

**FINAL COPY
TORRANCE COUNTY COMMISSION
REGULAR MEETING
NOVEMBER 14, 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 9:10 am. Martin Lucero, leads the Pledge of Allegiance and Linda Smith gave the Invocation.

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

October 24, 2018 Regular Meeting Minutes:
Madam Chair DuCharme asks for a motion to approve the October 24th meeting minutes.
ACTION TAKEN: Commissioner Sanchez makes a motion to approve the October 24th Regular Commission Meeting Minutes. **Commissioner Frost** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

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 November 14, 2018 Regular Commission Meeting Agenda. **Commissioner Sanchez** seconds the motion. No further discussion, all 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.**

Public Requests:

*At the discretion of the Commission Chair, for information only (No Action Can Be Taken).
Comments are limited to three (3) minutes per person on any subject.*

Linda Jaramillo, Torrance County Clerk states that she would like to make a few comments in regards to what is being said about election fraud. Ms. Jaramillo takes offense to that comment, herself, staff members and precinct workers are of high integrity, the Clerk staff would never jeopardize anyone's vote. All County Clerk's for the State including our Secretary of State Maggie Toulouse-Oliver are all of the highest integrity. Ms. Jaramillo looks up to Maggie and asks for guidance in the election process. Ms. Jaramillo wants Torrance County voters to know that our elections are fair and equal and there is no fraud in Torrance County.

Ms. Jaramillo is given a round of applause from the audience.

Commissioner Frost thanks Linda and states that he has complete faith in her and the job she does.

Linda Smith, Director for Bethel Community Storehouse gives a brief history behind Bethel, they have been in the valley for 32 years and is comprised of 15 churches from the Valley. They were able to help 21,000 people last year and will be serving 2500 people this month and as well as next month. They will be able to bless some children in the Valley with Christmas stockings and toys. Bethel is also blessed by being able to partner with the Anderson Charitable Foundation, if Bethel can raise \$25,000.00 the Anderson Foundation will match that amount. \$50,000.00 can buy a lot of food for the pantry and will help a lot of families in the Valley. Ms. Smith reminds the Commission to think of the less fortunate when making decisions for the County.

Madam Chair DuCharme asks when the deadline to raise the money will be.

Ms. Smith states that they have until September and they have raised \$11,500.00 in three months and she is hopeful they can raise the rest.

Madam Chair DuCharme asks how the donation can be made.

Ms. Smith states that donations can be made online, via their PayPal account or with checks or credit cards. 100% of the donations go towards purchasing food for the food pantry. Ms. Smith mentions that for every dollar donated they are able to buy five pounds of food through the road runner food bank.

Madam Chair DuCharme thanks Ms. Smith for all her hard work and everything she does for the Community.

Annette Ortiz, Deputy County Manager states that she received a notice today from the NM Department of Health that there will be flu shots available at the 26th Annual Christmas Craft Fair in Estancia on December 8 from 10am to 2pm in the lobby of the Estancia High School Gym. The shots are available on a first come, first serve basis and are free of charge and they ask that you bring either your Medicaid card or health insurance card.

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. Radio Tower Communication Project-Ben Daugherty, Dispatch Supervisor

Ben Daugherty explains to the Commission that he is here today to ask for additional funding for the completion of the simulcast radio project. The project was approved and voted on by Torrance County Voters in the special GO bond election, however due to unforeseen costs at the beginning of the project they were over budget \$116,782.84. Mr. Daugherty & Ms. Dorothy Rivera, 911 Director, have spoken with County Manager Garland in regards to other funds that have not yet been used for other projects that they will be able to move over and use for the overage on this project. There is \$62,358.04 for the fence around dispatch and the animal shelter and \$15,000.00 for the foyer project. Which leaves the amount needed to pay the invoice at \$39,428.80. Mr. Daugherty goes over the unexpected cost, \$94,896.17 for a new shelter, \$3,869.00 for tower repair, \$6,294.18 for road repair, \$1,220.00 for a transfer switch for the emergency generator, \$7,341.45 for an ice shield and \$5,532.87 for removal of the old equipment from the City of Moriarty's fire department. The original amount of the overage of the project was \$119,154.61 however there was a little bit of coverage from the original GO bond funding that was able to cover some of the overage cost.

County Manager Garland explains that she went over the budget with Amanda and there is money in the capital outlay budget to cover this cost.

Commissioner Frost mentions that communications is a priority for the County for all the emergency service agencies throughout the County.

Madam Chair DuCharme asks Mr. Daugherty if the project is completed.

Ben Daugherty states that "yes" the project is complete and the overage came from infrastructure issues they were not aware of.

Commissioner Sanchez asks when did the project planners discover there was going to be a shortfall on the project funding.

Ben Daugherty states in September when the final invoice was received, is when they realized that there was an overage on the project. The project was completed in July and received the final bill in September.

Commissioner Sanchez asks if the County is receiving past due notices.

Ben Daugherty explains that the County has a good working relationship with Motorola, so they are not charging us late fees. They are allowing us time to figure out the finances.

ACTION TAKEN: Commissioner Frost makes a motion to approve the \$39,428.80 from the Capital Outlay funding and reallocate the \$62,358.04 for the fencing project and the \$15,000.00 for the foyer project to cover the overage of the Radio Tower Communication Project.

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

2. Presentation of the 2020-2024 Infrastructure Capital Improvements Plan

County Manager Garland welcomes Senators Liz Stefanics and Matthew McQueen to today's Commission Meeting and the presentation of the ICIP projects for Torrance County.

Annette Ortiz, Deputy County Manager goes over the top 5 projects for the 2020-2024 ICIP for Torrance County:

1. 4x4 Vehicles for the Sheriff Department

There are currently only 2 4x4 vehicles for the department and there are 11 certified deputies, 2 attending the academy, 9 uncertified (which includes the evidence officer, transport deputies & reserved deputies). There is currently one open position for a deputy and one transport deputy. The highest mileage vehicle for the department has 265,347 miles, so there is a need for new 4x4 vehicles.

2. County Building Repairs

The current administration building was built in 1964 and is in need of repairs. There are ADA issue we need to become compliant with and there are issues with the plumbing and electric. As well as having great concern with the boiler. The county has been told that if the boiler goes down at any point there are no parts that can be ordered for it because it is out dated and will not be able to be repaired or fixed.

3. County Road Improvements

This project will be to pave McNabb road, this road is heavily traveled and the edge of the road is in bad shape. The potholes on the road could cause damage to a small vehicle. This road will be done just like Lexco road and there are no maintenance issues on Lexco road now that it is paved.

County Manager Garland states that McNabb Rd ties two main roads in the County, the asphalt will be longer lasting than chip seal.

4. County Fair Improvements

Due to safety issues and concerns the pig barn was removed several years ago and since then the County has had to rent tents for the fair. This year during the fair there was a lot of flooding in the area where the vendors and some exhibitors were located. There are repairs that need to be done in the concession area.

5. Punta de Agua Multipurpose Building

The building will be used as a fitness center, community building and a meeting center for the association. The Punta de Agua Assoc. does have a 10% match for the funds the County may get for this building.

Madam Chair DuCharme asks Ms. Garland what is the County trying to achieve today with the presentation.

County Manger Garland states that the presentation was for the Senators and public to get a better understanding of the needs for the County with the placement of these projects on the ICIP.

Senator Lis Stefanics, District 39 thanks the Commission for the invite to come out today and wants to caution the Commission on the language of the ICIP projects. The language must be specific to work going to be done on the project, she mentions that one of her projects that was funded was rejected due to the language in the project. Senator Stefanics mentions that there are different funding sources for roads and water projects. She also mentions that even though there is a surplus of funding available they have not been told how much money each district will be getting for Capital outlay funding.

Senator Matt McQueen, District 50 also thanks the Commission for the invite to today's meeting, he also states that he is not sure of the amount he will have for projects. He mentions that funding for roads can be a bit squirrely and funding for vehicles is also a questionable.

Madam Chair Ducharme mentions that the County did have an issue last year on funding for vehicles but asks how they were funded.

Senator McQueen states that the vehicles were funded straight from the general budget however with the new Governor it may be different. He is looking forward to working with the County on their ICIP projects.

Madam Chair DuCharme brings up the County Fair Improvements, she is a bit concerned in investing a big amount of money in property that is not even owned by the County. The property is owned by the Town of Estancia and leased by the County. Madam Chair DuCharme feels that if the County were to receive funding for this project, the improvements should be made on County property. She also feels that the size of the property is not adequate enough to have a modern style building there.

Mayor Dial states that in regards to the "hog" building the lease is up next summer and we need to negotiate the lease, the County tore down the "hog" barn and that will be a point of contention for the renewal of the lease. The County will owe the Town a new building even if they choose to renew the lease or not, there was a building there and now there is not. You can't tear a building down that does not belong to you without it not being replaced. The Town does not want to renegotiate the lease until the "hog" barn is addressed. Mayor Dial mentions that the Town has been working with the Fair board but any financial decision comes back to the Commission.

Madam Chair DuCharme asks if a million dollars will cover the new building.

Mayor Dial replies that he doesn't believe so but that is on the County to decide, the Town just wants a "hog" barn and the County wants to build a multipurpose building. Mayor Dial is just looking for a replacement of what was torn down.

Marcie Wallin, Fair board member thanks the Commission and Senator's for supporting the fair and listening to their needs and concerns. Ms. Wallin states that, yes the property is owned by the Town but this project needs to be a community effort. This project will be an improvement for the community and the entire County. Torrance County is in the middle of the state so it could be used for other out of County Events. This would be a good project to work on together and improve this area for the kids of the county.

Madam Chair DuCharme asks Ms. Wallin if she could comment on Mayor Dial's concern.

Ms. Wallin states that there has been talk about the lease agreement but is not sure of the legality of who owns the building. The building was condemned by the Town of Estancia's engineer, so there was no choice but to tear down the building.

Madam Chair DuCharme asks Ms. Wallin if there is an agreement with the Town of Estancia for replacement for the building that was torn down.

County Manager Garland states that legal council should probably answer that question.

Dennis Wallin, County Attorney states that the current lease states that the County would be responsible for repairs and maintenance. The Town of Estancia did hire an engineer firm to look at the "hog" barn and the firm did deem the barn unsafe, so at that point the County did agree to have the building torn down. The barn was built sometime in the 50's or 60's so the big supportive beams were sinking which was causing a safety hazard. Mr. Wallin mentions that rather or not, it was the County's responsibility to keep or repair the maintenance of the barn or

if the Town should have made sure the building that was being leased was in working condition are not questions that need to be address right now. He reminds the Commissioners that the ICIP has already been approved by this Commission and this is water under the bridge. The legal issues can be addressed at some point but right now this is a solution for the County Fair. Mr. Wallin does not want to answer the Mayor's concern at this time but it can be addressed by the proper authority at another time.

Public Comment:

John Perea, Fair board member thanks the Senator's and the Commission, Mr. Perea states that this is more than just a "hog" barn. This is an investment in our kids and community. This land may not be owned by the County but we should all work together for the betterment of our Community. The location is ideal, it's close to the park and the pool and it is centrally located in the County. Mr. Perea thanks the Commission for the placement of this project in the County's ICIP.

Danielle Johnston, Torrance County Resident explains that this isn't a "hog" barn this is an educational facility, it's a teaching tool we use for the kids. And it is centrally located for the three school districts. Ms. Johnston has been an educator since 1979 and she has seen her students use this educational tool to take them where they are today. The fair is a collaboration of many different aspects of education.

Michael Godey, Torrance County Resident in response to Mayor Dial's statement, the "hog" barn needed to be torn down for safety issues. The County should send the Town of Estancia a bill for tearing down the building.

County Manager Garland states that she starting showing in that building when she was 5 years old, but when she showed that building housed all the animals and they showed on the east end of the building. The fair out grew that building because now there is a steer building, lamb and sheep building and that is good it means the fair is growing, it's part of the process.

Commissioner Frost states that this is an investment in our kids, the people here today are testament of the fair, Johnny Perea, Belinda and Marcie they all have become good citizens in the County. This project is something worth investing in.

Senator Stefanics states that she realizes that sometimes there are internal politics but she encourages the devolvement of the fair. She looks forward to when the students in FFA and 4H come and visit during the legislation they are all very proud of what they have done. She suggests the County leave the fair improvements where they are placed on the ICIP.

Madam Chair DuCharme states that this is not internal politics, she is acutely aware of the importance of the fair. Madam Chair DuCharme has been part of the fair and a supporter, it is more the technical side of the project, the County needs to be wise with any money received. The County has 20 acres and if the County does receive money for this project we can build a new facility on the 20 acres, it would be an investment for the County and not an expenditure on the Town property. The Town of Estancia can also place this on their ICIP

Public Comment:

Michael Godey this is an agriculture community, especially in Mountainair and the multipurpose building would be helpful with issues at the fair, like the flooding. So this is an important issue to look into.

3. EMWT Regional Water Association Board of Directors New Appointment

County Manager Garland explains to the Commission that she received a letter from EMWT water assoc. stating that they will need an appointment for the Board of Directors. She is asking for direction from the Commission on how long they want the advertisement to run.

Commissioner Sanchez would like to see it advertised for the next two weeks. If we have received applicants or if we feel we need to advertise for longer we can.

County Manger Garland asks the Commission if they would like her to attend the meeting and represent the County until the position is filled. Ms. Garland explains that this will be for Ms. Rhonda King's position, her term is good until December 31.

Madam Chair DuCharme states that it is Ms. King's responsibility to represent the County until her appointment ends, so Madam Chair does not feel it necessary for Ms. Garland to attend the meetings.

Commissioner Sanchez states that since Ms. King's appointment is till the 31st of December the Commission can wait till her term is done on the 31st then advertise in January for the replacement.

County Manager Garland would like to have time to advertise for the position and get good candidates that are qualified for the appointment. The candidates can come before the Commission for any questions you may have and then the appointment can be made which at that time we can inform them that the appointment does not take effect until January.

Commissioner Frost and Commissioner Sanchez both support Ms. Garland's suggestion.

4. ACT Work Ready Communities Regional Boot Camp Funding Request

Annette Ortiz, Deputy County Manager gives a small introduction of the members here today from the ACT Work Ready Communities Committee, Theresa Salazar-Superintendent of the Moriarty-Edgewood School District, Mayor Ted Hart and herself. Ms. Ortiz reminds the Commission that they previously approved Resolution 2018-07 which supports a Work Ready Community. There will be a boot camp in Tucumcari that the committee would like to attend and is asking the Commission for assistance with the registration fee, because of the size of our County the registration will be \$5,000.00 Documentation hereto attached.

Theresa Salazar hands out a draft application for the boot camp, which gives a brief explanation of the initiative of the group. The initiative for Torrance County is about the economic development within the County. Ms. Salazar is working with Superintendent Shirley & Superintendent Apodaca, as K- 12 educators they support this initiative for the Communities. There perspective schools provide the workforce for the County. Ms. Salazar explains that the boot camp costs \$5,000.00 and the City of Moriarty has committed \$2,500.00 to go towards the registration fee so they are asking the County to pay the rest of the registration fee for those attending.

Mayor Hart explains that NM is losing our workforce, with this initiative we can help insure that we have the tools to have a good workforce and be able to recruit new businesses in our area.

Commissioner Frost states that he does not have any questions but would like to say that \$2,500.00 is a minimum amount to pay for a qualified workforce. **ACTION TAKEN:**

Commissioner Frost makes a motion to approve the funding request for ACT Work Ready Communities Regional Boot Camp in Tucumcari. **Commissioner Sanchez** seconds the motion. **Commissioner Sanchez** asks what funding source will be used to cover the cost of the boot camp.

County Manager Garland states that the funding will come from the PILT.

Commissioner Sanchez asks if there is some other funding source that could be used, \$2,500.00 is a minimum amount to use out of the PILT.

County Manager Garland states that they went over the budget last night and it needs to come out of the PILT funding and this is a good way to spend the PILT monies, this will help with economic development in the County.

Madam Chair DuCharme asks how many people will be attending the boot camp and will one of those attending come back and give the Commission an update.

Ms. Salazar believes that there will be about 7 attending the boot camp and those attendees will become trainers, yes we will be happy to come and give an update to the Commission.

Commission Votes:

All in favor. **MOTION CARRIED.**

a) Travel Budget to Tucumcari, NM

Annette Ortiz asks for per diem for the boot camp in Tucumcari.

Madam Chair DuCharme asks who will be attending the boot camp in Tucumcari.

Annette Ortiz stated that she and HR director Kristen Oliver will be attending from the County, Theresa Salazar and another representative from MESD, Mayor Hart & Brenda Tapia and Saul Araque.

County Manager Garland states that she has enough in the manager's budget to cover the overnight in Tucumcari for Annette and Kristen.

ACTION TAKEN: Commissioner Frost makes a motion to approve Travel Budget to Tucumcari NM. **Commissioner Sanchez** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

5. Request Permission to Pay EVSWA Invoice for Postage on Vacant Exempt Notices

County Manager Garland states that EVSWA has asked if the County can reimburse them for the postage that was used on the vacant exempt notices that were sent out on the new definitions. The amount of the postage used was \$158.86.

Madam Chair DuCharme asks who paid the postage when the new definitions were sent out.

County Manager Garland replies that EVSWA did.

Madam Chair DuCharme asks why this would be any different.

County Manager Garland states that she was just asked by the EVSWA if the County would consider reimbursing them for the postage.

ACTION TAKEN: Commissioner Frost makes a motion to pay the \$158.86 for reimbursement on postage to the EVSWA.

Commissioner Sanchez asks what the contract states in regards to this.

Dennis Wallin states that he does not have the contract in front of him but he does know that EVSWA should handle all the administration per the contract.

Commissioner Sanchez explains that there is no contractual obligation for the County to pay for the postage. What would be the reason for the reimbursement?

Dennis Wallin states that their argument is that this is over and beyond their portion of the contract.

Commissioner Sanchez states that EVSWA should request a change to the contract to reflect these types of changes so that it is not over and beyond the contract.

There was no 2nd to the motion, MOTION DIES.

County Manager Garland will advise EVSWA of the suggestion to the contracts to cover these types of occurrences.

6. Schedule Public Hearing of Ordinance Expanding County Commission to Five Members

Commissioner Sanchez explains that the ordinance before the Commission today is a draft copy of the Commission going to 5 members. The ordinance needs to be published for two weeks and then have a public hearing for the ordinance. Commissioner Sanchez would like to schedule the public hearing for this at the 1st meeting in December.

Dennis Wallin explains that the ordinance needs to be made available to the public, there needs to be public input and it needs to be advertised for 2 weeks in advance of the public hearing. The advertisement needs to detail what the ordinance is for and explain that there will a public hearing for the public to come give input.

Madam Chair DuCharme asks for the draft ordinance to be read into record, since it is a new document. Commissioner Sanchez reads the draft ordinance into record. Draft Ordinance hereto attached.

Commissioner Frost asks what the cost is going to be for the preparation and publication of the ordinance.

Dennis Wallin states that his time in preparing the ordinance is a couple hundred dollars and is not sure what the price will be for the publication.

Madam Chair DuCharme asks if the maps should be part of this process.

Dennis Wallin explains that at this time it does not need to be part of the ordinance, the maps will be approved after the ordinance is adopted.

ACTION TAKEN: Commissioner Sanchez makes a motion to have the Public Hearing at the December 12th meeting and publish the draft Ordinance. **Madam Chair DuCharme** seconds the motion.

Public Comment:

Bill Williams states that Commissioner Frost has made it plainly obvious that he is not in support to the 5 member Commission. So why are you going to spend the money to publish this ordinance. Mr. Williams has done a little bit of research on the County's population and it is not doing very well. The numbers are going down, the additional cost for 2 more Commissioners is around \$70,000.00 and that money could be used elsewhere like the roads or Sheriff's department. Why does the County need 2 more Commissioners?

Madam Chair DuCharme states that the explanation for the 5 members Commission has been explained very well in previous meetings and members of the public explained it as well. Madam Chair DuCharme states that she does not recall if Mr. Williams was present at a previous meeting where Ms. Leanne Tapia spoke on this subject. Ms. Tapia predicted that come January

1st Commissioner Sanchez would be a sitting duck. Do you think this is an acceptable situation that any one Commissioner should be called a sitting duck?

Bill Williams asks Madam Chair DuCharme if that is what they are calling Commissioner Frost right now, he gets out voted on just about anything he brings up.

Madam Chair DuCharme replies that she doesn't think so. Madam Chair DuCharme asks Mr. Williams if he has proof of that.

Bill Williams replies, how does that justify two more Commissioners, he is aware that she has discussed it.

Madam Chair DuCharme replies that she just told Mr. Williams.

Bill Williams asks Madam Chair DuCharme if she is doing it for her benefit so that Commissioner Sanchez won't be a sitting duck.

Madam Chair DuCharme replies that Commissioner Sanchez doesn't represent himself here. He represents the whole district of 5,000 people. It is not acceptable to come here and promise that on January 1st Commissioner Sanchez will be a sitting duck. We will be watching come January 1st and watching what will be happening.

Bill Williams replies that Madam Chair DuCharme is the only one he has heard call Commissioner Sanchez a sitting duck. If Commissioner Sanchez can't work with the two Commissioners coming in, that is a problem.

Madam Chair DuCharme advises Mr. Williams to read minutes for the special meeting. She requests Ms. Jaramillo's advice as to when that special meeting happened. The meeting happened before the election.

Bill Williams states that he doesn't care about the minutes, he is just stating his opinion.

Madam Chair DuCharme thanks Mr. Williams for his opinion.

Commissioner Frost states that from the beginning of the County there has always been a 3 member Commission. The 2 new incoming Commissioners should be the ones to decide if there should be a 5 member Commission, they will be the ones financing those 2 new positions and we should wait until then. \$85,000.00 a year for the 2 new Commissioners is money that could be used in other ways, for instance the road department living wages, or County roads. The roads are always an issue in the County. Moving to the 5 member Commission will not get passed in the next two months, so we should wait until the new Commissioners come in.

Michael Godey states that the public hearing is what is being addressed here today and with the new Commission coming in he hopes that they will respect the public input. Mr. Godey states that he respects Commissioner Frost's opinion and he feels that the public hearing will be worth the money to see what people are thinking on the 5 member Commission. The public hearing will be appropriate.

Commissioner Frost states that a public hearing is to hear from the public and the public hearing can wait till January for the 2 new Commissioners to hear.

Mayor Ted Hart states that the Commission was elected for these positions to represent the entire County not just a district. The Commission needs to work together for the Communities.

Madam Chair DuCharme asks Mayor Hart what is the population in the City of Moriarty.

Mayor Hart states that it is about 1500.

Madam Chair DuCharme asks how many members are on the City council.

Mayor Hart answered that there are 5 members.

Commission Votes:

2 in favor Commissioner Frost opposed. MOTION CARRIED.

7. Radio Station Acquisition Strategies

Commissioner Sanchez states that the radio station is an asset to our County and we need to safe guard and keep its existence going. Commissioner Sanchez has spoken with County Manager Garland, Dennis and Art Sweanka about the opportunity to keep the radio station going. There are strategies available to keep the station going, in order to avoid having the cost fall solely on the County. To keep it going the County could share the cost with other entities. The school systems could get involved, they could use it as a learning skill in marketing and office management. This could be an opportunity for the municipalities, school systems and land grants to widen their exposure and it could be a benefit to the entire County. The cost of the radio station is what the problem is for Commissioner Sanchez, he would like to reach out to the different entities and see what their feeling would be into having a joint effort in the radio station. The cost isn't to acquire the station but to run the radio station. There is research that would need to be done, like the full understanding of what the budget would be like to run the stations and on an executive side to see how the employees would be handled.

Dennis Wallin states that there is a methodology to how this can be done and he commends Commissioner Sanchez for bringing this to the table. There would need to be a JPA between all entities involved in the operations of the station. \$100,000.00 is a good number to start with for the budget on running the station. But with having more entities involved that could increase the amount of sponsors for the station.

Public Comment:

Myra Pancrazio states that herself, Mayor Hart and Superintendent Salazar are working with Mesa Land Community College President on bringing a campus to Torrance County. If Mesa Land is willing to bring in a campus to the County with different level education then perhaps media could also be one that they bring in.

Michael Godey states that he agrees with Myra but cautions with the number of entities involved. It may become an issue with authority at some point on who is in control.

Commissioner Frost states that he agrees with what Myra is proposing and feels that is a great possibility.

Commissioner Sanchez asks what would be the best way to proceed with this, if this is a good idea for the County, that is. We can reach out to the other entities, it would be nice to have buy-in from them but it is an open question until we can speak with them. Commissioner Sanchez asks Mr. Wallin what would be the best way to proceed with this.

Dennis Wallin answers that there would need to be someone as the point of contact and reach out to the other entities to see if they would be interested in the idea. Mr. Wallin states that having the College take the lead on this would be great. Mr. Wallin asks what the time frame is for Art & Dixie on the radio station.

Commissioner Sanchez explains that it's sooner than later but believes its anywhere from 1-6 months that Art & Dixie Sweanka are wanting to retire from the radio station.

County Manager Garland states that Mr. Sweanka would be fine with whomever the County appoints to go and talk with the municipalities to see if they would be interested in the idea.

Mayor Ted Hart states that he totally agrees with this idea and that everyone should be involved in this especially now that we no longer have a newspaper. This would be a great way to get out our information. Mayor Hart is willing to go to meetings and help with this.

Myra Pancrazio states that she found money, she has been working with Pattern Energy to develop a community fund. Pattern Energy would like to help with the radio station, this would be a good start and then try going with the colleges to take over at a later point.

Madam Chair DuCharme asks what is the amount spent on the radio station a year.

County Manager Garland states that she will get that information from Amanda. So the Commission needs to decide if they would like to move forward with a university or a JPA with other entities.

Commissioner Sanchez states that there are different avenues that can be taken with this and doesn't see why we couldn't try all scenarios to see which would be the best avenue for the station.

Dennis Wallin asks Madam Chair to make a point person and get this moving.

County Manager Garland states that the County has spent \$7,500.00 this fiscal budget on the radio station.

Madam Chair DuCharme asks Commissioner Sanchez if he would like to be the point person on this and get the process going. She would like to have a motion and a second to appoint Commissioner Sanchez.

Commissioner Sanchez replies, that yes he would do it.

ACTION TAKEN: Commissioner Frost makes a motion that the Chairman appoint a person to head this up.

Madam Chair DuCharme appoints Commissioner Sanchez to do research on the subject of acquiring the radio station. Madam Chair DuCharme asks legal if that is sufficient?

Dennis Wallin replies, yes you have the authority to do that.

8. Solid Waste Pick-Up Option(s) Committee Appointment(s)

Annette Ortiz, Deputy County Manager states that as requested it was posted for letters of interest for the Solid Waste Pick-Up Option Committee. There was one letter of interest received, Ms. Charlene Guffey.

Commissioner Frost asks if her letter of interest was received on time.

Annette Ortiz replies, that yes it was and hers was the only one received.

Charlene Guffey reads her letter of interest into the record, Ms. Guffey served for 7 years on the NM Safety Advisory board and has done research on this subject in 2015 and is familiar with the cost comparisons.

Madam Chair DuCharme asks Ms. Guffey why she would like to be on this committee.

Ms. Guffey responds that after 8 years of standing up before the Commission, she feels that solid waste is not the enemy it's a service. And by getting this committee together we can get this message out there. There could be some instances where tough things have to be done but they have to be done nonetheless.

Madam Chair DuCharme thanks Ms. Guffey for her letter of interest but Ms. Guffey's objectives are different than the committee objectives.

Ms. Guffey explains that she just wants to ensure that the County is getting a fair deal and is willing to do the comparisons.

Commissioner Frost states that the County requested letters of interest and we got one and he is in favor of Ms. Guffey.

Madam Chair DuCharme asks Ms. Guffey if her household benefits from the solid waste authority.

Ms. Guffey states that, yes my husband is a supervisor for EVSWA but she knows how to separate between the two. Ms. Guffey is open to new and different avenues for the authority.

Madam Chair DuCharme thanks Ms. Guffey for attending meetings that pertain to the EVSWA and because of that Madam Chair views Ms. Guffey as a representative from the authority and is objecting to this appointment.

Commissioner Sanchez states that as he sees it Madam Chair DuCharme is the head of this committee but wonders what kind of head way can be accomplished with only 3 meetings left in the year for this Commission. Commissioner Sanchez does not know if the creation of the committee right now would set the committee on any particular trajectory. Having the committee already set up at this point would have been ideal to have them set in a specific trajectory. Commissioner Sanchez asks Madam Chair what she envisions the committee to accomplish.

Madam Chair DuCharme states that she is planning on having a meeting of the committee as soon as the appointment was made.

Commissioner Sanchez asks Madam Chair who she envisions participating in the committee.

Madam Chair DuCharme replies that at one of the meetings the members were already appointed, they are Ms. Garland, Mr. Gerald Chavez, Mr. Fred Sanchez, Mr. Johnny Romero and herself.

Commissioner Sanchez replies that perhaps Ms. Guffey could participate in the meetings, he feels that it is important that all voices be represented. The Commission asked for the public's interest and we have one that has tremendous interest and a lot of knowledge pertaining to the solid waste authority, unless Madam Chair feels the effort will be hampered by Ms. Guffey.

Madam Chair DuCharme states that is exactly how she feels.

Commissioner Sanchez replies that this puts the Commission in a problematic situation, how can we not appoint the only person that showed interest in the committee. Commissioner Sanchez feels that the committee would only benefit from having Ms. Guffey be a part of it but Commissioner Sanchez would hate to put Ms. Guffey in the committee since Madam Chair is heading the committee and is not in favor of Ms. Guffey's appointment. He does not want to set the committee up for failure by the appointment, there is no easy answer.

Public Comment:

Michael Godey states that he would not reject Ms. Guffey, open it up and again and see what kind of applicants you get then, the Commission wanted more than one for the committee anyway. He suggests not appointing her and repost for the letters of interest. Mr. Godey states that Ms. Guffey will not distract from the process, she is not that kind of person. He may disagree with her a lot of the times but she is not a distraction on a committee.

Commissioner Sanchez would like to encourage the appointment of Ms. Guffey because there is not much time left.

Madam Chair DuCharme states that people were given the opportunity to apply and people were not interested in the opportunity so we do not need anyone else on the committee. The letter of interest that was received is up for Commission approval not for immediate appointment. Madam Chair is very uncomfortable with the appointment of Ms. Guffey to the committee.

At this time there is clarification on whether or not there was a motion made by Commissioner Frost.

Commissioner Frost states that it only makes sense to make the appointment, Ms. Guffey's letter was the only one received. So if the appointment is not going to be made then perhaps this needs to be postponed for the new Commission to decide.

ACTION TAKEN: Commissioner Frost makes a motion to appoint Charlene Guffey to the Solid Waste Pick-Up Options Committee.

There was no 2nd to the motion, MOTION DIES.

Commissioner Sanchez comments that if no appointment is needed Madam Chair can proceed and move forward with meetings with the committee.

There is clarification on whether or not the committee can proceed without all the members being appointed, Dennis Wallin advises that it's at the discretion of the Chair.

***Public Relations:**

9. 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

Martin Lucero-Emergency Manager informs the Commission of the active shooter training that took place in October. The training exercise went really well, was able to establish shelters in place during the drill. There was after action review and there were some deficiencies that were identified. Mr. Lucero is establishing an MOU with the Estancia School District to have their facility as a reunification site. Mr. Lucero informs the Commission and those present of CODE RED, this is an emergency notification system. This system is set up to help get notification out during an emergency, he encourages everyone to get signed up.

Madam Chair DuCharme asks about the status of a document that would detail how elected officials would respond to an emergency that Mr. Lucero brought up at a previous meeting.

Mr. Lucero explains that there is still work that needs to be done to the document before it can be brought to the Commission.

County Manager Garland thanks Mr. Lucero for all the work on the active shooter training.

Annette Ortiz-Deputy County Manager states that she was charged with creating an administrative Facebook page and as of late we now have a Twitter page. Ms. Ortiz explains that when the information of the escaped inmate was put out on the Facebook page there were 1034 hits on the page. When there is any other kind of information posted there is under 100 hits.

When the information from the road department was posted, that posting got 2839 hits, so this is proving to be good way to get information out to the public. Ms. Ortiz reminds department's to get her department information and she can get it posted on the social media sites for the County. **Madam Chair DuCharme** states that Facebook is a very effective way of communicating with the public. Madam Chair also mentions that she noticed on the County Website the information on the road improvements and thinks this is a good way to get information out to the public, she thanks Annette for doing this.

Leonard Lujan-Road Forman informs the Commission that on AO80 & AO81 they completed a mile of work, they have chip sealed, Charlie Breckenridge, Carl Canon, King Farm Ranch, Valley Irrigation, Martin, Little Cloud, Stillwater, Ranger Station & Echo Ridge. His crew has cleaned some cattle guards up in the mountains, they hauled about 5700 yards of cliché material out of the County's pit for the projects they have been working on. On east Clements they zipped the road and will go back out to AO81 and zip it as well to get all the rocks out of the bar ditches. They have roads ready and prepped to go but with the storm that came through they couldn't do the work, the crew pushed snow on Monday. The mountain area got about 10 inches and other places got 1-2 inches.

Madam Chair DuCharme thanks Mr. Lujan for trying to complete the projects by the end of the year. Before the work done on Charlie Breckenridge when there was snow there were certain spots on the road that were nearly impassable but with the work done on it now its passable.

The work done on Carl Canon and Echo Ridge is very important and she thanks him for getting the roads done.

Steve Guetschow-P/Z Director informs the Commission that at the November 7th, Planning and Zoning meeting Gravity Pad Partners came back before the board on the construction for a communications tower in Tajique. After hearing from the applicant and members of the public the board chose to deny the application. Mr. Guetschow explained the process of appealing the denial to Gravity Pad Partners and they have filed an appeal. They have requested that the appeal not be heard before the Commission until January.

Commissioner Frost thanks Leonard and the road department for the hard work and getting the roads done.

c. County Manager

County Manager Garland gives her update to the Commission, met with PNM on a solar project, met with EVSWA on vacate exempt, also met with LeRoy Alderete for the Torreon Community Building to ensure monies are properly spent, there could be an Anti-donation issue since the County does not own the building or land. The funding for the Zipper that was allocated through legislative appropriations needs to be re-authorized to be spent on something else since the zipper was already bought. Ms. Garland has had meetings with staff to discuss contracts and budgets, also with legal counsel to go over pending litigation. Managers' report hereto attached.

***Department Requests/Reports:**

10. Request Increase of Annual Leave Carryover Hours Allowance-Christine Snow, Dispatch Supervisor

Ms. Ortiz asks that this item be tabled until the next meeting. **ACTION TAKEN:** **Commissioner Sanchez** makes a motion to table the Request for Increase of Annual Leave Carryover. **Commissioner Frost** seconds the motion. No further discussion, all in favor. **ITEM TABLED.**

11. Professional Services Agreement between Torrance County and Ware Resources to Facilitate the Boys Council Program-Jenea Ortiz, Estancia Valley Youth & Family Council Continuum Coordinator

Ms. Annette Ortiz presents this item for Ms. Jenea Ortiz, this contract is professional services with Mr. Sid Ware of Ware Resources. Mr. Ware facilitates a boy's council program with the school and this is just a renewal of the contract. Contract hereto attached.

Commissioner Frost asks where the funding source comes for this contract.

Ms. Annette Ortiz replies that it comes from JJAC

ACTION TAKEN: Commissioner Frost makes a motion to approve the Professional Services Agreement between Torrance County and Ware Resources. **Commissioner Sanchez** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

12. Resolution 2018-52 Budget Increase-Amanda Tenorio, Finance Director

Ms. Amanda Tenorio presents the Commission with a resolution for a budget increase, the County received more money in the equalization GRT's. The funding will be allocated to the 5 member Commission and to the IT budget. Resolution hereto attached. **ACTION TAKEN:**

Commissioner Sanchez makes a motion to approve Resolution 2018-52 Budget Increase.

Commissioner Frost seconds the motion.

Madam Chair DuCharme asks about the IT.

County Manager Garland replies that is for our computer support and maintenance through Ambitions.

Madam Chair DuCharme asks if the allocation of funding for the 5 member Commission can be done before it is decided to go to a 5 member Commission.

County Manager Garland replies that the Commission has already funded the two positions through the PILT funding. That resolution is next on the agenda to be rescinded and the funds will come from the general fund.

Commissioner Sanchez asks why the IT budget is over and if there is anything the County can do to minimize this cost.

County Manager Garland replies that the Operations Manager will have with the overture in IT, there will be a lot that Mr. Sedillo will be able to do in house. We will be implementing some control measures in place so that not everyone in the County can call Ambitions.

Madam Chair DuCharme asks if DFA will be ok if the funding source for the 5 member Commission comes from the General Fund.

County Manager Garland states that DFA would prefer that it come from the general fund.

Commissioner Frost asks about the numbers for the new Commissioners position, PERA, health insurance. The salary is \$56,452.00, PERA match is \$5,391.00, health insurance is at \$18,436.00 and there are some other costs. Those monies are put in reserve for the new Commissioners, if the new positions are not approved can this funding be used elsewhere.

Ms. Tenorio replies that, yes it can be used elsewhere, the funding can be transferred to another line item.

Commissioner Frost states that he would be in favor of this motion if the \$56,452.00 be removed.

County Manager Garland asks if Commissioner Frost is withdrawing his second.

Commissioner Frost states that according to parliamentary procedure you second the motion to open the floor for discussion and it doesn't mean he has to be in favor.

Commission Votes:

2 in favor Commissioner Frost opposed. MOTION CARRIED.

13. Resolution 2018-53 Rescinding Resolution 2018-41

ACTION TAKEN: Commissioner Sanchez makes a motion to approve Resolution 2018-53 Rescinding of Resolution 2018-41. **Commissioner Frost** seconds the motion.

Amanda Tenorio reads Resolution 2018-53 into the record. There is a typo on the resolution and will be corrected to reflect the correct resolution number, resolution 2018-53 references resolution 2018-41 and it should be resolution 2018-46. No further discussion, all in favor.

MOTION CARRIED.

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

14. Ratification of AT&T Request for Consent/NTP Approval

County Manager Garland informs the Commission that she received notice from AT&T that they need to make minor modifications to their dish to increase their LTE coverage in the area. Legal counsel looked over it and was ok with it so Ms. Garland signed the paperwork.

Documentation hereto attached. **ACTION TAKEN: Commissioner Frost** makes a motion to approve the Ratification of the AT&T request for Consent/NTP. **Commissioner Sanchez** seconds the motion.

Madam Chair DuCharme asks if this was part of agenda item #1.

County Manager Garland replies no, this is a different scenario.

Dennis Wallin states that there is an agreement already in place with AT&T, they were just wanting permission to work on their equipment on the communication tower at dispatch.

Commission Votes:

All in favor. MOTION CARRIED.

15. Consider & Approve Prior Year Invoice: Town of Estancia Fair Grounds Rent

County Manager Garland explains that she received an invoice for the lease at the County Fair Grounds from the Town of Estancia. Invoice hereto attached. **ACTION TAKEN:**

Commissioner Sanchez makes a motion to approve the payment of the Prior Year Invoice for

lease at the County Fair Grounds. **Commissioner Frost** seconds the motion. No further discussion, all in favor. **MOTION CARREID.**

16. Completion of 2018 General Election Canvass

Linda Jaramillo, County Clerk states that she would like to mention her Chief Deputy Clerk, Linda Kayser. Between Linda and herself they have over 21 years of experience with elections. Ms. Jaramillo states that she couldn't have done it without Linda. Ms. Jaramillo explains that she is going to put out all the election material from the canvass, this way the Commission and public can see the information that is used to canvass an election.

Linda Kayser, Chief Deputy Clerk comments that she would like to thank Linda Jaramillo and states how blessed the County is to have her as the County Clerk. Ms. Jaramillo puts a lot of time and effort into elections and she teaches each one of us in the office everything we need to know about elections.

Linda Jaramillo hands out a canvass report, some of them are by precincts and she has a provisional ballot cast report that will show you how many ballots were counted after the election night. Ms. Jaramillo explains what a provisional ballot is, when a voter goes to a precinct and they are not on the roster, they are giving a provisional ballot to vote on. There were 26 provisional ballots on Election Day, this is why Ms. Jaramillo stresses that election night that these are unofficial results, provisional ballots can change a race. They were 17 in and 11 counted in the canvass, the others said they were registered but were not so they did not count. Provisional voters will receive a letter informing them whether their vote counted or not. Ms. Jaramillo gives numbers from early/in person voting, there were 578 absentee by mail and early voting for both sites was 2042, we had a great turn out for early voting.

Ms. Jaramillo explains the process of how election data is collected to get the results in, there is a runner that goes to each precinct and gets tape from the machine with totals and the cartridge from the voting machine. Once those are back in the office each cartridge is read and we check those numbers from the cartridge against the tape that was printed out to make sure everything is accurate. The voting machines are certified before the election with test ballots from Secretary of State Offices. Ms. Jaramillo wants to ensure everyone that the machines are certified for accuracy. There are two roster from Election Day, one goes to the SOS office and the other comes back to her office, this is to ensure that votes are not tampered with. Documentation hereto attached. **ACTION TAKEN: Commissioner Frost** makes a motion to approve the election results for the 2018 General Election. **Commissioner Sanchez** seconds the motion.

Public Comment:

Myra Pancrazio asks Ms. Jaramillo what the difference is between absentee machine, absentee hand and absentee FWAB.

Linda Jaramillo explains that machine hand were the federal ballots received by email and are counted by hand and separate from the rest. Ms. Jaramillo explains how absentee by mail ballots are counted. Each envelope is inspected to make sure they are signed and on the absentee roster, then the ballots are taken out and ran through the machine.

Madam Chair DuCharme asks what a federal voter is.

Linda Jaramillo replies that it is a military voter that is stationed overseas or a citizen that is out of the country.

Commission Votes:

All in favor. MOTION CARRIED.

Commissioner Frost states that this is not on the agenda but he would like to take a moment and praise the County Clerk, staff and poll workers for the good job they do on elections.

County Manager Garland would like to remind the Commissioners of the audit closure meeting on Monday November 19 at 9am.

***Recess:**

Madam Chair DuCharme makes a motion to recess the meeting until 2pm for the public hearing. **Commissioner Frost** seconds the motion. Recess given at 1:11

***Reconvened**

ACTION TAKEN: Commissioner Sanchez makes a motion to reconvene from recess. **Commissioner Frost** seconds the motion. All in favor back in session.

Reconvened at 2:10 pm

2:00 P.M. *Public Hearing:

Public Hearing to consider the application for Special Use change in zoning for a wind operated power generating facility (wind farm). Applicant: Pattern Energy, LP. The affected privately owned lands are within sections and portions of sections in the following townships and ranges. **Township 1 North, Range 12 East:** Sections 1,3,4,9 through 12,14,15,34. **Range 13 East:** Sections 1,3,4,7 through 15,17,18,21 through 28, 34 through 36. **Range 14 East:** Sections 3, 6, 10, 11, 13 through 15, 18, 19, 22 through 27, 29 through 36. **Range 15 East:** Sections 1 through 13, 15 through 17, 19 through 29, 30, 31, 34 through 36. **Township 2 North Range 12 East:** Sections 1, 4, 8, 11 through 15, 17, 22 through 27, 33 through 35. **Range 13 East:** Sections 1, 3 through 15, 17 through 29, 30, 33 through 35. **Range 14 East:** Sections 1, 4 through 15, 17 through 26, 28 through 31, 33, 34. **Range 15 East:** Sections 1 through 10, 12, 15 through 22, 27 through 30, 32, 34. **Township 3 North Range 12 East:** Sections 1, 3, 4, 12 through 14, 17, 20 through 25, 27 through 29, 33, 35, 36. **Range 13 East:** Sections 6 through 8, 17, 18, 31 through 35. **Range 14 East:** Sections 13 through 15, 22 through 27, 31 through 27, 31 through 33. **Range 15 East:** Sections 14, 15, 20 through 28, 29 through 28, 29 through 36. **Township 4 North Range 12 East:** Section 25.

Dennis Wallin goes over the purpose of the public hearing and how it will be held. Staff will give report with exhibits, the proponents of the project will speak, audience in favor will speak, audience against will speak and then there will be rebuttal. Mr. Wallin advises to give testimony of own personal knowledge, try not to be repetitive.

Steve Guetschow-Planning and Zoning Director gives his initial report, at the October meeting the Planning and Zoning did give a do pass for the application for a Special Use change in zoning for a wind operated power generating facility. Public posting were put up throughout the area, all citizens in the area were sent a letter. Mr. Guetschow goes over the exhibits in the packet for this project.

At this time Dennis Wallin swears in everyone that is going to speak.

Adam Clark-Manager of Environmental Natural Resources, Pattern Development here on behalf of the applicants which are the wind projects LLC

Crystal Coffman-Senior Manager of Development, Pattern Development also here on behalf of the applicants. Ms. Coffman explains that they are here today to give a presentation to the Commission which is the same presentation that was given at the Planning and Zoning meeting. Pattern Development develops wind farms from beginning to end. So from the construction to the operations of the wind farm, which gives Pattern the insight to become good developers because they have to be good operators. Pattern Development plans on being in the community for a long time, so they like to develop long lasting community relationships. Ms. Coffman explains that Pattern Development started on wind project in NM back in 2013 with the Broadview project by Clovis and the Grady project is underway. These projects gave Pattern the fever to work in NM because of the uniqueness of what NM has to offer which is the robust wind. Wind that can be used to offer what the western part of the U.S. needs, power. With the Broadview project Pattern built a transmission line called the western interconnect. She explains that the power from the Broadview project feeds California at the opportune time. When the solar power is low in CA it is New Mexico's windy season, so it's perfect timing. Ms. Coffman tells the Commission that Pattern's transmission line will use the Sun Zia transmission line, to get the power to CA. They have rights for 1500 megawatts of wind power to put through the transmission line. Pattern Development also has a connection with PNM through the western spirit transmission line, so this project has two different options to take advantage of the resource out in the Corona area. *(At this time Ms. Coffman goes over different slides showing maps of the proposed area)*

Ms. Coffman explains that this project is going to be a big project, there will be 100 full time jobs and those jobs will pay \$60,000.00 a year. She explains that Pattern Development is working with Mesa Land Community college to get certified workers from these areas. So people from the area can work close to home on this project. On the construction part there will be at least 600 jobs available possibly up to 1000 jobs. With the start of this project Patten would like to kick it off with good a working relationship with the County's involved, which are Lincoln, Guadalupe and Torrance. They are starting with the beginning phase which is the permitting, then onto the IRB process and then on to PILT funding process.

Adam Clark explains that the County's zoning ordinance contemplates wind projects as well as the comprehensive plan. Pattern Development is here to get a Special Use Permit for the height variance, you need a variance for structures higher than 80 feet and the wind turbines are over 400 feet in height. Mr. Clark goes over the different wind projects in this SPU, Viento Loco, Duran Mesa, Tecolote, Red Cloud and Cowboy Mesa. *(Mr. Clark refers to the slide show on the proposed area)*

Crystal Coffman explains that the SPU tells us how we need to operate as a business but without lease agreements we have no project. The individual agreements with each land owner where the projects will be, were the first part of the project. Without consent from the land owners there is no project. Pattern Development is still in the process of getting lease agreements with the State Land Office.

Mr. Clark goes over all the agencies that Pattern Development is working with on this project. US Fish & Wildlife, NM Game & Fish, Environment Department & PRC. Mr. Clark states that with US Fish & wildlife they follow the wind energy guidelines and the PRC just recently approved the location. They are working with Claunch Pinto Conservation for the best practices for soil erosion. They also have worked with the Department of Defense, NM has a lot of flight paths that are used for training purposes. Pattern Development has worked with the DOD and the FAA on the development of the wind farm so the military can continue to use the area for training exercises. Mr. Clark states that there were additional requirements that included an extensive environmental report especially with the PRC. There were 60 protection measures that were filed with the PRC for different resources like biological, cultural even a few religious that will be used across the project. He explains that one of the policies for his company is they survey the property. It's not legally required but for their own protection they have a survey done. Pattern Development is a leader in the industry for environment safety.

Mr. Clark goes over the work schedule, the PTC (Production Test Credit) end of 2016, development in 2019, private real estate in 2018, State Land in 2019, PRC filing 2018 and start the financing in the second half of 2019, which will allow the construction process with the goal to have commercial operations at the end of 2020. Mr. Clark goes over some concerns that were brought up which is the red lights. There are two different types of technologies that could help with this concern. Pattern Development is working with the FAA and Department of Defense on radar honing, which once an aircraft is detected the lights will turn on. The other technology is indenta flight which is a camera that collects data and teaches itself to better recognize different types of bird species. The technology will turn off the turbines when the birds are detected. This is an ongoing process that Pattern will continue to work on with the FAA and DOD.

Commissioner Frost asks about restoration.

Mr. Clark responds that part of that is addressed in the leases with the land owners and the other part Patten is working with Claunch Pinto on the restoration.

Commissioner Frost asks what happens in thirty years when the turbines are no longer in use, do the turbines stay on the property or are they taken down.

Ms. Coffman states that they are decommissioned and all of that is laid out in the lease agreement. Pattern is obligated to set aside money for the decommissioning of the turbines.

Madam Chair DuCharme states that it is exciting to have Pattern Development in the County and to be doing business with them, Torrance County is pro-business. However this project will have a huge impact on the land owners in that area. Madam Chair DuCharme asks questions about some of the maps that were presented today by Mr. Clark & Ms. Coffman. Madam Chair asks what zone the area is currently located in.

Mr. Clark states that it is agriculture.

Madam Chair DuCharme asks if there are any subdivisions in the proposed area.

Mr. Clark answers that there is not a subdivision within the SPU area but there are some around the area, in fact there are some of those landowners here today.

Ms. Coffman brings attention to one of the maps and shows where the land leases are located at but it does not mean that there will be a turbine on each one of those leases. It just means that Pattern has the authority to put a turbine on the property per the lease agreement. Ms. Coffman explains that Pattern Development applied to the PRC with the most numbers they possibly

could so that they would not have to keep going back and filing for more turbines. Within those filings there are a few homes that are close to the turbines within the HOH that Madam Chair is referring to and the closest home is just under .46/.43 miles away. Which is well within the setback requirements. Pattern Development is working with the homeowners to make sure they are aware of the project and Pattern is making sure they are aware of all homes in the nearby area. Ms. Coffman explains that as of today there is no final layout of the complete project, there are a lot of different variances that will play into where the turbines will be located. Ms. Coffman knows that not everyone will be happy but it is her responsibility to know there concerns and responsibly place the site area.

Madam Chair DuCharme asks if this project was approved by the PRC.

Ms. Coffman replies, yes.

Madam Chair DuCharme asks if the County does not approve this project, can the project move forward.

Mr. Clark replies, no, Patten Development needs the SPU in order to move forward.

Madam Chair DuCharme states that with all the work done with the other agencies it's as though Pattern Development already had the approval.

Mr. Clark explains that there is a lot of leg work that needs to be done prior to the SPU permit process through the County. Pattern Development does not presume to have the approval but there is a lot of work that needs to be done prior to coming before the Commission.

Ms. Coffman states that the permitting process is very detailed so Pattern Development must have all this work done prior to the permit process.

Madam Chair DuCharme states that the process should be done in the opposite direction, you get the approval from the Commission then onto all the other things.

Mr. Clark replies that this is the direction per the ordinance, its sets the perimeter of the process. The Zoning ordinance spells out the distance of the project from residences. The project does not extend an inch further than what lease agreements Pattern Development has.

Madam Chair DuCharme asks if it is correct that Pattern Development is planning on having 900 turbines in this project.

Mr. Clark replies that it depends on the type of turbine that is used on the project. Pattern Development is planning on using a turbine with a higher output of energy which will cut down on the number of turbines. With wind data that they plan on receiving, that will determine the placement of the turbines. There is a certain amount of megawatts that are produced that can be submitted in the transmission at a time.

Madam Chair DuCharme asks if each turbine has the same distance or is each location picked differently.

Mr. Clark explains again that it all depends on the data received, the taller they are they will interact with the wind speed. And then of course all the different setbacks must be met as well. The County ordinance has its own set of setback that must be met as well. The taller the turbine the farther back the setbacks have to be.

Dennis Wallin mentions that the County has a very detailed ordinance and the ordinance requires a lot of detail. There has been a lot of work that has been done over the last 90 to 120 days on this permitting process. Mr. Wallin asks Mr. Guetschow if Pattern Development has met the requirements of the ordinance.

Mr. Guetschow replies, that yes they have met the requirement of the County ordinance.

Madam Chair DuCharme asks about the ratio, 1.1 x the height can that be changed.

Dennis Wallin explains that these setback are required and need to be complied with and if the ratio is changed it becomes a slippery slope. Companies need to have some kind of basis on what they are dealing with when trying to develop in the County. The Commission does not have right knowledge to make those types of changes therefore the Commission would need to hire consultants to help with the process. And that is extra expenses the County does not necessarily need to incur. Mr. Wallin states that there was a lot of time by Steve, other staff members and himself on the research on coming up with the ratio and the requirements were made stringent.

Madam Chair DuCharme asks how the number for the ratio was established.

Steve Guetschow states that he worked with Aldolfo Mendez, (*Aldolfo was one of the County Attorney's*) he did extensive research in the nationwide wind farm regulations and this is how he came up with the numbers.

Mr. Clark states that Pattern Development is striving to leave the smallest foot print in the environment, the spacing of the turbines is a tricky process. The placement of the turbine needs to be in the best place for production purposes. Mr. Clark explains that the County's ordinance was read a long time ago and was put into the design of the project.

Ms. Coffman states that she has her business cards available for anyone to take and contact her if there are any questions or concerns that she can assist them with.

Dale Rose, President of the Corona Homeowners Assoc., states that she is here today on behalf of the Corona Homeowners Assoc., there has been a lot of talk about this project and she is confident that she is speaking today on behalf of all the landowners. Ms. Rose thanks Madam Chair DuCharme for the support of the subdivisions in the area. Ms. Rose states that she doesn't feel that it shouldn't be **for** or **against** this project but rather unity of the County's and landowners. Those landowners that are lucky enough to benefit from having the towers on their property, the people in CA that are getting our wind but also for those that do not benefit from this but get the effect of the diminished landscape in the area.

Ms. Rose explains that what she is here for today is to ask for a "pre-nup", there are a great many things set in stone for this project but there are things that directly affect "them" for the future. Things that cannot be predicted, she states that there is no option, or decision making for "them" only by the Commission. Ms. Rose asks the Commission to please consider the landowners interest now and in the future during the decision making. Ms. Rose also asks Pattern to keep their word on being proactive on trying to keep the impact to a minimum.

Commissioner Sanchez asks what the specific affects would be to the landowners.

Ms. Rose states that there is a 2012 study on under noise and health from the University of Auckland & Otago in New Zealand, the study states there should be a 1.25 mile set back to prevent health issues. There is noise, sleep issues, small vibrations and noise flickers. The flickers is from the blades moving. They send out a low frequency sound that will affect overall general health. Ms. Rose quotes several different studies from Canada that state that being less than 1.4 kilometers away from the turbine causes over all general health issues.

Ms. Rose brings up property values, this seems to be problematic. She has done a lot of research and has spoken with realtors and no one seems to know what affect it will have on property. The London School of Economics study from 2012 states that there is a decrease of 13% in property

value if the home is within 3.2 kilometers of the turbines. Ms. Rose explains that she wants this to be bookmarked, no one knows what will happen with property value but it could potentially affect property taxes for Torrance County.

Commissioner Sanchez asks how many homeowner's live in Corona Ranch.

Ms. Rose states that there are 5 that live there but there are 12 more that own property but do not live there. She mentions that there are 8 more residents in the Cougar Ranch subdivision, there are several land owners who plan on moving out to their properties but are now second guessing that decision and there has been one land owner that has let her property go for taxes.

Commissioner Sanchez asks if there are any other subdivisions in the area.

Ms. Rose replies that there is Corona Ranch, Pinon Village, and Cougar Mountain 1 & 2.

Commissioner Sanchez asks how people live in Cougar Mountain.

Ms. Rose answers that there are 8 or 9 people in Cougar Mountain 1 and 8 people in Cougar Mountain 2, these are residents not the amount of people.

Madam Chair DuCharme states that the Commissioners received the packet and people are either in support or against this project and several landowners say they should get some kind of compensation. Madam Chair asks what kind of compensation this should be.

Ms. Rose replies that she cannot say for sure but Pattern has suggested to the HOA that we should develop a 501C3 (non-profit organization) to apply for grants to improve their subdivision's water and roads. Ms. Rose states that on the topic of water "they" are a bit concerned about the water use in the area and how that will affect their wells. Ms. Rose states that she doesn't have a number out there for compensation but there are other things that can be improved in the village of Corona but that's in Lincoln County but perhaps water for the subdivisions could be a possibility. But meanwhile Ms. Rose states that "they" will continue to support the project for the benefit to the County.

Rosetta Gilmore informs the Commission that she bought her property about 30 years ago and she likes the view of where her property is located but the next 30 years she has to see wind turbines and no one asked her about how she feels just because she is a small land owner. Ms. Gilmore mentions that she has a small turbine and she knows the effects they have especially the flicker from the turbine but she also realizes that this will help everyone, the schools and the County. She is also in favor of renewable energy but she feels that everyone should have been talked to about their concerns. Ms. Gilmore asks the Commission, who will keep this company accountable for what they are promising to do. There is the presumption that businesses will be coming to Corona because of this project but those are just presumptions. Ms. Gilmore states that she is here today for those people that are not getting anything out of this project. The large landowners are the ones that will be benefitting from this project, the quality of life will be changed. Ms. Gilmore feels that the entire community should have been told about the project, she states that she heard the small talk about the project in June. This is Ms. Gilmore's opportunity to state that she is not happy with the changes to her quality of life but she is at the mercy of those that will be benefitting from this project.

Commissioner Sanchez states that this came before the Planning and Zoning in October and the letters were sent out in September.

Mr. Guetschow explains what the process has been for the this project, the full package was presented to the Planning and Zoning board in October, letters were sent out to everyone in the area and posting were posted on intersections of the area as well.

Rebuttal from Proponent:

Adam Clark responds to the property value question, there are a couple of studies we have put in the package showing that out of 50,000 homes in 9 different states that were within 10 miles of a wind farm, there were no statistics to show that property values changed. There will be an influx of people coming into the area who will need homes to live in.

Crystal Coffman explains that Pattern Development has implemented Community benefits, which everyone will benefit from this project. Once Pattern can establish what the needs are in the community they will implement them. Pattern is planning on being in the community for at least 30 years and they want to help.

Mr. Clark also states that they are developing a committee with local stakeholders to make those decisions.

Madam Chair DuCharme states that she realizes Pattern Development is trying to address the concerns of the people but asks how Pattern will resolve the water issue.

Mr. Clark replies that water will only be used for mixing of the concrete for the foundation of the turbines and for sanitary issues.

Madam Chair DuCharme asks about the flickering lights, will this be addressed using the new technology.

Mr. Clark responds that using the new technology is their objective but the technology has to be approved by the FAA, its brand new technology.

Madam Chair DuCharme states that she traveled through Amarillo Texas at night and the wind turbines were a distraction because of the lights.

Ms. Coffman replies that the lights are something Pattern is trying to mitigate now, they are in the process of studies with the FAA.

Commissioner Frost asks if a turbine can be placed in his back yard, but he realizes that people can see the lights from just about anywhere in the County. But he can see a lot of lights from where he lives, he can see the lights from the City and Towns.

Commissioner Sanchez states that in light of the concerns of the neighbors he asks that Pattern Development engage in conversation with them and address their concerns. Be a good steward in the neighborhood to everyone involved. Commissioner Sanchez states that the land is not appreciated for the history it has in the County, but he also realizes the business opportunity that Pattern Development brings to the area. He just asks that Pattern Development meet the concerns the people have and work with them.

Ms. Coffman replies that yes, Pattern will continue to work with the people and will listen and help with their concerns.

Madam Chair DuCharme asks if the Commission approves this, should there be conditions with it, for the lights or for the setbacks.

Commissioner Sanchez replies that the Commission could be getting into areas that are not within the area of expertise but recommends that Pattern Development have positive talks with the land owners.

Dennis Wallin thanks everyone here today for their input and took the time to come today, it was very informative.

17. Special Use Change for a Wind Operated Power Generating Facility

ACTION TAKEN: Commissioner Frost makes a motion to approve the do pass and the Special Use Change for a Wind Operated Power Generating Facility. **Commissioner Sanchez** seconds the motion. All in favor. **MOTION CARRIED.**

Public Request:

At the discretion of the Commission Chair, for Information only (**No Action Can Be Taken**). Comments are limited to three (3) minutes per person on any subject

Ms. Dale Rose thanks the Commission for the public hearing and the respect given to everyone here today.

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) Litigation related to NM Counties v. NM Tax & Rev, Sec 10-15-1 (H) (3)

ACTION TAKEN: Commissioner Sanchez 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 4:20 pm

***Reconvene from Executive Session:**

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 of real property For Torrance County Operations. Sec. 10-15-1 (H) (8)
- d) Consider and Act upon, if necessary Litigation related to NM Counties v. NM Tax & Rev. Sec. 10-15-1 (H) (3)

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

Reconvened at 4:52 pm

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

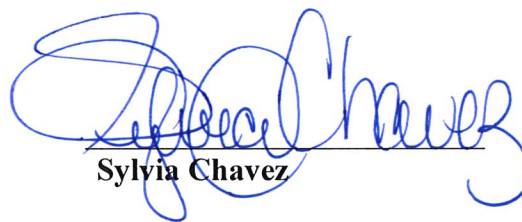
***Adjourn:**

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.**

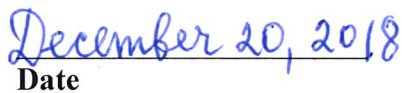
Meeting adjourned at 4:53 pm



Madam Chair DuCharme



Sylvia Chavez



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.