

**FINAL COPY
TORRANCE COUNTY BOARD OF COMMISSIONERS
COMMISSION MEETING
APRIL 10, 2019**

COMMISSIONERS PRESENT: RYAN SCHWEBACH -CHAIRMAN
KEVIN MCCALL –DISTRICT 1
JAVIER SANCHEZ –DISTRICT 3

OTHERS PRESENT: WAYNE JOHNSON-COUNTY MANAGER
LINDA JARAMILLO-CLERK
YVONNE OTERO-ADMIN. ASST.

1.) CALL MEETING TO ORDER

Chairman Schwebach calls the April 10th, 2019 Commission Meeting to order at 9:04 A.M.

2.) PLEDGE AND INVOCATION

Pledge lead by Chairman Schwebach

Invocation lead by Nick Sedillo

3.) CHANGES TO THE AGENDA

There were no changes made to the agenda.

4.) PROCLAMATIONS

There were no proclamations presented.

5.) CERTIFICATES AND AWARDS

There were no certificates or awards presented.

6.) BOARD AND COMMITTEE APPOINTMENTS

There were no board or committee appointments made.

7.) PUBLIC COMMENT AND COMMUNICATION

a.) **Albert Beckwith** states that this is his 4th time coming before the Commission in an attempt to resolve an ongoing issue. He sent this issue to Congresswoman Grisham that stated she would send all needed materials to this area to have it rectified. It is now a year and a half later and nothing has been done. Mr. Beckwith has pleaded with the owners that said it would stop. It hasn't and he is unclear as to why it continues. He was told by the locals that he shouldn't

stand up and be an American. Mr. Beckwith states that he is a disabled veteran that fought for this country and is proud of America. He has a right to speak and live in peace and harmony with his neighbors and not have his space invaded.

Mr. Beckwith states that he has applied for a speed limit sign to be put up in his road and nothing has been done. The offender has a speed limit sign down his road. Mr. Beckwith states that he is offended by these people 7 days a week. He has gone to the Sheriff's Department as instructed, and was told that the men did not have the time to go out and hold his hand. Mr. Beckwith states that he was not asking for sympathy, he was asking that the laws be enforced. This could very easily be rectified, there are children in the area and people that like to ride horses and bicycles. There is no law enforcement that patrol the McIntosh area.

Chairman Schwebach tells Mr. Beckwith that they should speak one on one after the meeting.

Wayne Johnson would like for Chairman Schwebach and Mr. Beckwith to know that he went out to the location. There is no speed limit posted in the area of this property. Mr. Johnson has instructed the road supervisor to place a sign in that area. The major issue as to whether or not someone is speeding on a county road, is not a Commission issue. There is not enforcement power other than the Commission setting the speed limit. Enforcing the speed is a Sheriff's Department issue. It is up to that department to decide whether or not they will go out and police the area or set up a speed trap. We will speak with the Sheriff to see what he can do about this issue.

8.) APPROVAL OF MINUTES

A.) COMMISSION: Motion to approve the March 27th, 2019 Torrance County Board of County Commissioners Minutes

Chairman Schwebach asks for a motion to approve the March 27th, 2019 Torrance County Board of County Commissioners Minutes.

ACTION TAKEN: **Commissioner McCall** makes a motion to approve the March 27th, 2019 Board of County Commissioners Minutes. **Chairman Schwebach** seconds the motion. No discussion, all Commissioners in favor. **MOTION CARRIED**

9.) APPROVAL OF CONSENT AGENDA

A.) COMMISSION: Motion to accept FY2018 Audit Report presented March 27th, 2019 Torrance County Commission Administrative Meeting.

Chairman Schwebach asks for a motion to accept the FY2018 Audit Report.

ACTION TAKEN: **Commissioner McCall** makes a motion to accept the FY2018 Audit Report. **Chairman Schwebach** seconds the motion. No discussion, all Commissioners in favor. **MOTION CARRIED**

B.) FINANCE: Motion to approve the March 22nd, 2019-April 13th, 2019 Consent Agenda.

Chairman Schwebach asks for a motion to approve the March 22nd, 2019-April 13th, 2019 Consent Agenda.

ACTION TAKEN: **Commissioner McCall** makes a motion to approve the March 22nd, 2019-April 13th, 2019 Consent Agenda. **Commissioner Sanchez** seconds the motion. No discussion, all Commissioners in favor. **MOTION CARRIED**

C.) FINANCE: Line Item Transfers 2019-22

Chairman Schwebach asks for a motion to approve Resolution 2019-22 Line Item Transfers.

ACTION TAKEN: **Chairman Schwebach** makes a motion to approve Resolution 2019-22 Line Item Transfers. **Commissioner Sanchez** seconds the motion. No discussion, all Commissioners in favor. **MOTION CARRIED**

10.) ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE

Wayne Johnson states that Ms. McKinney is not present at the moment to present item A. She is stuck in traffic and should be here shortly and requests that the Commission proceed with item B and return to item A once Ms. McKinney is present.

B.) COMMISSION FINAL ACTION: Motion to approve an ordinance authorizing the sale of up to a maximum \$60,000,000.00 of Torrance County Industrial Revenue Bonds to finance the acquisition, construction, and equipping of the NM Renewable Data Center II, LLC (Public Hearing)

Wayne Johnson states that Jill Sweeny, from the bond council, is present and will go over this particular IRB for the Commission.

Jill Sweeny, is with the firm of Sherman & Howard. This firm is representing the county in this IRB matter. What the Commission has before them is an ordinance authorizing the issuance and sale of Torrance County, NM taxable IRB (NM Renewable Development Data Center II, LLC) in the amount of \$60,000,000.00 to finance solar energy generating facilities for PNM. This project consists of the project site and various facilities and overlaps the city of Moriarty. This project is mostly in the unincorporated areas of the county and the electricity will serve Facebook (in Los Lunas) and other facilities.

The purpose of this particular ordinance is to authorize officers to take final action to move towards a closing on or before December 31st, 2019. Ms. Sweeny will now stand for questions if there are any.

Chairman Schwebach asks if there are any questions from the Commission. There being none he asks for a motion to approve Ordinance 2019-01 authorizing the sale of up to a maximum \$60,000,000.00 of Torrance County Industrial Revenue Bonds to finance the acquisition, construction, and equipping of the NM Renewable Data Center II, LLC.

ACTION TAKEN: Commissioner McCall makes a motion to approve Ordinance 2019-01 authorizing the sale of up to a maximum \$60,000,000.00 of Torrance County Industrial Revenue Bonds to finance the acquisition, construction, and equipping of the NM Renewable Data Center II, LLC. Chairman Schwebach seconds the motion. No discussion, all Commissioners in favor. **MOTION CARRIED**

A.) COMISSION: Motion to approve introduction and publication of an ordinance authorizing the sale of up to a maximum of \$75,000,000.00 of Torrance County Industrial Revenue Bonds to finance development, construction and install the High Lonesome Mesa Wind, LLC project.

Jill Sweeny from Sherman & Howard representing Torrance County introduces Katherine McKinney with the Modrall Sperling Law Firm who is representing the company in this project. What is before the Commission is an Ordinance, on first reading, relating to the issuance of taxable Industrial Revenue Bonds for the High Lonesome Mesa Wind, LLC repower project in the maximum amount of \$75,000,000.00. This will finance wind transformers, generation equipment, and associated electrical equipment. This will replace old and worn out facilities that were financed by the county in a 2008 IRB. This will be a standalone IRB and the 2008 will remain in place. There will be a sister transaction in 2019 should it please the Commission.

The PILOT negotiations will cover both the 2008 & 2019 IRB. Ms. Sweeny would like to draw the attention of the Commission to section 2 of the ordinance that the bonds will be issued for the purpose of financing, acquisition, and installation of the repower project. The amount will be \$75,000,000.00. The developer will be the company and the project is located entirely within the county on Mesa de Los Manos 9 miles south of the Village Willard.

The purpose of this ordinance is to approve the sale and terms, conditions and interest rate, and authorize the approval of documents and the delivery of bonds as we move forward. This is a first reading and the commission as not considered this project. We will be back May 8th, 2019.

Katherine McKinney states the she is with the Modrall Sperling Law Firm and they are the firms representing NextEra in this matter. This is a refurbishing of the equipment that was built with the 2008 bonds.

Chairman Schwebach states that he is familiar with the project, but is not sure that the public is and requests that Ms. McKinney give a brief summary about the project.

Katherine McKinney states that this will be within the confines of what currently exists at the High Lonesome Mesa project. This project will be putting in new turbines and new equipment that is more up to date. This is within the Estancia School district. The PILOT negotiations have been completed, and they adopted a support resolution on March 12th. There is no new property involved, it is a re-tooling of the project that is already in place.

Chairman Schwebach asked if a motion to approve the introduction and publication of the ordinance and to schedule a public hearing is what is needed.

Wayne Johnson replies, yes, that is correct.

ACTION TAKEN: Chairman Schwebach makes a motion to approve the introduction and publication of the ordinance and to set up a public hearing authorizing the sale of up to a maximum of \$75,000,000.00 of Torrance County Industrial Revenue Bonds to finance development, construction and install the High Lonesome Mesa Wind, LLC project. Commissioner McCall seconds the motion. No discussion, all Commissioners in favor.
MOTION CARRIED

11.) ADOPTION OF RESOLUTION

A.) MANAGER: Motion to approve AR 2019-23, a Resolution Establishing a Mileage and Per Diem Policy rescinding Resolution 2011-31. This resolution ties the county's policy directly to mileage and per diem rules promulgated by the Department of Finance and Administration and defines the County Manager as the "Agency Head" for the purpose of administering rules.

Wayne Johnson states that this came about as a result of a violation of a current county policy that has been in place since 2011. This policy specifically requires that before anyone leaves the state for out of state travel, and wants to have actual cost approved, they must bring the request to the Commission before they leave. This is not the way it is normally done, it is primarily a management function. We are also establishing rates tracked with the mileage and per diem act and DFA rules. When things change we would have to go in and change the numbers in the resolution making things difficult to tract. From an audit and management stand point, it is easier to tie our mileage and per diem with DFA since we follow their rules anyway.

From a management stand point approving travel out of state or approving an actual receipt basis for that travel is a management function, as long as the request does not exceed the approved budgets that you have approved as a Commission. It is difficult to get before the Commission before travel. So for the ease of operation from a management stand point and compliance purposes we are rescinding the old resolution and reset with this resolution should the Commission approve it.

ACTION TAKEN: Chairman Schwebach makes a motion to approve AR 2019-23, a Resolution Establishing a Mileage and Per Diem Policy rescinding Resolution 2011-31. Commissioner McCall seconds the motion. No discussion, all Commissioners in favor.
MOTION CARRIED

B.) MANAGER: Motion to approve AR 2019-24, the Torrance County Information Technology (IT) Policy.

Wayne Johnson states the Commission has a policy before them that is derived from the state insurance policy. Mr. Johnson states that he will have Mr. Nick Sedillo come up and present this as he has done a lot work on it and adapted it for Torrance County use. This was a re-occurring audit finding, so an IT policy needs to be in place.

Nick Sedillo states that we had some deficiencies in our audit findings. They were governance over IT functions, updated IT general policies and procedures, documented disaster recovery policies and procedures, user setup, and termination policies and procedures. Those were the four orders he was given when he created this policy. They are going to be tightening their belts. The end users will be required to be held to a higher standard when it comes to Torrance County infrastructure and the computers that are assigned to each user.

Technology is always changing and Mr. Sedillo will make it a point to revisit this policy every year. Right now a majority of the computers are running windows 7 and Microsoft will be ending support by the end of 2020 this requires all computers that are being brought into the county be on the Windows 10 operating system. Mr. Sedillo states that he has addressed all 4 bullet points and hopes that we won't see this as a recurrence in a deficiency for the upcoming audit.

Wayne Johnson states that there were also some deficiencies in the personal use policy. We found that in a few instances county equipment was being used for personal use even to the extent of being used as a personal email county for purposes of pay-pal, amazon, etc. Mr. Johnson would like to remind the county that anytime you use a piece of equipment that generates a record that is a public piece of equipment, such as your computer, you are generating a public record that is subject to the inspection of public records act. This policy prohibits use of county property and IT infrastructure for personal use. This policy does allow for incidental use such as. If a family member needs to reach you on the phone because they can't reach you any other way, is an incidental use, but if you are running your business from that phone that is not an incidental use.

Nick Sedillo states that you would probably not want to be doing anything that would get you interviewed by Larry Barker. To all the county staff please keep everything on a professional level. With this policy it will give us the ability to police use.

ACTION TAKEN: Chairman Schwebach makes a motion to approve AR 2019-24, the Torrance County Information Technology (IT) Policy. Commissioner McCall seconds the motion. Chairman Schwebach asks if there is any discussion. Commissioner McCall would like to thank Nick for all of his hard work. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

12.) APPROVALS

A.) COMMISSION: Election of Vice-Chair

Wayne Johnson states that there are two parts to this. Under the new rules of the Commission that were passed it requires the selection of the Vice-Chair. We are transitioning from Wells Fargo Bank to US Bank, and for the purposes of being able to sign for the county, the Chair is not always available, so we need a Vice-Chair that will be able to sign in the event the Chair is not available.

The way the rules dictate you handle this is by taking nominations from the Commission or self-nominate as to which one of you would like to be appointed as Vice Chair. There is no need for a motion, the majority vote would appoint the Vice-Chair.

Commissioner Sanchez asks what are the full duties and responsibilities if the Vice-Chair.

Wayne Johnson the other additional duties aside from signing documents would be to run the meeting if the chair is not available. We do allow for teleconference attendance for the meetings. It is difficult for the chair to be on a teleconference call and run a meeting. In those instances or if the Chair is not available the Vice-Chair would run the meeting.

Chairman Schwebach asks who is willing to be Vice-Chair. He opens the floor for nominations either for themselves or someone else.

Commissioner McCall would like to nominate Commissioner Sanchez as the Vice-Chair.

Chairman Schwebach asks if there are any other nominations. There being none, the floor is now closed for nomination, and states Commissioner Sanchez is now the Vice-Chair.

B.) ASSESSOR: Pictometry software approval for Assessor, Sheriff, and Fire

Jesse Lucero states that in January they had a presentation from Eagle View regarding this software. The pictometry software is an oblique imagery that will assist the Sheriff, Assessor, Fire, and other departments, to be able to view structures in 3-D. This is a tool that would be valuable to his office. Mr. Lucero shows the pay schedule and how it will be paid through a 4 year contract. We currently have imagery that is provided to the office free of charge. It has been shared with a few people and with the public when they come in and want to view the images, the office has come to realize that the imagery is very outdated. Mr. Lucero states that appraisals are moving in a new direction and this oblique imagery would be vital to his office now and in the future.

Chairman Schwebach asks Mr. Lucero what they are approving today. There was some talk about which plan they wanted to go with and cost. What is the Commission being asked to approve today?

Jesse Lucero states that it is his understanding that the County Manager has to sign the contract. The funding will come from his office but since it falls under Torrance County the County Manager must sign. Since the manager has to sign it has to be brought before the Commission for approval.

Chairman Schwebach asks Mr. Lucero if the funding for this will be paid for by his department and budget.

Jesse Lucero states that it will be coming out of the Assessor's, Sheriff, and Fire Department budgets.

Commissioner McCall states that the amount is \$23,674.42 from the Assessor's budget, \$23,674.42 from the Fire Department budget, and \$6,000.00 from the Sheriff's budget, is that correct?

Jesse Lucero replies, yes, that is correct.

Chairman Schwebach states this is for a 4 year time period, correct?

Jesse Lucero replies, yes, that is correct. When we did the presentation we had many department heads who see the value in this software, but finding the money within their department is a different story.

With the pictometry software we will be able to use 100 licenses actively at the same time. Mr. Lucero has been in communication with Fire Chief Gary and we are going to share the licenses with entities that have not been able to decide if they want to participate in this project. When the second flyover is done, Mr. Lucero will share the information with these entities and see if they can help us pick up the tab for the second half.

Commissioner McCall asks if they can speak upon the value this would have for the Fire Department.

Lester Gary states that the advantage the Fire Department would gain from this pictometry is they can do an aerial view of a structure fire, a wild land fire, and there is database software that the fire department has to look at square footage and acreage, and can look at incidences prior to the fire or event that took place. This will also help us to assist with the Assessor's office when they get a complaint on a home that has burned down and is no longer in place the department can look at the area in question and get the actual square footage of that location.

Commissioner McCall asks Mr. Gary if this can be pulled up quick enough as they are on route to the structure fire.

Lester Gary replies, yes, it can be pulled up immediately. All of the first route apparatus have tough books in them. With the new phones and hot spots the department can get onto the internet and get that data quickly. If we were to get called out to a fire today, it will also assist us to be able to look at the area and see if we will need to evacuate and put a shelter in place.

Chairman Schwebach asks Mr. Gary what area of the budget this will be pulled from.

Lester Gary states that he has spoken to each of the Districts Fire Chiefs and a portion of the funds will come from each of the districts. Once the project is complete it will be accessible by each district.

Commissioner McCall asks how many flights we will be getting.

Jesse Lucero states that this is a 4 year payment plan and the first flyover will be in the fall of this year. We will pay off the first flight and they will fly again in 2 years. Mr. Lucero states that he spoke with Chairman Schwebach about this and explained that there will be a first fly

over and then when the second flyover is done in the same area for assessment purposes, it will show the difference in value of that area. Torrance County is not booming, therefore we may not see a lot of difference. Mr. Lucero Asked Chairman Schwebach for his recommendation, the second flyovers will be done in the mountain areas. This will benefit the Fire and Sheriff departments.

Commissioner McCall ask if the purple areas on the map presented, are those the areas that will have the first flyover.

Jesse Lucero states that those areas in purple are the municipalities. The pictometry is going to flyover using two different resolutions. It will fly at a 9 inch resolution and then a 3 inch. The reason for this is that the inch resolution will give us a view of the roof tops and the 3 inch will allow us to see the structure as if we were right in front of it, it will give us a 3-D view of the structure.

The benefit of this software to his office will help lead to desktop appraisals. We can also overlay this data over the current GIS maps. This information will transfer over to the database in the Assessor's office that is used to appraise property.

Chairman Schwebach asks Mr. Lucero what kind of training is necessary to process this data once the imagery is available and who will be providing that training.

Jesse Lucero states that Eagleview will be doing the training. Mr. Lucero states that his deputy has some experience using this software. In 2007 Torrance County had pictometry. The issue was that the delivery system was not user friendly because it was only on the server. This current system is used by the cloud and that is why the Sheriff and Fire departments are able to use it out on the field. Nick Sedillo also has a little experience with pictometry as well.

Chairman Schwebach states that this is the way to go but he has a lot of questions he would like answered before he can approve this. The budget is the main issue especially when it comes to the money from the Fire Department based on what their needs are. There are several things that we need to look at such as keeping the employees once they get trained, Chairman Schwebach would like to speak with the company and see if there are other options. Is this the best option? Have we bid this out to other companies or is this a sole company. Chairman Schwebach would like all these things answered before he can feel comfortable moving money around.

Jesse Lucero states that the money will come out of his department's maintenance line item. It is already in his budget for things of this sort. He cannot speak for the fire budget. Pictometry is not the only software out there. What makes this this software unique is that that can put it into the Assessor's cama database. There is no other company around that can do this.

Chairman Schwebach states that the advantage to this is that you pictometry to verify measuring because the software is in front of you. Unless a customer gets their new assessment and says it's incorrect. Are the measurements you see on the screen accurate?

Jesse Lucero states that they are hoping to incorporate another software into this call sketch verification. In 2018 his office re-appraised the entire Moriarty area. When the appraisers are in the field they can only go into properties that have open entry ways. If they are closed or say no trespassing we cannot enter the property. We noticed that we have a lot of missing information from the 2018 appraisal. The pictometry will allow for desktop review and be more accurate. This will remove a lot of human error and help the office to run better. In the end it will show a big return on the investment and that is what everyone wants to see.

Chairman Schwebach asks how many counties in New Mexico are currently using this software.

Jesse Lucero states that he believes there are currently 15 counties using pictometry. Cibola County is the most recent county that started to use pictometry.

Chairman Schwebach asks with the pay schedule, is the pay enough for the employees in your office. Will they stay once they are trained? Have you thought that through? Once they are trained, do we run the risk of them moving to another county because the salary is better? Chairman Schwebach is focusing on investment of dollar spent and to make sure it operates down the road. He is also concerned with the \$23,674.42 coming from the fire budget for the next four years.

Jesse Lucero states that he met with the Treasurer, Interim Finance Director, Ms. Garland and the County Manager to discuss the budget and do discuss salary increases. They have a plan. Getting this tool is not going to keep staff. What is going to keep the staff is a fair living wage. Mr. Lucero states they will be coming before the Commission soon to discuss this plan.

Chairman Schwebach asks Mr. Lucero if there are time constraints on this, is it critical that we get this done today?

Jesse Lucero states that the company only flies twice a year. The fly in the spring and in the fall, the reason for this is because they have to fly when there is no foliage. They will not put Torrance County on the flight schedule until this contract is signed. The flight will be anywhere from August through December. They need make sure they can see the structures and there is not inclement weather. We won't know the dates until we get the contract signed. What he does know is that once the flyover is complete, they will have the information in their hands within 30 days. We will also have access to imagery areas there are a mile beyond the county line in any direction and this is also beneficial to fire and Sheriff.

Commissioner McCall asks Mr. Lucero what this would do for his staff. If you can sit at your desk and measure a house as opposed to driving out to the property, are we looking at a reduction in staff? How does this affect your staff budget?

Jesse Lucero states that it is not replacing jobs. This is an additional tool. It is going to reduce the budget for fuel and maintenance cost on the vehicles. We will have more accurate appraisals. We are in our protest period and we get a lot of questions. People state that we are playing mental warfare and changing the value on his property. There is a lot of education we do for the public, this is a measuring tool to assist in accuracy.

We just had an evaluation and went out to each of the commissioners properties and they notice some discrepancies. This software will take away the human error, it will in no way take away a person's job. We will still have to do site visits. We are currently doing about 8 appraisals a day, with pictometry we can do 15-20 a day. We have 34,000 parcels in this county, it will take us a lifetime to appraise the entire county. This is not a want this is a need and that is why Mr. Lucero is urging the Commission to sign this today.

Commissioner McCall asks Mr. Lucero if his budget can give more than what is stated. He is also concerned with the fire budget.

Jesse Lucero replies, no, it cannot.

Chairman Schwebach asks Mr. Lucero if we wait until the next Commission meeting to get this signed, will it put us out of the running this year.

Jesse Lucero states that it is hard to say. He is in constant communication with the representative from pictometry. Mr. Lucero has asked him several times when he can be placed on a space, but he has never gotten a clear answer. He doesn't think it would be a deal breaker if it is approved at this meeting or the next. We have done the research, Fire Chief Gary has looked into his budget, and this will be beneficial to the county.

Chairman Schwebach states that he agrees with that, but he still would like some time to visit with Mr. Gary and the County Manager to look at the budgetary items.

Commissioner Sanchez states that pictometry would be an asset to the county. He is also concerned with the financial issues. What expenses will we save on and what revenues will we gain on. He would like more information on this as well. Good points were raised, it's a tremendous impact, and well worth it to make the extra effort and look into what will be the best way to fund it so we may move forward.

Chairman Schwebach states that in his opinion, yes, we can do this. He needs more knowledge before the Commission begins moving money around in the fire budget. He has very big concerns about it. He would like to approve this in two weeks with a plan of where the money is coming from, how it is spent, and a time schedule. This can either be through a special meeting or one on one conversations with the manager, fire chief, and one of the Commissioners. Contact the company and let them know what is going on why this is not signed yet.

Commissioner McCall requests that the Fire Chief put on record will he benefit and how he would benefit from spending the \$23,674.42.

Lester Gary replies, yes, his office would benefit from this. This will also benefit the fire department and the citizens in the county by pre-fire planning. Last month he meet with residents in Deer Canyon. Their biggest issues is with evacuation in the event of a fire. This is also a concern with the mountain towns. With pictometry this can help us establish an evacuation route. In other areas it will take time and training. We will be given 100 active licenses and each one of the local jurisdictions will be given 1 license and will have the chance

to evaluate it and see its benefit. Once the second flyover takes place we will ask them if they would help with the second payoff. Within the county we have 7 districts, and there will be about \$3,000.00 taken from each district from the safety budget. Mr. Gary chose this line item because it is a safety issue for the county. It will be beneficial for the departments and fire fighters, once we get into an area, we can use it to look at an evacuation route for the fire fighters and the communities.

Chairman Schwebach states that Mr. Gary brought up another issue. With the licensing, we have volunteer fire fighters with access to this information. What kind of background checks will be done and how will we keep things private.

Lester Gary states that he is not sure. The access will only be placed in the Tough Books that is in the First Out apparatus. This will not be accessed in the station computer. The accessibility will have to be worked out. This will only be given to the fire chief and not the individual fire fighters. He understands the concern of the Commission, as they used to have access to the radio frequency of the Sheriff's department, but due to security issues they are not allowed that access anymore.

Commissioner McCall tells Mr. Lucero to ask the company if different users can have different access to the software. Just have permission per user.

Chairman Schwebach states a chain of events and policy. This technology introduces a whole different way of thinking.

Jesse Lucero states that this is not live imagery. It's a flyover. He will bring up this concern. He does believe he can set specific access and grant it how they want. This also went before the EMW gas board, they were reluctant on giving assistance. Mr. Lucero states that they would like to extend the use of a license to Eddie O'Brien to continue to show the benefit of this. It is a considerable cost and a lot of unknown makes people nervous. He has done a lot of research on this.

Chairman Schwebach states that he agrees with this and he understands it. He would like to table this until the next meeting with intentions of moving forward. He would like to meet with the salesman from the company, the County Manager, the Fire Chief and Mr. Lucero. There are specific questions he wants lined out before moving forward.

Commissioner Sanchez states that we can move forward with this and two weeks should not matter. In order to get all of the concerns cleared up, it is a good idea to wait the two weeks and then proceed.

Jesse Lucero asks Chairman Schwebach to clarify if he wants the sales representative to come down and meet in person, or will a conference call suffice?

Chairman Schwebach states that he can meet with him one on one and have his concerns answered and then bring it back to the table, if the other Commissioners are fine with that, unless they have questions they would also like answered.

Wayne Johnson would like to remind the Commissioners that the Open Meetings Act applies, so the sales representative would have to talk to the Commissioner individually.

Chairman Schwebach states that he has some questions that he can get answered on his own and then at the next meeting or through the manager we can lay down the ground work on some of the policies and the money. There may be better avenues than pulling from the fire department and he wants to look at that.

Jesse Lucero stated that he thought there were other avenues. The road department, the gas company, and a lot of other players saw the value in this. Having budget constraints did not allow those entities to put up the money. Mr. Lucero and Chief Gary stated they would take the brunt of this first project and show the benefit with hopes the others will jump on board for the second half. Mr. Lucero states that he will set up a conference call and see if Mr. Garcia can show up at the next meeting.

Commissioner McCall states that is a good idea. Get him here for the next meeting and in the mean time we can look at the budgets and try to get all that ironed out. If we like what he has to say we can move forward.

NO ACTION TAKEN, ITEM WILL BE TABLED UNTIL THE NEXT COMMISSION MEETING ON APRIL 25th, 2019.

C.) Clerk: Proposal to establish Voting Convenience Centers in Torrance County

Linda Jaramillo states that the Commission has before them her proposal to move Torrance County to Voting Convenience Centers in all polling places and to consolidate precincts. The first set of documents are the current precincts and a map of their locations. She has also enclosed a list of what the precincts will look like after they are consolidated. Ms. Jaramillo states that she also included past voting information and how she came to the conclusion of how to run elections in Torrance County more efficiently using VCC's. Ms. Jaramillo states that she will read for the record what the precincts will be just so that the public is aware.

Precincts 1 & 2, which are the Estancia High School and the Estancia Senior, and would like to consolidate them both to the Estancia High School Gym. In the mountain towns we have precincts 3, 4 & 16, which are Torreon, Manzano & Tajique and would like to consolidate them to the Torreon Community Center. In precinct 5 there are so many voters in that area it will stay the same as a stand-alone precinct. In precincts 6 & 13 we have the Moriarty Catholic Center and the Moriarty Civic Center and would like to consolidate those to the Moriarty Civic Center. In precincts 7, 14, & 15, which are the McIntosh Senior Center and Calvary Chapel, and would like to consolidate those to a new polling place, the McIntosh Fire Department. Precinct 8, which is the Willard Community Center, will be a stand-alone VCC because of the distance from the other precincts. Precincts 9 & 10 have already been consolidated to the Dr. Saul Community Center.

Ms. Jaramillo states that she is proposing to make precincts 11 & 12, Encino and Duran, all mail precincts. In her calculations she gives a reason why she wants them to be all mail. The

Absentee & early voting site location will be here at the Administrative Building and the alternate voting site and the Moriarty Civic Center.

There is also new method of voting, this method is called mobile voting. We will take a ballot on demand machine, a computer, and a voting machine and set up at a specific location. This will happen during early voting and Ms. Jaramillo has proposed the site be set up at the Tajique Community Center for 2 days, the Manzano Center for 1 day, and the Dr. Saul Community Center in Mountainair for 2 days. The precinct workers will go to these areas, set up, and give these people extra voting time. On Election Day everyone will go to their consolidated precinct, but with VCC's no matter where you live in the county you can go to that precinct and vote as a ballot will be printed specifically for you at that precinct, which is exactly like it is with early voting now.

Ms. Jaramillo states, for the record, that she has been running elections for 22 years and her plan was to stay with traditional voting for the sake of the voters so that they could have their traditional voting. Since this local election law passed she is required to move to VCC's as this is the only way it will work. It is also time for change. There are only 5 counties that are not traditional, Torrance County being one. It is a better way of voting and anyone can go to any precinct to vote. People have said that it is tradition and she is all for tradition but when the law makes you do something you have to do it.

Chairman Schwebach states that with precincts 11 & 12 being all mail, he is not sure that he agrees with that. Chairman Schwebach asks Ms. Jaramillo to explain why she is proposing this.

Linda Jaramillo states that there are 171 registered voters in precincts 11 & 12, 93 in Encino & 78 in Duran. When we deliver the voting machines to these precincts it take about 3 hours for the whole process. Another thing is with the precinct workers, who she totally respects, it will be more complicated to run Voting Convenience Centers. They will be running computers. Ms. Jaramillo is changing the whole concept of voting. This will streamline everything. It will make things easier for the office, 171 ballots will go out and return postage will be paid. Ms. Jaramillo states that she will have to send out letters to the voters letting them know that she will be making this change. If we don't do them all mail they will have to stay traditional and will not be able to vote at a VCC unless they vote provisional.

Chairman Schwebach asks Ms. Jaramillo to explain why they won't be able to use the Voting Convenience Centers.

Linda Jaramillo states that they can vote there, but they will be marked as traditional and will have to vote on a provisional ballot. It will be counted, we will just use a different method.

Commissioner McCall asks Ms. Jaramillo if a mobile site can be taken to Encino and Duran. This will allow them to have the option to physically vote as opposed to mail.

Linda Jaramillo replies, yes, we could do that.

Chairman Schwebach states that he is looking at the numbers and out of the 171 voters 103 went in to vote on Election Day. We will have to ignore the \$2,200.00 vs. the \$324.00. All the

other precincts have that option, what can we do to make sure that 11 & 12 have the same option.

Linda Jaramillo states that she could send the mobile voting site to Encino and Duran after it's done in Mountainair. One day can be done in Encino and then the next day in Duran.

Chairman Schwebach states that it would be the right thing to do even if it is more costly and we can look at that when it comes.

Wayne Johnson asks what the mobile voting site is doing on Election Day. Where will it be located?

Linda Jaramillo states that it will be down. It doesn't exist after the last Saturday before Election Day.

Wayne Johnson asks if the equipment from that mobile voting site be used at either Encino or Duran on Election Day. They won't just have the early voting option, but use that equipment to open up a VCC so that they have that option on Election Day as well.

Linda Jaramillo replies that the distance between the 2 is too far and that is why you have to group them together.

Chairman Schwebach states that is ok with everything that was discussed with the exception of precincts 11 & 12.

Linda Jaramillo states that we do need public input. It is mandated by law that we have a public hearing so that the public gets to give their input.

Chairman Schwebach states that this is what Ms. Jaramillo is proposing and now a public hearing will be needed in order for it to be approved, is this correct?

Linda Jaramillo replies, yes, that is correct. If the Commission agrees with this, Ms. Jaramillo will place it on her website. This will give the public the option to go in and look at her proposals.

Commissioner McCall states that a mobile voting site will be done at Encino & Duran and asks if Ms. Jaramillo is going to change that in the proposal.

Linda Jaramillo replies, yes, that is correct.

Commissioner Sanchez asks Ms. Jaramillo why so many changes being made. It seems that that there are a lot of meetings and headaches for just a savings of \$4,775.95. It is very little savings.

Linda Jaramillo states that it is because the legislatures passed the local election law. Ms. Jaramillo states that the clerk is now going to be running all school district elections, municipal elections, and all soil & water conservation district elections. In order for her to run these

elections she has to go to VCC's. There is no way that a ballot can be created or stay traditional with that many entities involved. We are mandated to go to VCC's. She could have a VCC in each precinct, but it requires a lot of training for her precinct workers that are used to the traditional voting. This streamlines the process. She has run elections for 22 years and tried to remain traditional. With herself and Linda Kayser retiring, it is best that they streamline this process and have it in place for future clerks.

It is scary when a person comes into an office with no experience, or you could have a clerk that comes in with experience. Elections are very difficult, it was the hardest thing she had to do when she first took office. She is trying to set this up for future clerks and the people of the county so that election process will continue to run in a smooth fashion.

Commissioner Sanchez asks Ms. Jaramillo to explain what this difference is between a Polling Place and Voting Convenience Center.

Linda Jaramillo states that a Voting Convenience Center is a ballot on demand with a voting machine and a computer at the site. When a voter comes in the poll worker will look the voter up and the ballot on demand will print that voter's specific ballot. No matter what area of the county you are in the ballot on demand will print your specific ballot. This eliminates ballots being stacked all over which is the traditional way of voting.

Commissioner Sanchez states that since this is mandated by law, and people would be able to vote at any site, you will need to consolidate? Why do we need to consolidate precincts?

Linda Jaramillo states that for the local election the VCC's have been mandated by law. A copy is in you packet explaining the law and that the County Clerk shall have VCC's for the local election. We need to consolidate the precincts for efficiency.

Commissioner Sanchez states, for \$4,700.00 efficiency is why we need to consolidate.

Linda Jaramillo states that she wasn't going to put the cost in the packet but was asked by someone to place it in the proposal. She was going with this because she is mandated to do so by law.

Commissioner Sanchez states that it is important to him to make sure, even if it's inefficient, we need to maximize voting for the people. It seems that by having more polling places you maximize that opportunity.

Linda Jaramillo states that she is giving Tajique 2 extra days of voting, an extra day for Manzano, and 2 extra days for Mountainair. This is giving the people that opportunity to be able to vote at their usual polling place, this will maximize the voting.

Commissioner Sanchez states that there could be come gray area. This could cause so much confusion for the voters that they could decide they just don't want to vote. They are used to going to one area, if that changes it could discourage the people.

Linda Jaramillo states that it is her job to educate the people on this. She will go to every precinct and have meetings with the people to inform them of the changes.

Commissioner Sanchez states that very few people will go to the meetings. The ones that need to attend are the ones that won't show up. People can count on the system that has worked for the past 22 years, this new system requires a lot of leg work, and there could be a lot of misunderstandings.

Chairman Schwebach says there is nothing that says we can't stay with what we have and also have the VCC's. The staff, poll workers, and the budget would be overwhelmed. In Ms. Jaramillo's opinion it cannot be done efficiently and that why she needs to consolidate.

Linda Jaramillo states that this is brand new to her as well. Ms. Jaramillo and Linda Kayser have kept things traditional for 22 years. As everyone else was moving forward with the VCC's, she chose to stay traditional because she did not trust the technology. Now that everyone has been with VCC's for many years she trusts it. Many people have asked her why she has not gone to VCC's, but it won't be at every polling place. Ms. Jaramillo states that she will be sending out letters to all the voters letting them know what is going on.

Wayne Johnson states that he was an early supporter of the VCC's. They have been in use in Bernalillo County for about 10 years. The people like this better because they like the convenience of being able to go anywhere to vote. This did require some consolidation of precincts because the equipment is very expensive. There are no pre-printed ballots for every precincts. Your districts are different in certain areas of the county, therefore making your ballot a little different from someone else's. You had to have enough ballots in the precincts plus order extra to make sure you have enough for that precinct. This is where you will see a lot of the cost savings, not a big savings, but some. It is more technical for the volunteers and poll workers, before you had a pre-printed ballot, you ran it through the machine, and you're done. In this case, you will look this person up on the computer, they sign, the ballot is printed, and they vote it. Mr. Johnson believes that this provides greater access to voting than the traditional way of voting, and the state is trying to move away from that.

Linda Jaramillo states that this is not the only thing that is complicated. We are now going to be able to register people all the way up until the Saturday before the election. Ms. Jaramillo states that she has to compile this and get ready for all these changes. Ms. Jaramillo asks the Commission to trust her on this and to trust that she knows what she is doing. She has had lots of experience in this. The people will feel that they are being disenfranchised, but she has no choice but to do this. The people will not be disenfranchised. She has gone over this plan over and over so that Tajique, Manzano, Torreon, and Mountainair would get something out of this. She thought that all mail would be good for Encino and Duran, but she is willing to take VCC to them. She has a lot of friends in the county and does not want to hurt anyone, but she is the clerk and she has to abide by the law.

Chairman Schwebach states that this is inevitable that we are going to the VCC's and he agrees with it. How much time will the conversion take and how many double precincts we have while this happens. We have a large community, and on Election Day the voters will say they have been voting at that precinct for so many years. The voters need time and sending out

a letter may not educate them enough. He would encourage more and information. In his opinion it may take a couple of election cycles for the people to understand.

Linda Jaramillo states that there has been a lot of changes in the past. With school districts, school elections, soil and water conservation elections, and municipal elections, the people are always confused on where to go, this process will eliminate that. This will streamline all elections in Torrance County.

Chairman Schwebach states that the bottom line is that we are looking to approve today is advertise this and have a public meeting down the road.

Commissioner McCall states that voting is more convenient as it has ever been. He likes that you can go into a precinct and vote whether it is your precinct or not. There is another issue that after the census there may be new district lines. With this process they will go to the same polling place and have their ballot printed.

Linda Jaramillo states that she has had to consolidate precincts before and got a lot of flak from people. She has gone as far as making large signs at the old precinct so that people will know that they have to vote at a new precinct. She is very thorough on educating the voters on this. She understands that some won't get it, but there will be signage everywhere. The information will be on her website, and herself and Linda Kayser will start the campaign of educating the voters of this process.

Wayne Johnson states that in the budget discussions, one of the things talked about was a public education campaign for the changeover. We are going to look at some additional funds for the Commission to approve for the public education campaign on behalf of the VCC's. This will come before the Commission during the budget process.

Commissioner Sanchez asks what the Commission is looking at today. There is a proposal on the table. Are we approving all these changes in one shot?

Wayne Johnson states that the Commission has a proposal from the Clerk. She has heard your concerns about the mail in portion of the plan. The motion could include a direction for her to work on a VCC or mobile voting model and not do the mail in portion of the ballot.

Chairman Schwebach states that we are not approving this, we are approving the publication of this to adopt an ordinance down the road, in which case we will approve, and then can be amended and changed prior to adoption.

Linda Jaramillo states that she will make the changes that the Commission requested.

Chairman Schwebach asks what the time frame for when this needs to be adopted, when will we need to have the public hearing?

Linda Jaramillo states that the Commission will need to approve the polling places in June or July.

Michael Godey states that he has a few concerns with these VCC's. What is the potential for corruption and if someone could mess up the ballots. Manzano is about 10 miles from Torreon, this could eliminate the possibility of that area voting because it is inconvenient for the people. Is it possible to keep the Manzano Precinct open for voting because of the distance?

Commissioner Sanchez asks why can't we keep all the current polling place and make them as a VCC. This would maximize the voting because you can vote anywhere.

Linda Jaramillo states that it sounds great, but we're dealing with precinct workers. This is a whole new system and would like to train a smaller amount of precinct workers. Once they are out and she is here at the office and voting people, she would like a staff at the places that are tech savvy. Like herself, a lot of the poll workers are getting older. She needs poll workers that are familiar with computers and technology. Stream lining this would make this more efficient. When you have a new system and you also throw in registering people up until a few days before elections, it's a lot to handle. Ms. Jaramillo states that she has to learn this and she needs to pass on this knowledge to her precinct workers. For the efficiency of voting she has come up with this plan so that the voters aren't disenfranchised and her precinct workers will be trained for this.

She has a small staff of herself, Linda Kayser, Yvonne, Sylvia, Genell, and 100 precinct workers that are good. She and Linda Kayser have ran very good elections. It takes a lot of effort to run an election and she is here sometimes till 1 in the morning to make sure no one is disenfranchised and everything runs smooth. We went through 9,800 voter registrations 1 by 1 to make sure everything was accurate.

Commissioner Sanchez states that he doesn't think one public hearing will do to get all this information out. There may need to be meetings at every precinct and try to get the voters opinions. From his perspective, elections should not be efficient, in his opinion efficiency has no impact on elections. If you were asking for more money for elections, then he would agree with giving more money to run the elections. When it comes to the workers he does not think they should inconvenience the voters for the benefit of election efficiency or ease of operation for the poll workers. If we need more poll workers or more training then we should apply that resource where it is needed. We need to maximize the participation of the voters. He is willing to look at and sees the value of consolidating the precincts. He needs to understand the mechanics more of what goes along with this system.

Linda Jaramillo states that efficiency is what elections are all about. Every single ballot must count. That is her job and duty to the constituents.

Commissioner Sanchez states that the amount of money spent to count every vote should not be measured by efficiency. Whatever it takes to get every vote to count is what needs to happen.

Chairman Schwebach states that we need to put in the word accuracy. If the staff is overwhelmed then there is inaccuracies and failures. There is an in between that can be meet. A meeting in every precinct may not be necessary, maybe the Commissioners calling people in

the precinct and the education campaign will work. By approving this to be public doesn't mean we are approving this, it can be adapted to certain needs. We need to get some feedback.

Commissioner Sanchez states he agrees. The key is to gauge what impact it will have on the voters. Some public meetings will be key. We need to ask those that have never been asked voice their opinions. They will help us to understand what impact our decision will have on them.

ACTION TAKEN: **Commissioner McCall** makes a motion to allow the clerk to continue on establishing Voting Convenience Centers. **Chairman Schwebach** seconds the motion. **Commissioner Sanchez** asks what the motion means. **Chairman Schwebach** states that there is a motion and a second to allow the Clerk to move forward with her preliminary plan by mandate. This will start the process where the Commission comes in within 3 months. **Linda Jaramillo** states by June or July the Commission will approve the polling places. **Chairman Schwebach** states that this will give the Commissioner the opportunity to say that this is a working draft, this is how we want to tweak it, this is where we want to have the meetings, and this is our concerns. **Linda Jaramillo** states that she is willing to go to every polling place. The biggest change will be the mountain towns and Encino and Duran, and she is willing to go there to talk to the voters. **Commissioner Sanchez** states that most of the changes are in his district. He asks why Torreon was selected. **Linda Jaramillo** states because it was in between Manzano (6 miles) and Tajique (2 miles), it is centrally located. Tajique is still getting 2 extra days to vote, by the use of the mobile voting unit and Manzano is also getting 1 extra day to vote. They also have the option of going to Torreon on Election Day to go vote if they missed the mobile voting days. We just have to educate the people. There will be an election every November from here on out and the polling places will be uniform from this point on. **Commissioner Sanchez** states that is the need arises, can we change aspects of this? **Linda Jaramillo** replies, yes. **Chairman Schwebach** replies, yes, that is why we need to move forward with this. **Linda Jaramillo** states that she needs for the Commission to understand, in her many years of experience, she know the ins and outs of elections, what work best for efficiency, and accuracy. **Chairman Schwebach** states that as we move forward with this we may need to look at a budget change or to facilitate what the Commissions wish is based on Clerks ability and staff. **Linda Jaramillo** thanks the Commission for their consideration and it is greatly appreciated. No further discussion, all Commissioners in favor. **MOTION CARRIED**

D.) FIRE: Approval of Volunteer Fire Fighters PERA Annual Reporting

Lester Gary states that the Commissioners have before them is the annual reporting for PERA for the volunteer fire fighters. Mr. Gary states that he has been working with Mr. Joseph Trujillo, from the PERA board. These forms are normally required to be turned in by March 31st. We have been granted an extension due fact that the forms were left to be filled out by the individual districts, and after a random search we found that some of the peoples forms had not been turned in for the past 15 years. The volunteers have missed out on their PERA retirement. What PERA board is doing is researching on who they have PERA forms for and who they do not. We are going back for those that have not had a PERA form turned in and getting the forms in place for them.

Prior to Mr. Gary coming in, some of the PERA forms were being turned into the Torrance County HR Department. When HR was doing the forms for the employees they were sending in those forms for the volunteers at the same time. Once they got up to Santa Fe, because they were two different forms, the forms for the volunteers were being kicked out and we were not aware of that. We are now working with the PERA board to get all of our members back into the system. There was legislation that was going to allow the fire department and the volunteer fire departments to go back to 1982 to update everyone's PERA forms, but is not sure if that was passed. He is working on getting everyone back on board and if they can't go back to 1982 they will be able to go back 2 years.

These forms are required and they are required to be signed by the Commission Chair so that everything be submitted in a timely fashion and the volunteers can get what is coming to them.

ACTION TAKEN: Chairman Schwebach makes a motion to approve the Volunteer Fire Fighters PERA Annual Reporting. Commissioner McCall seconds the motion. No discussion, all Commissioners in favor. **MOTION CARRIED**

E.) FINANCE: Approval to pay unauthorized Fire Apparatus mechanical work by NM Apparatus.

Noah Sedillo states that he is seeking approval to pay unauthorized Fire Apparatus mechanical work by NM Apparatus. Mr. Sedillo states why he is requesting this per the Torrance County Purchasing Policy Resolution 2018-32. Mr. Sedillo states that section 1.6 reads "Unauthorized and Questionable Purchases. Any purchase which is not legally and appropriately approved within the County budget or by other County Commission action, or which does not substantially comply with the provisions of the state statutes, particularly the state procurement code, and the provision of this policy, shall be considered an unauthorized county purchase and thereby not subject to payment by the county. The county hereby declares and establishes that it will assume no responsibility for payment of unauthorized purchases. Furthermore, any individual initiating or otherwise executing any unauthorized purchase is solely responsible for payment. All questionable purchases shall be submitted by the County Manager for County Commission review and determination under the provisions of this policy. Section 1.7 reads "Commission Approval of Unauthorized Purchases. Any purchase determined to be unauthorized shall be considered for approval of payment at the public meeting of the County Commission. Unauthorized purchases shall not be approved or processed for payment prior to Commission approval, and shall be attached to the purchasing transaction file for audit purposes.

Mr. Sedillo states that there is a repair order in house from the Fire Department which is approved by Chief Lester Gary. On the bottom left corner Chief Gary would sign off on these orders to be able to obtain a purchase order from his office. This work was done in the amount of \$7,720.89 solely on the vendors end. We are attempting to make this right and move forward. This will be documented and placed in the vendors procurement file in the event future discrepancies occur.

Wayne Johnson states that he has requested Mr. Sedillo get quotes on the work that was being done. Mr. Johnson asked Mr. Sedillo if he has received those in house yet.

Noah Sedillo replies, no, he has not. He is waiting on one vendor to reply and another vendor on part numbers.

Wayne Johnson states that after discussion with the county attorney we have been enriched by this work. It was work that needed to be done and was done outside of the procurement process. Our policy states that we will not be responsible for this, but if we go to court over this we are likely to lose. Mr. Johnson states that he is working with the vendor to abide by our policy, and see if the county was ripped off, and provide payment for the amount of work done.

Noah Sedillo states that the initiation of the repair order was to be a quote. The work was done without receiving the proper paperwork and that is what has brought us here.

Wayne Johnson states that had the vendor been able to provide us with any authorization from a county employee, a signature, or some sort of verification/authorization, we would be having a different discussion. This would not be about the vendor it would be about a county employee not following policy.

Chairman Schwebach states that we owe a vendor money for services rendered. We don't have proper procurement or no bids. We are at a whim saying this is the proper amount with no comparison, but we are working on this.

Noah Sedillo states, yes, that is correct.

Chairman Schwebach asks if we have the vehicle back in our possession and we need to get this man some money, is that correct.

Noah Sedillo states that he would need to check with Mr. Gary to see if the vehicle is back in our possession.

Chairman Schwebach states that it sounds like we do owe the man money, but how much do we owe him. The more important question is where was the failure and why wasn't it done properly in the first place. Chairman Schwebach asks if the vendor is present, if so does he/she wish to speak.

Lance Brown from New Mexico Apparatus states that the vehicle was brought to him after it had failed a pump test that was done by another company. There was a delay in getting repairs done so someone realized the truck was still out of service so it was brought to Mr. Brown's attention and was told to get the truck working That was the directive he was given. As far as no one knowing the repairs were being done and no one authorizing the repairs, it was authorized verbally over the phone. Mr. Brown states that he informed the County Manager of this. This happens frequently in his experience.

The parts for these trucks are not easy to get. Mr. Brown states that he spoke with fire administration and stated that they needed to get moving with the repairs. The parts needed to be sent off to make sure they received the correct parts back. The fire administration said that it was fine let's just get this done. Mr. Brown went ahead with the repairs. He has several text

messages from fire administration as well as the district fire chief asking when the truck was going to be completed. As for no one stating they knew nothing of this, Mr. Brown had to contact Noah and ask him what the status with the payment was, this was the first time he had heard there was an issue. When they picked up the truck no one said to stop and say there was a problem. His company proceeded with the repairs and got the truck back in service.

When someone brings him a vehicle to be repaired, he repairs it. Mr. Brown states that it is not his responsibility to follow procurement procedures that is for the employees.

Commissioner McCall asks Mr. Brown the reason the vehicle was brought to him, what needed to be repaired.

Lance Brown states that there were some drive shaft issues. Due to the lack of maintenance on the trucks it popped a U-Joint during the pump test. They also dropped off a list of various other repairs that needed to be done on the truck. After the repairs were completed his company did another pump test and discovered a whole other list of problems. Those issues were fixed and a pump test was done again before the vehicle has to be placed back into service.

Commissioner McCall asks Mr. Brown who authorized the oil change, the fuel filter change, a new tire, etc.

Lance Brown states that the district fire chief requested a full pm as well as a bad tire on the truck. The U-Joints there include the whole drive shaft assembly and 3 carriers. Mr. Brown has a text message stating that he should replace the other issues, what do you think of this. To clarify he said he text the fire personnel and asked if he should follow through with repairs, and he said yes.

Chairman Schwebach asks Mr. Brown if he has done this type of work in the past without the proper paperwork that this is just standard course of business for him.

Lance Brown states that he previously had a contract with the county. They would drop off a repair order or work request, fix it, and then submit the invoice to the county for payment. In this situation he called to make sure that it was ok for him to proceed with the repairs. He didn't want to put in time and energy for repairs if he was not going to get paid for his work.

Chairman Schwebach states that we need to pay him but there is a question on whether or not the paperwork is correct because of proper procurement.

Wayne Johnson states that they are working on correcting the procurement issue. He has to protect public dollars, so that means authorization. We did not have a current contract in place, which is where a lot of this is coming from. This is an attempt to make sure that the county got the value for the dollars that they were supposed to get. In the future if there is not a contract in place this could fall on the vendor. According to the policy the county should not pay him, but we do not want to go down that road.

Lance Brown states that he understands that policies are in place for employees on the county's end.

Wayne Johnson states that this could be on the county's part but he doesn't know who made the authorization, be it verbal or written.

Commissioner Sanchez asks about the text messages.

Wayne Johnson states that the texts are post approval. They were asking when the truck was going to be completed not giving authorization.

Lance Brown states that the texts are acknowledgement that the repairs are being performed with them not knowing that they do not have the proper paperwork.

Wayne Johnson states that the whole point is to get the authorization to fix the procurement problem. We need to make sure that the county is getting the value for the dollars spent that we are supposed to protect as fiduciaries of this county. We are here today because the intent is to pay the vendor. It is Mr. Johnson's obligation to make sure that this does not happen again, on the county side as well as the vendor side.

Commissioner Sanchez asks how this will be done.

Wayne Johnson states that at this point the Commission will need to authorize him to proceed with payment on this invoice. It is not at his discretion as the County Manager to authorize this per our policy. He will continue to get the quotes from the other vendor and add it to the paper trail. If we are audited we have to go through the correct process. Mr. Johnson does recommend payment on this. He also wants to make sure that this procurement violation does not happen again.

Commissioner McCall asks if we are subject for this turning up on an audit.

Wayne Johnson states that this process will help cure that.

ACTION TAKEN: Chairman Schwebach makes a motion to approve payment. Commissioner Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

F.) MANAGER: Approval of Travel Reimbursement for training to Ft. Collins, CO for Tracey Master.

Wayne Johnson states that this was the approval issue that we spoke about earlier. This is to approve the reimbursement to Tracey Master for actual costs. All of her paperwork is in order, all the receipts have been received by the county, and all of her documentation is appropriate. Ms. Master has acted in good faith on her approval to travel. This is like the previous item where it is a good way to cure that particular policy violation.

ACTION TAKEN: Chairman Schwebach makes a motion to approve the Travel Reimbursement for training to Ft. Collins, CO for Tracey Master. Commissioner Sanchez seconds the motion. No discussion, all Commissioners in favor. **MOTION CARRIED**

G.) COMMISSION: Discussion of and possible action regarding county New Mexico True Certification (Commissioner Sanchez)

Commissioner Sanchez states the during the course of trying to find a funding source for the grant application that the Commission approved at the last meeting, he had the opportunity to look into the New Mexico True Certification. There is a grant available through them called the Cooperative Marketing Grant. This grant could be used to supplement an idea that will be forthcoming.

They will be holding some work sessions to be talk to potential applicants about this grant. It may be something that the county should attend so that we are aware of what it offers. The application period for this grant just opened and it closes in May. The next meeting will be held April 24th, 2019 in Albuquerque. This would be a suitable opportunity for us to send a representative from the county to get information on this grant.

This grant is very intricate and you have a specific service in mind that you want to market. They will have a team come to assist that county leverage and partner up with the New Mexico True label.

Commissioner McCall asks if this is a matching grant.

Commissioner Sanchez states that he is not sure. From what he has researched so far it does not look like it is a matching grant. If anyone has an opportunity to attend this meeting and get the information to see if it will be helpful to the county, it would be appreciated.

Commissioner McCall asks if Cheryl Allen knows anything about this grant.

Cheryl Allen states that she does not know anything about this. Trying to put something together with a May deadline is not a good idea. Going to the meeting and getting all the information would be useful so that something can be put together for next year. That is a better idea.

Commissioner Sanchez states that this is a good idea as well. He doesn't think that we have anything to request at this time. It would be useful to get the information and work it into something for next year.

Commissioner McCall asks if this grant has to do with tourism because that is what New Mexico True is, correct.

Commissioner Sanchez states that this does not have to be tourism related. It can be any product or service.

Commissioner McCall asks who will benefit from this, will it be the county, private business, government, who exactly will this benefit.

Commissioner Sanchez states that it can be done a few different ways. Private businesses can apply but so can government and municipalities.

Chairman Schwebach states that he would encourage Ms. Allen to attend the meeting and get all the information she can on this. Chairman Schwebach states that he knows very little about the New Mexico True Certificate, but what he does know it could be beneficial to the county. He instructs the County Manager to select a representative to attend the meeting on behalf of the county

NO ACTION TAKEN, DISCUSSION ONLY.

13.) DISCUSSION

A.) P&Z: Staff report, P&Z recommendation on the Orion Wind Resources, LLC

Steve Guetschow states that on April 3rd, 2019 Torrance County P&Z Board heard a representation from representatives from Orion Wind Resources, LLC a division of Orion Renewable Energy Group, LLC regarding a Special Use change in zoning application for the development of a wind powered electric generating facility (wind farm) in multiples sections and portions in Township 5 North, Ranges 14 & 15 East, Township 6 North, Ranges 14 & 15 East, and Township 7 North Range 15 East, N.M.P.M. Public opinion both in support of the application and opposed to the application were also heard. The board was unanimous in a “do pass” recommendation with the following condition:

“A determination is made as to the proposed location of the transmission line in time for the proper notice to be given to stakeholders prior to the Commission meeting (public hearing).”

The applicants agreed to notify P&Z in writing by April 9th by the end of the day as to where their transmission line route to link the proposed wind pattern project “Western Spirit” transmission line to be determined or was determined or a request to defer the public hearing to another date beyond the May 8th, 2019 Commission meeting. As of yet Mr. Guetschow has not heard back from them.

On April 10th, Mr. Guetschow received an email from Dale Lyon, project manager from Souder Miller & Associates requesting the date of the public hearing to be deferred until the June 12th Commission meeting. **NO ACTION TAKEN, DISCUSSION ONLY.**

14.) EXECUTIVE SESSION

A.) Limited personnel matters: Selection of County Attorney.
(Closed pursuant to NMSA 1978 Section 10-15-1(H)(2).)

ACTION TAKEN: Chairman Schwebach makes a motion to enter into Executive Session. Commissioner McCall seconds the motion. Roll Call Vote: District 1-Yes, District 2-Yes, District 3-Yes. No discussion, all Commissioners in favor. **MOTION CARRIED**

EXECUTIVE SESSION BEGINS AT 11:11 AM

ACTION TAKEN: Commissioner McCall makes a motion to reconvene from Executive Session. Chairman Schwebach seconds the motion. Roll Call Vote: District 1-Yes, District 2-Yes, District 3-Yes. No discussion, all Commissioners in favor. **MOTION CARRIED**

RECONVENE FROM EXECUTIVE SESSION AT 1:50 PM

Chairman Schwebach states that during executive session he is asking for a motion to direct the County Manager to enter into negotiations with the hiring of the new county attorney.

ACTION TAKEN: Chairman Schwebach makes a motion to direct the County Manager to enter into negotiations with the hiring of the new county attorney. Commissioner McCall seconds the motion. No discussion, all Commissioners in favor. **MOTION CARRIED**


15.) Announcement of next Board of County Commissioners Meeting

Chairman Schwebach states that the next Commission Meeting will be held on April 24th, 2019, 2019 in the Torrance County Administrative Chambers

***ADJOURN**

Chairman Schwebach asks for a motion to adjourn the April 10th, 2019 Commission Meeting. **ACTION TAKEN:** Chairman Schwebach makes a motion to adjourn the March 13th, 2019 Commission Meeting. Commissioner Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

MEETING ADJOURNED AT 1:51 PM



Chairman Ryan Schwebach



Yvonne Otero-Administrative Assistant

4-24-19

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.