needs to be worded correctly and that from what he was told by Mr. Wallin, we cannot make a lowball offer. **Lester Gary** states that the appraisal came in at \$270,000.00 so that is the offer we can make, we just can't go lower than that.

ACTION TAKEN: **Commissioner Sanchez** makes a motion to offer \$270,000.00 to purchase and enter purchase agreement if offer is accepted for real property and improvements located at 903-A State Highway 41, Estancia, New Mexico. **Commissioner Frost** seconds the motion. **Madam Chair DuCharme** asks if there is any further discussion. **Commissioner Sanchez** asks if this will satisfy some of the growing pains that we are having with all the new personnel we have been hiring and if there are any plans to move staff over there. **Belinda Garland** states that once the building is purchased she would talk to the Commission to see what they feel should be moved to that location. She mentions that there are a couple of offices that would be perfect for the full time attorney and paralegal or assistant based on what the Commission decides to do. **Commissioner Sanchez** asks, how much additional staff can be housed over there? **Belinda Garland** states that on the north side of the building near the west end, there is a very large room where desks can be added and partitions can be put up and one space can be made into a meeting area. **Lester Gary** states that is just depends on the type of office that would be placed there. Cubicles can be placed there and can estimate that 2-3 desks can be placed in the different offices putting in maybe 5-6 people there. **Commissioner Sanchez** asks Mr. Gary how many people will he be bringing in. **Lester Gary** states that within his department his office will be there, the administrative assistants office will be there, 2 assistant chiefs, 1 room will be set up as a quarter master supply, where all the EMS supplies will be kept, also all equipment that is shipped in will go there before it is sent out to the different districts. **Belinda Garland** states that it all depends on what the Commission wants to do with the extra space. Do you want to make meeting rooms or training rooms, move a department there, there are a lot of different options. This would be a great area for the attorney and the assistant because they will have lots of room, they are secluded, and they will be close to the judicial complex. **Commissioner Sanchez** states that he would like to see a Grants Coordinator, Economic Developer, and if we ever take over the billing for the EVSWA they can be housed in that area. Commissioner Sanchez asks Mr. Gary what will happen to his rooms at dispatch and EOC. **Lester Gary** states that the rooms the fire department currently houses at dispatch will be growth for them. A while back they were needing a storage shed for records storage, with us moving out it will help them with their records storage. The larger office they will be able to set that up as a meeting room. The EOC will also remain at dispatch. **Commissioner Frost** asks what they will be doing as far as safety. **Lester Gary** states that he

has been in contact with company that did the security counters here to do the same things at the new building. In the future Mr. Gary states that they will look at securing that building with a chain link fence as they are doing at dispatch and have security gates and security lighting. **Commissioner Sanchez** asks how much money will be left in the fund after the purchase. **Lester Gary** states that close to \$250,000.00 will remain in that fund. **Belinda Garland** states that some money will have to be taken out for improvements. The floor at the building does need some work. **Lester Gary** states that it is a cement floor and we will need to seal that floor just like we have done at dispatch. **Madam Chair DuCharme** asks Mr. Sedillo to explain the map he just handed out. **Nick Sedillo** states that the area is out of the flood plain and explains the map. **Madam Chair DuCharme** states that in the appraisal booklet, it states that the building is located in the unincorporated area, is that correct? She also asks why this office has to be within the city limits, when you have dispatch and the animal shelter not placed in the city limits and they are part of the county. **Nick Sedillo** replies, no, that is incorrect because the judicial building is within the city limits and can only be housed within the city limits of the county seat per state statute. The appraiser will need to be informed that this information is wrong. Mr. Sedillo states the location of the county seat has to be placed within the city limits by state statute, the offices such as dispatch and the animal shelter do not have elected officials and that is why they can be housed out of the county seat. No further discussion, all Commissioners in favor. **MOTION CARRIED**

Belinda Garland wants to make sure that the Commission did approve the \$270,000.00. The Commission replies, yes, that is correct.

Lester Gary states that he will get with the realtor in the afternoon and get started on the purchase agreement and have her send it to Mr. Wallin's office to be reviewed.

Commissioner Frost asks if this is or is not our final decision on this topic.

Belinda Garland states that it is if they accept the offer of \$270,000.00 and it clears all the inspections. Mr. Wallin will make sure that everything is done correctly and that we are protected.

Nick Sedillo addresses Commission Frost stating, if he recalls that when we purchased the vacant land a few years ago, we are required to get an appraisal. That appraisal protects us from the seller and prevents them from asking us for more than what the land was appraised at. We are giving them fair market value. This is all similar to the land acquisition a few years back.

Lester Gary states that he mentioned earlier about the contingencies in the purchase agreement, being inspections, phase I environmental, the survey entitlement, etc.

Madam Chair DuCharme asks about the value provided in the appraisal being based on the market value.

Nick Sedillo state that it is based on the fair market value on similar properties in the surrounding area. This is an appraisal done outside of what the county does by a commercial appraiser.

2.) IFB 2018-01 Cold Mix Bid Award-Leonard Lujan, Road Superintendent

Leonard Lujan states that he and Noah had to go out for bids for the cold mix for the state projects he is trying to complete. Two bids were received, one from ABQ Asphalt at \$58,900 and the other from Mountain States in the amount of \$34,200.00. We went out for bid on 475 tons of product and are requesting that you approve the bid be awarded to Mountain States.

ACTION TAKEN: **Commissioner Sanchez** makes a motion to approve the IFB 2018-01 Cold Mix Bid Award to Mountain States. **Commissioner Frost** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

3.) IFB 2018-02 HFE 100P Bid Award- Leonard Lujan, Road Superintendent

Madam Chair DuCharme asks Mr. Lujan to decode the language being used.

Leonard Lujan states that this is oils that will be used on the chip seal projects. We had to go out for bid on this as well because we couldn't use state contract due to some missing wording in the contract. We received one bid from Holly Frontier for 200 tons in the amount of \$125,800.00. We are requesting that you award the bid to Holly Frontier.

ACTION TAKEN: **Commissioner Frost** makes a motion to approve the IFB 2018-02 HFE 100P Bid Award to Holly Frontier. **Commissioner Sanchez** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

4.) Ratification of Custom Module Development Agreement between Torrance County and Data Management (Time Clock Plus)-Belinda Garland, County Manager

Belinda Garland states that this is between Data Management Incorporation and Torrance County for the upgraded custom module development agreement. This is the new Time Clock Plus system that was presented and approved by the Commission 2 meeting back by Kristin Oliver. Ms. Garland signed the agreement based upon the Commission's approval and is requesting her signature be ratified.

ACTION TAKEN: **Commissioner Sanchez** makes a motion to ratify the custom module agreement between Torrance County and Data Management. **Commissioner Frost** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

5.) 5-Person Commission Re-Districting Work Session

Madam Chair DuCharme states that they are presented with 2 plans, plan D-2 and plan D-3.

Linda Jaramillo states that she listened to a previous a meeting that she was not able to attend and some of the Commissioners requested information from her office. She has gathered that information and would like to present that to the Commission at this time. Ms. Jaramillo states

that Commissioner Frost asked about the voting on moving forward and requested the documentation on that. Commissioner Sanchez requested information on how long we have been a 3 member Commission. Ms. Jaramillo searched through the old books and we have been a 3 member Commission since 1937. Ms. Jaramillo also did some other research and found some election proclamations which shows that we used to have 26 precincts and thought it might be of some interest to the Commission to see how the elections were handled back then.

Ms. Jaramillo also states that all these years that she has been running elections, her precinct workers and herself have a great relationship. A precinct worker of hers, Lupe Lucero-Lujan, was in a terrible car accident last week on highway 41 and this morning she passed away. For the record Lupe was a great person, not only as a precinct worker but as a lifelong friend. She was great to work with and she will be missed.

Commissioner Sanchez states that it looks like we have had a 3 member Commission since the beginning.

Madam Chair DuCharme states that there are 2 plans to discuss. Part of the packet also includes two brochures created by the Manager's office per Commissioner Sanchez's request that we can discuss today as well.

Belinda Garland would like to clarify that one brochure was made in the Manager's office and the other by Commissioner Sanchez.

Madam Chair DuCharme states that she requested additional options and by looking at these 2 plans and remembering what they discussed at the last commission meeting, D-2 looks to be the most favorable, as it will not divide communities. Looking at plan D-3 it will divide communities.

Commissioner Sanchez states that plan D-2 is a good plan and we can take questions on D-2.

Belinda Garland states that they may need to make a motion if this is the plan that they are wanting to go with.

Commissioner Sanchez states that we do not need to make a motion on this right now. Some changes may occur and he would hate to have the commission commit to something right now and then later need to make a change. We can decide to focus on this plan and then make changes if necessary.

Madam Chair DuCharme states that we are presented with several plans and if we are presenting only one plan it would be better if we make this decision more official. If we need to make changes to this map we can vote again later on the changes.

Commissioner Sanchez states that the Commission has demonstrated consistency throughout this process. The notice of intent was voted on and contract directive was given. If we vote, we are showing an inconsistency, and we don't need to do that. We are not adopting this plan today. This is an informal plan, and is subject to change. Commissioner Sanchez believes that

there will not be a unanimous vote on any plan. All we need to do is agree that plan D-2 is the one we are going to focus on.

Linda Jaramillo states that when she spoke with Michael Sharp, and he said that in other places all plans are presented to the public. It can be tedious work and they stayed hours at meetings until everyone came to an agreement on one specific map. Ms. Jaramillo states that the public should have more than one map to look at.

Commissioner Sanchez states that if we zero in on one map that has the spirit of what we are aiming to accomplish, then we can take the public's input on that plan and piece it together. If we need to make adjustments to that plan then we can do so. In his opinion presenting more than one map to the public would not help things and there would not be an agreement on just one map. Being presented with multiple maps would just confuse the issue.

Linda Jaramillo states that is true, but the public would have their input.

Commissioner Sanchez states that the public will have their input either way. If given to many choices it will confuse the issue. We need to just focus on D-2 and we get the public's input we focus on D-2 and that is it.

Leonard Lujan states that the Commission is talking about splitting the entities. If you look at the map you are placing all of the entities into District 5. You are placing Manzano, Willard, Punta, Mountainair, Corona, Encino, Duran, and Clines Corners (which isn't even an entity) into one district. This map is splitting Manzano in half as well as Punta. Estancia and Tajique is in one area because that is all they want to take care of and McIntosh won't have anything.

Commissioner Sanchez asks Mr. Lujan what he mean by entities.

Leonard Lujan states that this map splits Manzano and Punta and they are the ones that are wanting this change. They have come to meetings and have stated that they are not getting enough representation in the county. You will have two Commissioners for those towns. The town itself may not be split but the community itself is.

Commissioner Sanchez states that there is no split for the town or community. The lines are pretty close to the land grant lines. We can give or take on all these boundaries if we need to. This map is just a general idea, and Manzano and Punta de Agua are all in one district. There is not that much population there and if we need to we can move the line one street up. There is no community that is split up. Commissioner Sanchez asks Mr. Lujan why he states Manzano is split.

Leonard Lujan states that you are just looking at the village itself. That is not Manzano, Manzano is much bigger than just where the chip seal is. You all are trying to make it equal and then suddenly you are placing everything into District 5.

Commissioner Sanchez states that there will have to be one big district. Encino doesn't have the population to be in a separate district.

Madam Chair DuCharme tells Mr. Lujan that all those communities are in the same district right now.

Leonard Lujan states that Encino is part of District 2 not District 3, and Moriarty is split between districts 4 & 2 right now.

Belinda Garland states that this goes back to what Madam Chair DuCharme was talking about at the last meeting. You have a Commissioner covering territory from one end of the county north to south and east to west. From this map there is also a Commissioner that is representing a heavily populated area in the North. This issue was one of your concerns, and she doesn't think one Commissioner can handle all of this area.

Linda Jaramillo states that it is a big district for one person to handle. As she recalls they didn't want for one person to cover such a huge area. It's a larger area than what the Commissioners have now and this is with 5 Districts.

Madam Chair DuCharme states the Commissioner Sanchez addressed her concerns and doesn't want to repeat his explanation. According to this plan, in her opinion, we will not have all representation in the heavily populated area in the north.

Leonard Lujan states that you will have 3 Commissioners in the north, 1 to the south and just one for Estancia.

Madam Chair DuCharme states that we have very populated areas in District 5, in the southern area. It doesn't mean that the Commissioner from District 5 will be somewhere up north.

Leonard Lujan states that what he is trying to point out is District 1, 2, and 4 will all be in the north. He understands what they are saying but what is being done is that another Commissioner is being placed to the north and split Estancia all by itself and you are pushing Mountainair and all the others to be by themselves. You are placing all the little towns with just one Commissioner by themselves.

Commissioner Sanchez states that what Mr. Lujan is saying, is that it isolates communities and in what way.

Leonard Lujan states that it is pushing the towns further south. The Commissioner will have to cover all the way from Aceves Road all the way to the eastern part of the county all the way back to the northern part and then all the way back almost to Moriarty. This map is really breaking things up and all the power will be to the north and all of the little towns will get nothing.

Discussion goes back and forth between Commissioner Sanchez and Leonard Lujan about an area in the western part of the county near Fourth of July Road not being populated. Commissioner Sanchez states that no one lives in that area and Mr. Lujan states that there are homes up there. Just because the map doesn't show it doesn't mean there isn't anyone up there. Commissioner Sanchez states that the lines can be adjusted in that particular area and become

district 3. According to Mr. Sharp moving that line will not alter any population so if we need to make that tail part of district 3 we can.

Belinda Garland states that you will have a Commissioner covering a large area along with a densely populated area in the north. This is a large area and that Commissioner will spend more time in the Moriarty area. The people to the south will be forgotten. This plan breaks up communities. It is awful to see Manzano and Punta being broken up. The people don't just live in one area the people populate a vast area.

Madam Chair DuCharme states that according to the map, nothing is being broken up. By creating those districts some areas will be divided. What we don't want divided is where the population is concentrated.

Belinda Garland would like to refer the commission back to map A. This map keeps all of the communities together

Commissioner Sanchez states that maybe it would eliminate confusion to place that little tail end of Precincts 3 & 4 into District 3. This might eliminate the misconception that Leonard mentioned earlier.

Madam Chair DuCharme ask Ms. Garland why she thinks Plan A is the better choice.

Belinda Garland states that it keeps the populated areas together and is even. You have 3 Commissioners in heavily populated areas to the north, not 4. These are merely things she is trying to point out. Ultimately the choice is up to the Commission on the map that will be chosen.

Madam Chair DuCharme states that this still doesn't eliminate her concern that one district is disproportionately larger than the rest. In the case of plan A, it would be District 3 that is very large. Plan A also divides Moriarty and Estancia and this is what we are trying to avoid.

Belinda Garland states that she is trying to keep 4 Commissioners from being with in a 20 mile radius of each other in the North. She is merely pointing things out and making a suggestion.

Commissioner Sanchez states that this could be true of Plan A as well. Districts 1, 5, 3 & 2 meet in the 4 corners in the middle. He does not understand the arguments being made, they are inconsistent. In plan D-2 there is also the possibility the Commissioners can live within a 20 mile radius of each other. Commissioner Sanchez states that he is trying to point out the inconsistencies in the argument in hopes that logic will say that it is true. There is no logic in the determinations being made.

Madam Chair DuCharme asks how the Commissioners would like to proceed.

Commissioner Sanchez states that we need to pick one of the options, agree on it, and use that map as the point from which we start to collect public input with the intent to make some changes. This is not the be all end all.

Linda Jaramillo states the on D-2 it does give the Commissioner from District-5 a chance to come up to represent the people in Moriarty plus the people in the south. This Commissioner is representing a lot of the county and not just the north. This Commissioner will have to take into consideration his Moriarty people, the people in the mountains, and maybe with this it will bring all of the people together.

Leonard Lujan asks how you can pick 2 maps when you haven't even had any input from the public. It's you and Madam Chair DuCharme picking what you want and not getting any public input. You need to visit with the public, see what they like, and then pick a plan.

Leann Tapia states that she would like to reiterate again that you need 3 unanimous votes in order to do this. You have a Commissioner sitting next to you that has clearly stated he will not vote for this. It needs to be done when the new Commission comes in. You are wasting the time of the County Manager and employees to push a certain plan, which isn't going to matter because Commissioner Frost has stated that he is not on board to do any of this. Why do you want to continue pushing this topic? Leave this to the next Commission.

Commissioner Sanchez asks Ms. Tapia if she is making assumptions about his intentions. What are his intentions?

Leann Tapia states that his intentions are to push this. You need to let this rest and leave it to the next Commission. You cannot move forward

Commissioner Sanchez states that he is not pushing this, this is a false assumption that she is making.

Leann Tapia states that Commissioner Sanchez needs to let this rest and leave it up to the next Commission. You are worried about the public, where are your public meetings? Have any of the districts done a public meeting on a personal basis? Ms. Tapia states she has not seen any information in her district about public meetings. If there would have been a meeting she would have shown up to give her opinion. This has been talked about in previous years, even when she was County Commissioner. We don't need a 5 member Commissioner, other than for personal gain.

Commissioner Sanchez states that he is not sure what Ms. Tapia means by personal gain.

Leann Tapia replies that Commissioner Sanchez knows exactly when she means. If not, she will spell it out for him. When January 1st comes he will be sitting next to 2 new Commissioners and he will be a sitting duck as Commissioner Frost is the sitting duck right now. You are Torrance County Commissioners and you are here for the County and not a district. You are not representing just District 1, 2, or 3. The decisions you make effect the county as a whole and not just a specific district. Let this rest and leave it for the new Commission to decide.

Commissioner Sanchez states how this argument can carry any weight when we started this process in February, way before any one declared to run for the Commission positions. There is no push.

Madam Chair DuCharme states that this is very troublesome to hear your predictions that one Commissioner that represents a very large district will be a sitting duck come January 1st.

Leann Tapia tells Madam Chair DuCharme that she went to the Association of Counties training, just like she did. When we went to that training they stressed specifically that the Commissioners are policy makers. You are looking out for the county and not just the district.

Madam Chair DuCharme states that thinking is behind every vote we make here.

Commissioner Sanchez states that he doesn't understand how any of this is district specific. This issue is not dead.

Leann Tapia replies, exactly, so let this topic rest until January when you may have the possibility of 3 votes.

Madam Chair DuCharme states that the Commission has the right to discuss this issue to at least make an attempt to move forward with a 5 member Commission.

Leann Tapia states that you are picking a map today to present to the public. The public isn't going to have any options because you are picking the map for them. Herself as a constituent would like to be presented with all 5 maps and then be able to say she likes one or the other. Choosing just the one map is not fair to the public.

Commissioner Sanchez states that is the exact opposite of what he said. He stated that they cannot vote on this because they have not had any input from the public. We cannot vote on this when we don't even have an ordinance in place.

Madam Chair DuCharme states that it was her suggestion to vote on a map because she thought the Commission needed to be clear what is being presented to the public.

Leann Tapia states that 2 maps should be presented to the public. You are all about open government, so present more than one map to the public.

Madam Chair DuCharme states that we are still in the discussion phase and Ms. Tapia your input will be take into consideration.

Leanna Tapia states that she wants it to be know that this Commission does not have a 3rd vote, let this rest until January, and bring it back up then. If they decide they want to move forward with this, then you can proceed at that time.

Madam Chair DuCharme states that it is unfortunate that Commissioner Frost is making this decision before hearing any input from the public.

Leann Tapia states that he is making this decision because he feels it is a big enough issue better left for the new Commission to decide. If this is decided on before the new Commission comes in, it will be something that they will have to live with, being that they did not have any input on the decision.

Commissioner Sanchez asks if he has mentioned to anyone that he has set a date to decide on this. He tells Ms. Tapia that she is assuming that he is trying rush the vote before the next Commissioners come in. He has never stated that this has to be done by December 31st.

Leann Tapia states that she is no longer going to argue, she has let her voice be heard, and this just needs to be put to rest until the new Commission comes in.

Madam Chair DuCharme would also like to state the Mr. Jeff Laird said that he has been constantly reminding the Commission that the county needed to update its comprehensive land use plan. And he pointed out that in this current plan, the Mid Region Council of Governments who prepared this plan, recommended the county move to a 5 member board.

Commissioner Sanchez states that he has not said how he is going to vote. When this is all said and done he may vote no. At no time during this process has he stated how he is going to vote. We are still in the process. Back in February there was a unanimous vote of our intentions to move forward with the process to move to a 5 member Board. We gave the county manager direction to move forward with the redistricting via contract, which has been accomplished, and suddenly there is a turnaround in September. To him that is a major inconsistency.

Commissioner Frost makes a motion to adjourn.

Commissioner Sanchez states that there is no need to make a motion to adjourn. He simply asked a question and would like an answer.

Linda Jaramillo states that during the proceedings of this Commission meeting and deciding an whether or not to go to a 5 member board, Dennis Wallin continued to state that the only vote that will require the unanimous vote will be the last one. When the Commission decided to move forward Commissioner Frost could have said no, but Madam Chair DuCharme and Commissioner Sanchez could have moved forward.

Commissioner Sanchez states that the first vote for us to move forward had to be unanimous as well. The reason we are at this point is because all Commissioners voted yes to move forward.

Madam Chair DuCharme states that she recalls that the only vote that needed to be unanimous was the last vote as well.

Linda Jaramillo states that she can pull the minutes to make sure, but she recalls that Mr. Wallin stated the only vote that needed to be unanimous was for the Ordinance, which is the last vote.

Madam Chair DuCharme addresses Commissioner Sanchez and states that we should present all the plans to the public to avoid any accusations or questioning.

Commissioner Sanchez states that he does not believe that there will be any questioning or accusations. We have not committed to plan D-2, we have not stated the D-2 will be the final plan. We want public input on this plan, it is our responsibility as leaders in the community to identify a certain vision. It is within the Commission's role to identify the intentions on which this Commission intends to move forward. He has injected his philosophy into plan D-2. We need to go out in the public and get their input. He believes plan D-2 is not the be all end all, but it the spirit of what he thinks is essential to the county. If the Commission feels likewise, this is the plan we should seek public input on.

Madam Chair DuCharme addresses Commissioner Sanchez asking if he thinks this is enough to instruct Ms. Garland to prepare this plan to present to the public.

Commissioner Sanchez replies, for his part he believes that this process, from which Commissioner Frost is abstaining from, and is entitled to do so, is being done the right way.

Commissioner Frost states that he asked for recognition a few minutes ago and was talked down to. He wanted to make a comment and one of his fellow Commissioners talked over the top of him not allowing him to make his comment, so Commissioner Frost let him talk. As we grow older and mature, we learn to be respectful of each other. What he wanted to say is that this is all hypothetical and this does need to go before the new Commission to decide to go to a 5 member Commission. This is what he said a few meetings ago and does not think he needs to repeat himself. This needs to go to the new Commission, they are the ones that are going to approve the funding for this and the county. Close to \$100,000.00 will be going towards the Commission for the 2 new members. Some of the people that want this 5 member board and spend this money per year, are the same ones that complain about the road when it rains. With this money we could hire a couple of new road employees or deputies for the Sheriff's department.

Madam Chair DuCharme thanks Commissioner Frost for his comment.

ACTION TAKE: **Commissioner Frost** states that he would like to again make a motion to adjourn. **Madam Chair DuCharme** asks if there is a second. **Commissioner Sanchez** states that we are not finished yet. **MOTION DIES**

Commissioner Sanchez thinks that due to the fact that the Commission is not united on the idea of moving to a 5 member Commission, we should not delegate the responsibility for the promotion on an idea that the Commission is not unified behind. The burden of effort is on us and we shouldn't put the county employees in the middle of all this. This does not seem like a county matter since the Commission is not unified on this. He would hate to put any of the offices or employees in a difficult position, we need them to be A-Political and remain neutral. We need to give them the opportunity as well to voice their opinions and concerns as well. As a split board, if we give the manager's office directive to prepare these maps, but they don't agree, it would not be right to force them to prepare information if they don't agree on it. The issue seems to have become political and we need to divorce this from official county business.

Madam Chair DuCharme states that she strongly disagrees with what Commissioner Sanchez has to say. She states that it is the manager's office responsibility to carry out the decisions of the Commission regardless if they agree with them or not. We need to decide if we want to go further and have the public hearing on this issue or not. It is not a personal issue and per state statute we as Commissioners are required to make a decision and vote on it. It is not political in anyway and is no different than any other decisions we are making. We need to have clear vision on this and decide if we want to bring this to the public or just stop here. Madam Chair DuCharme thinks it is not her personal responsibility to move forward. The plans are prepared and we need to set a date for the public hearing and vote on this.

Belinda Garland states that the Manager's office does whatever the Commission directs them to do. If she sits there and points on issues with the maps, she is not being argumentative, she is just pointing out things for the Commission to think about. The votes you make are your decisions and you have to live with them. Ms. Garland merely points out things for the Commission to think about and that is her job to be in the middle and be on both sides. If the Commission decides to move forward with the public hearing, then we will prepare whatever packet you want us to.

Commissioner Frost states that the public hearing should not happen until the new Commission comes in. Commissioner Javier will be a part of that Commission and all of them should hear what the public has to say on this issue.

Commissioner Sanchez states that we are discussing the hearing, the map, and the brochures all at once. He states that the public outreach should not be done during one hearing. Commissioner Sanchez would like to do some public outreach in his district and have meetings with the communities in his district. He does not want to set a date for the public hearing, he cannot commit to a timeline. We need to decide on a plan, decide on the brochure, not set a date, and have each Commissioner do some public outreach within their district as they see fit. No information should be put on the county website. We have one Commissioner that is not for this and we need to respect his decision, placing the information on this could prove to be problematic.

Belinda Garland states that it only takes a vote of 2 to move to the public hearing and then give the directive to the manager's office on what to do next. The Ordinance is the only item that will require the majority vote.

Commissioner Frost asks if there is a particular order in which the public hearing and voting on the ordinance must take place.

Belinda Garland states that the public hearing will need to happen first and then the ordinance will be presented after.

Commissioner Sanchez states that he recommends the manager's office remain posted on a date for the public hearing. Once we have completed what we need to, then instruct the manager's on a date for the public hearing.

Madam Chair DuCharme asks if the ordinance should be presented at the public hearing.

Belinda Garland states that is what part of the public hearing is about, the wording of the ordinance.

Commissioner Frost states that he has no opposition at all in having a public hearing or voting on the ordinance. He sticks to his opinion that this should be left to the new Commission. The new Commissioners are the ones that will have to work the decision that will be made. He doesn't understand why there would be any opposition in leaving this decision to the new Commission. We have gone many years with a 3 member Commission, waiting a few more months to make that decision shouldn't be an issue.

Commissioner Sanchez asks Madam Chair DuCharme what her strategy will be for public outreach within her district.

Madam Chair DuCharme states that her plan will be the same as Commissioner Sanchez by having meetings with the public as well as placing a lot of the information on her Facebook page.

Commissioner Sanchez asks Ms. Garland why she feels so strongly about plan A and if she would like to elaborate more on them. Commissioner Sanchez states that if he at any time shut anyone down during the meeting today, he didn't mean to. It got a little contentious for a bit and it is difficult to maintain ones composure. He would like to hear more from anyone on their comments from plan A or any of the other plans.

Belinda Garland states that she is good and has no comments.

Madam Chair DuCharme would like to remind everyone that this Commission is one that started this process, why should we have the next Commission make the decision? We started this process and we should at least try to finish it.

Commissioner Sanchez believes this issues has merit. There are a lot of benefits that can come from a 5 member Commission. He is looking forward to the discourse that will come from it. Commissioner Frost is against this, people from the public are against this, and he is looking forward to the input these people have on this topic. We need to take our time and make sure that the issue is not rushed.

Linda Jaramillo states that for the sake of the public, when you have these meetings, and you are only presenting one map, questions will arise as to why they are only seeing this map. If you don't present them with other maps to explain why you came to the decision to focus on the one map, people will ask why. Michael Sharp has given us the maps, if you present them to the public you can explain to them why you chose one map over the other. You are going to have to do this all over again with the public. Very few people come to these meetings, and when they do they are here for other reason and then end up leaving before this item comes up. The public hasn't seen the maps or presentations. Put the maps up for your sake when you start to have the public meetings. If you want the public's input then you will need to present them with all the maps and explain to them why you came to the decision of proposing map D-2.

Commissioner Sanchez states that if you place 5 maps for the public to view, how can you get everyone to agree. There will be too many view points and you can't get any traction. How can you avoid that?

Linda Jaramillo replies that you cannot avoid that. The reason for the public hearing is to hear from the public. If it takes you 9 hours to get public input, then that's what it takes. You have to give the public their due process. Ms. Jaramillo states that Michael Sharp went to a meeting where all maps were presented and it took hours upon hours to hear from the public. If you want public input and public hearings, it is going to be long, tiring, and hard. Their opinions and input on the maps and the 5 member board should matter. My office will have to do the minutes for those meetings, we are the keeper of the record, and are here for the duration to listen to everyone speak. You need to have your due process for the public. The public should influence you on your decision in the end it is ultimately your decision, but you need to give the public their voice. If you are basing your decision on what the public says, then they should be able to view all the maps.

Belinda Garland states that if you don't want to present the public with 10 maps then pick 3 that are all different and then present those to the public. With that option you will get better input from the public by seeing that 15 liked this map but then 100 liked this other map.

Commissioner Frost states that he has always interpreted the term Public Hearing as meaning public hearing. It is not a Commission hearing. We listen to the public and then make our decision based on that.

Madam Chair DuCharme states since public money was spent on these maps, then all of these maps should be available to the public.

Commissioner Frost states that it would be good, but why go to that expense until you find out if the new commission is going to redistrict or not.

Madam Chair DuCharme states that there will be no expense if the maps are placed on the county website for the public to view.

Commissioner Frost states that there are a lot of people that do not have access to the county website.

Madam Chair DuCharme states that this is one way to present information to the public, not the only way.

Belinda Garland comments that if we have a public hearing, we will have to have material for the public. As she mentioned in the past it costs money for every color copy that we make. If we make copies for the packets for the public, which we should, it's going to cost a lot of money, and we need to find a printer for that.

Commissioner Sanchez states that we can plan for the public hearing when we are ready to proceed with it. He would like to do public outreach in his district and present them with map

D-2. He states that he will have a better outcome in presenting this map to the people in his district. He cannot present a map to his constituents that he doesn't think is any good. He wants to present a map that has meaning, and for him that is map D-2.

Madam Chair DuCharme tells Commissioner Sanchez that he can provide the other maps if they ask him about them.

Commissioner Sanchez replies, yes, he will definitely do that.

Commissioner Frost states that he only represents district 1 and that is such for the other Commissioners, but as a Commission we represent the whole county. He gets public input on this topic almost every day and has been for quite some time. A lot of the input he gets from the public is not only from his district, but from districts 2 & 3 as well.

Commissioner Sanchez states that he has public input on a daily basis. While he was campaigning, the most enjoyable part was doing the outreach and talking to the people door to door. There are a lot of people that are coming to his mind that he has not seen since then, and he would like to go out and visit with those people. It's not about who is going to come to you and voice their opinion it's about himself going out and getting that input from the public as well. He is not committed one way or the other, there are assumptions that are very ingenuous. He cannot make a decision from a 9 hour public hearing, the only way he feels that he can achieve a decision is by spending 8 hours a day speaking to the people in his district.

Linda Jaramillo states that if you have a 9 hour meeting, you don't have to make a decision right then and there. Go back and watch the video. She listens to the video at least 3 times when checking the minute for accuracy. You don't have to make that decision right away, go back and sit in front of the computer, take notes, and then you can determine by the next time that a person or persons had a good idea. You can't just listen to everyone one time, you do, but when it comes to something like this, you need to take the time and listen to it more than once, then make a more concise decision. This video is available for you to watch and listen in depth. In her opinion she doesn't know why we have commission districts, as the County Clerk, Treasurer, Assessor, Sheriff, we represent the whole county, maybe we should be revolutionary and say we are going to do away with districts and just represent everyone.

Commissioner Sanchez states that if you don't have districts then there is a possibility that all Commissioners could be from Estancia. The idea is to balance power.

Madam Chair DuCharme asks the Commissioners for a time frame on how long they will need to do their outreach.

Commissioner Sanchez states that he would like to do outreach through Thanksgiving.

Commissioner Frost again states that he thinks it should go until January that way the new Commission will have an ear on what is happening.

Commissioner Sanchez would like to invite those Commissioners to the public outreach that way they can see what is going on. Commissioner Sanchez asks Commissioner Frost if he plans on doing any public outreach.

Commissioner Frost replies that he has not given it any thought.

*Adjourn

ACTION TAKEN: Commissioner Sanchez makes a motion to adjourn the October 3rd, 2018 Special Commission Meeting. Commissioner Frost seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

MEETING ADJOURNED AT 6:00 pm

Julia DuCharme
Madam Chair DuCharme

Yvonne Otero
Yvonne Otero-Administrative Assistant

October 24, 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.