

FINAL COPY  
Torrance County Board of Commissioners  
Commission Meeting  
October 10, 2018  
9:00 AM

**Commissioners Present:** JULIA DUCHARME – CHAIR  
JAVIER SANCHEZ – MEMBER  
JAMES FROST – MEMBER

**Others Present:** BELINDA GARLAND – COUNTY MANAGER  
ANNETTE ORTIZ – DEPUTY COUNTY MANAGER  
DENNIS WALLIN – COUNTY ATTORNEY  
GENELL MORRIS – ADMIN ASSISTANT

**Call Meeting to order**

Madam Chair DuCharme: Calls the October 10, 2018 Commission Meeting to order at 9:02 AM

Pledge lead by Belinda Garland

Invocation lead by Commissioner DuCharme

**Approval of Minutes:** September 19th, 2018; Special Meeting September 24th, 2018; Special Meeting September 26th, 2018 Regular Meeting

Commissioner Frost: Motion to approve September 19th, 2018 Minutes

Commissioner Sanchez: Seconds the motion.

All in favor: **MOTION CARRIED**

Commissioner Frost: Motion to approve Special Meeting September 24th, 2018 Minutes

Commissioner Sanchez: Seconds the motion.

All in favor: **MOTION CARRIED**

Commissioner Frost: Motion to approve Special Meeting September 26th, 2018 Regular Meeting Minutes

Commissioner Sanchez: Seconds the motion.

All in favor: **MOTION CARRIED**

**Approval of Meeting Agenda**

Commissioner Sanchez: Motion to approve Meeting Agenda

Commissioner Frost: Seconds the motion.

Madam Chair DuCharme: Request to move Consent Agenda after a break to have time to review.

Commissioner Sanchez: of course

Belinda Garland – County Manger: The consent agenda included in the packet, included dates that have already been approved. There is nothing in there that you haven't reviewed. There were no dates added to the end, just some extra dates added to the beginning.

Madam Chair DuCharme: Why are we approving it today?

Belinda Garland – County Manger: The one you are approving is with the correct dates. We printed a new one with the dates you have previously approved. Last Thursdays when we were putting the agenda together everyone was off because we had to close the building because the sewer lines backed up. The employee that normally prints the consent agenda was not here that day, we printed one with extra dates. There was nothing added that you have not reviewed.

Madam Chair DuCharme: The amount was different than previously approved.

Annette Ortiz – Deputy County Manger: The initial consent agenda was large \$561,831, because it was a larger date range than it should have been. The Corrected amount is \$ 201,149.62. Nothing new was added, it was taken away with the date correction.

Madam Chair DuCharme: Commissioners is this explanation sufficient enough for us to move forward?

Commissioner Frost: Yes

Commissioner Sanchez: Yes

\*Consent Agenda was not moved.

All in favor: **MOTION CARRIED**

### **Approval of Consent Agenda:**

1. Approval of Checks

Commissioner Frost: Motion to approve Consent Agenda

Commissioner Sanchez Seconds the motion.

All in favor: **MOTION CARRIED**

*Moment of Silence in memory of Equipment Operator Mr. Jake Tenorio and  
Elections Employee Mrs. Mary Lupe (Lujan) Lucero*

Madam Chair DuCharme: Our deepest condolences to their families and friends.

**\*ACTION ITEMS**  
**ITEMS TO BE CONSIDERED AND ACTED UPON**

**\*Commission Matters:**

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

County Manager Garland stated she has not received anything back from Bernalillo County and requests to table item.

Commissioner Sanchez: Motion to table

Commissioner Frost: Seconds the motion.

All in favor: **MOTION CARRIED**

**2. Resolution 2018-45, a Resolution relating to the proposed industrial revenue bonds entitled Torrance County, New Mexico Taxable Industrial Revenue Bonds (La Joya Wind, LLC Project), Series 2018; declaring the intent of Torrance County to issue such industrial revenue bonds in an aggregate principal amount up to \$675,000,000 for proposed project as described therein; and directing the County Clerk to publish Notice of Intent to consider an ordinance authorizing the issuance and sale of the bonds in a newspaper of general circulation within Torrance County.**

Katherine McKinney – Modrall Law Firm: Representing Avangrid, is working with the county in issuing these industrial revenue bonds. This resolution kicks off the process of issuing the bonds and allows the company to begin purchasing equipment as an agent for the county. From here we will provide a requisite notice to the taxing jurisdictions within the county, then publishing notice of intent to adopt the bond ordinance and waiting the 30 days for the limitation of action period to expire and closing the bond issue.

Mark Stacy – Director of Development for Avangrid Renewables: We have gone through this process before with the El Cabo project. We have been very active in New Mexico for the past 10 years. This 2<sup>nd</sup> project is called La Joya project, it's in the same area as El Cabo, between Encino and Willard, South of highway 60, El Cabo is mainly north. The La Joya project is about 50,000 acres. This project is half private, half state land, on the Lucy Ranch. We received the special use zone district for the La Joya project in May of 2017. We are planning this project being from 160 megawatts to 350 megawatts, 160 megawatts construction will start a year from now. We have a purchase power agreement with PNM to serve the Facebook facility in Los Lunas. This project will use the new BB2 line, power will flow from the La Joys project to the Clines Corners substation built for El Cabo then to Albuquerque. The economic benefits provided by El Cabo will be similar to this project, depending on its size. For Example: El Cabo employs 17 full time employees (operations and maintenance facilities) at the peak of construction 400 people were employed. Under industrial revenue bonds for the El

Cabo project and pilot payments, we end up paying about a million dollars per year into Torrance County, divided up between the county and school districts. We have not negotiated yet, we will begin negotiations soon. We respectfully request approval of this resolution.

Dennis Wallin – County Attorney: This is an inducement resolution, it doesn't bind the county to pass the bond ordinance. It's says it's our intent to move forward with the process. Avangrid is paying all the costs and legal fees for both bond council and my time. I will also take off my lawyer hat and say Avangrid has been a great citizen of the community. We appreciate that.

Commissioner Frost: Makes motion to approve Resolution 2018-45  
Commissioner Sanchez: Seconds the motion.

Michael Godey – Tajique: Based on the concerns for Mountainair, the transmission lines going through people's property. The use of enumerate domains. The lights that are on the windmills, I think they are excessive. I think you could have a third as many. Is there a way to get the Feds to change their light system?

Dennis Wallin – County Attorney: We have to have a public hearing before the Ordinance is entered. The appropriate time for that discussion is at the Ordinance/Public Hearing. The transmission for this facility does not affect Mountainair.

Mark Stacy – Director of Development for Avangrid Renewables: The transmission lines for this project goes nowhere near Mountainair. It goes 10 miles west of Encino to Clines Corners north. We don't have powers of emanate domain, we have agreements in place with willing land owners. The FAA lighting, those are federal regulations that we have to abide by for aviation safety.

Madam Chair DuCharme: There is a new technology that doesn't have constant flashing. Are you aware of that new technology? It is a problem for people that live in that area.

Mark Stacy – Director of Development for Avangrid Renewables: I think you are talking about lights that come on when it senses an approaching aircraft. I'm not sure if it's commercially available.

Myra Pancrazio – EVDA: Patten Energy brought that up at the Planning and Zoning Meeting last week. We are looking into it and the Federal government is also looking into it but not have reported that technology yet. They are still experimenting with it. When the federal government gives the go ahead it will be available to the wind projects.

Madam Chair DuCharme: Which agency is responsible for that?

Myra Pancrazio – EVDA: The FAA.

Madam Chair DuCharme: What is that?

Myra Pancrazio – EVDA: Federal Aviation Administration

Marcie Wallin- Torrance County Fair Board: Thanks Mr. Stacy for helping the Torrance County Fair.

Andrew Homer – Citizen: Maybe a glow in the dark paint on the blades of the turbines, might be an option instead of a flashing light.

All in favor: **MOTION CARRIED**

### **3. EVSWA Vacant Exempt Denial, Appeal(s)**

Belinda Garland – County Manger: At the last meeting the new definition for vacant exempt was approved. I need directive on how you want to handle the appeals that came in before you that you tabled. How do you want us to proceed with the new definition? It's too late to start it now because of the billing system has already went out for the last quarter. It's beneficial to start the new definition at the beginning of 2019. Then we can allow people within the next 2 months to come in, complete the forms and start the new definition. You had appeals brought before you, we need to know what you want to do with those?

Madam Chair DuCharme: It should be applied immediately. The new definition should be applied to those appeals.

Belinda Garland – County Manger: Are you telling us, all of the appeals that came before you are going to be vacant exempt?

Madam Chair DuCharme: According to the new definition. We asked those people to wait while we review the issue.

Belinda Garland – County Manger: Correct, We asked them to wait and you made the new ruling on the definition. We need to know all of the appeals that were brought before you, you're going to allow them to be considered vacant?

Madam Chair DuCharme: This is my opinion, commissioners?

Commissioner Sanchez: I think they have to reapply and provide the backup information to see if they qualify.

Belinda Garland – County Manger: Who is gathering that information and made that decision, the County or Solid Waste Authority?

Madam Chair DuCharme: Solid Waste Authority

Belinda Garland – County Manger: I will set a meeting with them and workout the particulars.

Annette Ortiz – Deputy County Manager: Do we notify them by letter informing them they need to apply and recertify?

Commissioner Sanchez: It would be good to call them and inform them of the new process.

Belinda Garland – County Manger: We will draft a letter, so they have it in writing.

Madam Chair DuCharme: It should be announced on the county and solid waste websites.

Belinda Garland – County Manger: I don't disagree with that. We did not set a date as to when it starts. This is why I'm asking for directive. The billing cycle went out last month around September 10<sup>th</sup>. We can start the new process January 1<sup>st</sup>, this gives people time to come in and complete the paperwork.

Commissioner Frost: We should do as the manager suggests, this is a common sense approach. The people in question should reapply.

Belinda Garland – County Manger: We will have to develop forms, send out letters and they will need to bring documentation. We need time to do this.

Madam Chair DuCharme: I think exception should be valid immediately. You can send bills January 1<sup>st</sup> in a different way. People can apply right now.

Belinda Garland – County Manger: I'm not saying they can't apply, they have already been billed for this quarter. They can bring in documentation and start with the next billing cycle.

Madam Chair DuCharme: People who are appealing will be treated differently. They will receive exceptions and others will not.

Belinda Garland – County Manger: The people who appealed were put on hold. We are holding their statements and billing. Everyone else has already received bills. We need to know when and how you are going to allow this to start.

Madam Chair DuCharme: The people asked for an appeal but have not received an answer from the commission.

Annette Ortiz – Deputy County Manager: You tabled it for 30 days.

Madam Chair DuCharme: We asked them to wait for our decision, we made a decision and should be effective immediately. This is my opinion.

Dennis Wallin – County Attorney: The staff needs a consensus from the commission.

Belinda Garland – County Manger: If you are going to make this effective immediately, you going to have to think about the people that have already paid for this quarter. Are you going to allow refunds? Are we going to hold them to what they have already paid? This is going to become very convoluted if we are not careful. If you don't make it effective January 1<sup>st</sup>, you may have all these people asking for refunds. This will cause a lot of confusion with the Solid Waste Authority.

Madam Chair DuCharme: How many people paid?

Dan DeCosta – Code Enforcement: 53-54, 8-10 appealed, around 45 people I spoke to and informed them of rules, they agreed. Out of 45, about 15 were clearly living on the property. Around 30 people.

Dennis Wallin – County Attorney: You have to have a process that's applied universally. You can't treat a group of people different. Whatever the definition is, however they document there claim that they are exempt, needs to be followed in all the cases. You can't create a special class.

Commissioner Sanchez: These 10 are in the balance because we instituted a new definition on September 26<sup>th</sup>. Its inherent they are a special category. The other rate category have been determined. A determination has not been made for these few.

Dennis Wallin – County Attorney: They haven't submitted the paperwork, so they are not a special class. They are only a special, if you make them a special class which you should not do. They need to go back through the process. They need to submit the paperwork to prove they qualify for your new definition of vacant/exempt. Ms. Garland is asking you to allow the staff the time to get all the forms and paperwork together to do this.

Belinda Garland – County Manger: Potentially 30 people could have qualified the same way as the 10 people that qualified, they just didn't choose to appeal. You have the potential for those 30 people to come back and say, you gave special privileges to these 10 people, I pay my bill, I want my money back. We should start this effective January 1<sup>st</sup>, we can gather there information. The new bills will go out around December 10<sup>th</sup>. Everyone should pay their bill, through this quarter and we can start with the new definition with that new billing cycle.

Commissioner Frost: Makes motion to proceed as described by our County Manager.

Madam Chair DuCharme: Ms. Garland, when previous resolution was approved, how was it applied?

Belinda Garland – County Manger: We did it the same way, I worked it out with the Solid Waste Authority. At that time we didn't have any appeals and we started that process with the next billing cycle. We allowed that amount of time in order to get forms in place and people advised of the new process. We did not start in the middle of the billing cycle, I'm recommending we don't do now.

Madam Chair DuCharme: When is the next billing cycle?

Belinda Garland – County Manger: Bills will go out the 10<sup>th</sup> of December, for the 1<sup>st</sup> quarter of 2019. The bills went out the 10<sup>th</sup> of September for this quarter and you did not approve this till the 26<sup>th</sup> of September.

Commissioner Sanchez: It remains for us to adjudicate those 10 appeals individually, correct?

Dennis Wallin – County Attorney: Are you going to adjudicate under the previous guideline? That's when they filed their appeals, those were the guidelines. They need to refile and provide the proper documentation. They haven't done this and haven't appealed anything other than they were entitled to vacant exempt under your previous guidelines.

Commissioner Sanchez: Would we have to adjudicate based on the criteria pre 26<sup>th</sup> of September or post?

Dennis Wallin – County Attorney: Pre, that is what they appealed. Otherwise you are created two separate classes of people. In fairness you need to put a date on it. You have to judge the appeals based on the definition in placed at the time of appeal. They are appealing the decision that was made based on whether or not there was furniture in the house. They have the right now, since you have changed it and provide documentation.

Commissioner Frost: I will restate my motion.

**\* No Second**

Commissioner Sanchez: Motion to table, I'd like to give it a little more thought.

Madam Chair DuCharme: Seconds the motion.

Madam Chair DuCharme: Mr. Wallin, is it legal for the county to charge people based on if they have furniture in their house or not?

Dennis Wallin – County Attorney: You can set the standard for how you want your ordinance to be enforced, as long as you don't create separate classes of people.

All in favor: **MOTION CARRIED**

**\*Public Relations:**

**4. Around the County Presentation – Annette Ortiz, Deputy County Manager**

Presentation with photos of 2 projects. Charlie Breckenridge Rd. and chip seal in Estancia.

Leonard Lujan – Road Department: We helped the Town of Estancia with the chip seal road project near Allen Ayers, they received state funding. We help them save a lot of money by us doing the project for them. They pay us to work on Fridays (our day off). We also worked on Charlie Breckenridge Rd., we are putting base course on top and then we will go back and make it a chip seal, should last a long time. This road goes from Hwy 41 to Appaloosa Rd. Leonard answers an inaudible question. It cost too much money and doesn't last very long to use acrylic. Acrylic is used for dust control.

**5. Updates:**

**a. Various County Departments**

Linda Jaramillo – County Clerk: Election update, early/in person voting has begun yesterday. We had 30 people vote, sent out 172 absentee ballots. Registration closed yesterday, it's too late to register unless you walk in a registration by Thursday dated on or before October 9<sup>th</sup>. If we get any registrations post marked October 9<sup>th</sup> or before we will enter those. If anyone has any questions about your absentee applications call 544-4361 or if you have any question concerning registrations or polling places call 544-4350. The Alternate site will open Saturday, October 20<sup>th</sup> 10am - 6pm at the Moriarty Civic Center. The following week will be open Tuesday-Saturdays till the Saturday before the election. Same here for the in person voting, will be open till the Saturday before the election. I encourage everyone to return your absentee ballots as soon as possible, we can accept them up until 7pm election day.

Annette Ortiz – Deputy County Manager: I want to invite the public to come to the County building. The Torrance County Safety Committee is presenting pinktober. Tomorrow we will be having door decorating contest for breast cancer awareness as well as domestic violence prevention awareness. We invite everyone to look at our doors.

Steve Guetschow – Planning & Zoning: At our planning and zoning board meeting last week on October 3<sup>rd</sup>, we heard the application from Pattern Energy LP for an upcoming wind farm. After hearing comment in favor and opposition to the board made a Do Pass recommendation. By roll call vote: Harlan Lawson; Do Pass, Gail Langell; Do Pass, Max Cabber; Do Pass, Cathy Lynch; Do Pass with condition Pattern Energy's promise for community involvement comes to reality, Ron Graham; Do Pass. The Public hearing when this action comes before you for the final decision will occur on November 14<sup>th</sup>. I have updated the public notice signs in that region and have newspaper ads in the



Independent for public notices. We are resending out the 240 public notice letters to the residence of that area.

We met this week for our Mountainair collaborative for the Forest Service plan, we had a deadline line of October 5<sup>th</sup>, to submit our comments to the Forest Service regarding a new plan. The plan looks good from our perspective, I added to the management of the forest where it stated to protect the local community from wild fire also include flash flooding. We will be meeting again on October 25<sup>th</sup> to review the comments. The review process will be coming out for Public comment on the Forest Service website, at the end of December early January.

Martin Lucero – Emergency Manager: I'm working on getting my certification for Emergency Management, I have one more course and will be able to apply for that certification.

EMPG grant, this fiscal year we received our SGA. Once that is fully executed, we will ask for ratification. The CRI grant is on the agenda for today for ratification. We are receiving more funding this year in the amount of \$3,000 provided by the Department of Health.

On October 25<sup>th</sup> we will be having an active shooter training and drill here at the county building, two trainings at 9:00 am and 10:30 am with the drill at 2 pm. We purchased trauma kits for the Admin offices. We are working on a mass notification procedure that we can give to everyone and conducted some rap training throughout the offices.

On October 20<sup>th</sup>, 9-2 pm we will be have a flu shot clinic at the Pumpkin Chunkin, first come first serve. Please bring your Medicaid card if you have one otherwise its free.

In the next 30 days the PIO and policy group plans will be annexed into our emergency operations plan. We are looking at a grant to get a mobile command unit that all emergency services can use. The sheriff's department is assisting with this.

I'd like to remind everyone that winter weather is right around the corner, please make preparations in your vehicles or homes. Our county website under the Emergency Management Department you will find a winter weather bulletin.

Andrew Homer – Citizen: Do you have defibrillators in county vehicles?

Martin Lucero – Emergency Manager: Our fire department has two. We are not outfitted for every vehicle to a defibrillator. They are looking at a contract to have one in the admin building.

Lester Gary – Fire Chief: We are getting a contract to get an automatic defibrillator here in this building. We have 2 AEDs with the Sheriff's Department and every fire apparatus carries and AED. We are looking at new types of devices that are out that are better than the AEDs, they are CPR devices. They are about \$11,000. We may get one on loan from an EMS medical supply vendor, so we can do a trial here in the county.

### **c. County Manager**

Since October 1<sup>st</sup> I met with Marcie Wallin, Amanda Tenorio and Tracy Sedillo in regards to issuing payments to the fair participants who sold items at the Torrance County Fair. Grant Committee met in regards to grants for JJAC, Emergency Management and DWI. All three grants were approved.

Met with Presbyterian on billing issues. Attended the Planning and Zoning meeting regarding Pattern Wind and special commission meeting to discuss the 5 member commission. The Torrance County administrative building was closed October 4<sup>th</sup> due to sewer lines backing up. Interviews were done for the Operations manager on October 9<sup>th</sup>. NM State Department of Health would like to move the public health office back to Estancia. Space is available at the Project Office building.

**\* Department Requests/Reports:**

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

This agreement is in the amount of \$2,689, no match is required. Funds are generated by a \$75 fee assessed to all convicted DWI offenders. Funds will be used for promotional items such as key chains and coaster for the Smart Choice program. It has met approval from the Grant Committee and has passed legal review.

Commissioner Sanchez: Motion to approve Grant Agreement 19-CD-05-103 between the NM Dept. of Transportation, and Torrance County for Community DWI Funding

Commissioner Frost: Seconds the motion.

All in favor: **MOTION CARRIED**

**d. Other Boards or Land Grants (upon request)**

Marcie Wallin – Fair Board: The County Fair was a huge success. We had an increase in crowd participation from the various communities. The kids that participated enjoyed all the new activities. We had a lot of positive comments from community members, they enjoyed playing bingo. It was so successful they asked to play at unscheduled times, vendors made donations for the prizes. We will have to have a bigger tent for the next fair, it was too crowded. We had 10 queen candidates, Danielle Johnston did a great job getting participation. The cost for running the fair was \$19,500 our annual budget. We got 52 buckles (\$5,200), 21 plaques (\$525), 12 medal signs (\$1,800) donated. The livestock auction (43 slots) was downsized due to CCA being gone, there were a huge contributor, and total sale was \$ 130,900, total add-ons were \$21,654. We are currently owed \$20,430 and \$3,024 for the add-ons. At the board meeting we worked on the ICIP plans, as to how to move forward.

**7. Telephonic Workplace Injury Management Services Agreement between Torrance County and Company Nurse, LLC – Kristin Oliver, HR Director**

This was tabled till the country attorney was able to look at this, to make sure the county was not liable for any wrong advice. He has reviewed and there is no liability to the county.

Commissioner Sanchez: Motion to approve Telephonic Workplace Injury Management Services Agreement between Torrance County and Company Nurse, LLC  
Commissioner Frost: Seconds the motion.

Madam Chair DuCharme: How long is the county commitment?  
Kristin Oliver - HR Director: We can back out at any time.

All in favor: **MOTION CARRIED**

**8. Ratification of Memorandum of Agreement (Cities Readiness Initiative) between New Mexico Department of Health and Torrance County – Martin Lucero, Emergency Manager**

The only change from last year was we received an additional \$3,310 to establish cold chain management. The deliverables are different every year, other than that nothing has changed. This has already gone before the Grant Committee, legal review and have been approved.

Commissioner Sanchez: Motion to approve Ratification of Memorandum of Agreement (Cities Readiness Initiative) between New Mexico Department of Health and Torrance County  
Commissioner Frost: Seconds the motion.  
All in favor: **MOTION CARRIED**

**9. Resolution 2018-46 Cash Transfers and Line Item Transfers between Funds – Amanda Tenorio, Finance Director**

Amanda Tenorio was unavailable Manager Belinda Garland presented. This is based off the directive and the vote for the last commission meeting, moving funding form the PILT fund to the Commission fund. In order to provide funding within the budget for 2 extra Commissioners. This is a new type of resolution in order to record your vote for each resolution plus your signature. There are also spread sheets showing adjustments to the current budget line items, for review. The 641 fund (wind PILT fund) shows an adjustment out of the county buildings and improvements line item which was \$150,000, we removed \$85,746 as directed. This leaves a balance of \$64,254. An adjusted budget was created from \$438,500 to \$350,754 in the wind PILT fund. There are line items dedicated for the remaining balance budget for the rest of the year. \$128,500 dedicated

to the schools. \$100,000 for the grader equipment lease approved January 2017. In the 401 general fund shows the money coming in for the 2 additional commissioners.

Commissioner Sanchez: Motion to approve Resolution 2018-46 Cash Transfers and Line Item Transfers between Funds

Madam Chair DuCharme: Seconds the motion.

All in favor: **MOTION CARRIED**

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

**10. Ratification of State of NM Aging and Long Term Services Department Fund 89200 Capital Appropriation Project - Belinda Garland, County Manager**

This agreement is in the amount of \$20,000, this fund will be used for vehicles for the Senior Centers. This agreement has been reviewed by legal counsel. I signed it so we can move our appropriation funds forward in order to start purchasing the vehicles.

Commissioner Sanchez: Motion to approve Ratification of State of NM Aging and Long Term Services Department Fund 89200 Capital Appropriation Project

Commissioner Frost: Seconds the motion.

All in favor: **MOTION CARRIED**

**Public Requests:**

Andrew Homer – Citizen: The counseling office regarding domestic abuse, Where is that office? My suggestion is the county sets aside \$1,000 a year to advertise the phone number for the Domestic Violence office in the Enchantment published by the Central NM Electrical Coop.

Belinda Garland – County Manger: The information to contact the domestic violence is advertised on our website, on the front page.

**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)
- b) Potential litigation related to LeRoy Candelaria, v. Torrance County, Section 10-15-1(H)(3)

Madam Chair DuCharme: I need clarification on b), Is it ok to put it this way on the agenda?

Dennis Wallin – County Attorney: I don't know that I would have put Candelaria v. Torrance County, but it is potential litigating between the two parties, so I think its fine.

Madam Chair DuCharme: Makes a motion to go into Executive Session.

Commissioner Frost: Second the motion

Roll Call Vote: District 1: Yes, District 2: Yes, District 3: Yes.

**Executive Session starts at 10:40 am**

***\*Reconvene from Executive Session:***

Commission Frost: Motion to reconvene from Executive Session

Commissioner Sanchez: Seconds the motion

All in favor: **MOTION CARRIED**

**Reconvened at 11:34 am**

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

c) Consider and Act upon, if necessary the purchase, acquisition or disposal of real property for Torrance County operations

Madam Chair DuCharme: We were updated, No decision made.

d) Consider and Act upon, if necessary, potential litigation related to LeRoy Candelaria v. Torrance County

Madam Chair DuCharme: We were updated, directed County Manger to turn this matter over to the Attorney General for further investigation.

***\*Adjourn***

Commissioner Sanchez: Motion to adjourn Special Commission Meeting.

Commissioner Frost: Seconds the motion.

All in favor: **MOTION CARRIED**

**Meeting adjourned at 11:35 AM**

Julia Du Charme  
JULIA DUCHARME – CHAIR

Genell Morris  
Genell Morris – 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 out local radio station KXNM.**