



Torrance County Commission

Regular Meeting to be Held at:
Administrative Offices of Torrance County
Commission Chambers
205 9th Street
Estancia, NM 87016

AGENDA
October 25th, 2017
9:00 A.M.

Please Silence All Electronic Devices

Call Meeting to Order
Pledge of Allegiance
Invocation

Approval of Minutes: October 11th, 2017

Approval of Meeting Agenda

Approval of Consent Agenda:

1. *Approval of Checks*
2. *Indigent Claim(s)*

ACTION ITEMS*:

ITEMS TO BE CONSIDERED AND ACTED UPON

(Public Comment, each item: At the Discretion of the Commission Chair. Comments are limited to one (1) minute per person.)

***Presentation(s):**

1. Presentation of 2019-2023 Infrastructure Capital Improvements Plan
2. Governmental Conduct Act Review

***Department Requests/Reports:**

3. Updates: a. Various County Departments b. Other Boards or Land Grants (upon request) c. Forest Service (upon request) d. Commission
4. Resolution 2017-052 Clean Lot 15-A, Block 6 Mountain Valley Subdivision – Dan DeCosta, Code Enforcement Officer
5. Resolution 2017-053 Clean Lot 15, Loma Parda Subdivision – Dan DeCosta, Code Enforcement Officer
6. Ratification of Consultation Agreement between Torrance County and David Belford, LLC – Berta Espinosa-Moore, TCPO Home Visiting
7. CYFD FY19 Grant Application – Jenea Ortiz, Continuum Coordinator

***Commission Matters:**

8. Audit Contract Amendment Number 17-5030
9. NMAC 2018 Legislative Conference
10. Final Option Year Renewal for Legal Services Agreement

***County Manager Requests/Reports:**

11. Update

Public Comment / 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.

***Adjourn**

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Torrance County Manager's Office at 205 9th Street Room 24 Estancia, NM 87016 (505) 246-4752 at least one week prior to the meeting or as soon as possible. Public documents, including the agendas and minutes, can be provided in various accessible formats. Please contact the Torrance County Clerk's Office at 205 9th Street Room 1 Estancia, NM 87016 (505) 246-4735 if a summary or other type of accessible format is needed.



Minutes

DRAFT COPY
TORRANCE COUNTY BOARD OF COMMISSIONERS
REGULAR COMMISSION MEETING
OCTOBER 11th, 2017

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

OTHERS PRESENT: BELINDA GARLAND-COUNTY MANAGER
ANNETTE ORTIZ-DEPUTY COUNTY MANAGER
DENNIS WALLIN-COUNTY ATTORNEY
YVONNE OTERO-ADMIN. ASST.

CALL MEETING TO ORDER

Chairman Sanchez calls the October 11th, 2017 Regular Commission Meeting to order at 9:04 am

Pledge lead by Ms. Bersabe Chavez and Invocation lead by Annette Ortiz

APPROVAL OF THE SEPTEMBER 27th, 2017 REGULAR COMMISSION MEETING MINUTES

Chairman Sanchez asks for a motion to approve the September 27th, 2017 Regular Commission Meeting Minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the September 27th, 2017, Regular Commission Meeting Minutes. Madam Commissioner DuCharme states that she has some comments concerning the minutes. Linda Jaramillo, Torrance County Clerk states that she has read her request for corrections and it will be corrected. Dennis Wallin, County Attorney states that no one Commissioner can make corrections or changes. If there are changes or corrections to be made they need to be done during the meeting so that they can be noted for the record.

Madam Commissioner DuCharme states that on page 5 where it says helpful if should read hopeful. On page 12 there was some questions asked by her directed to Mr. Henry Van Es. The questions were not placed in the minutes and she would like them placed in the minutes so that there will be more clarification on her response to Mr. Van Es' question. The next is on page 13. Madam Commissioner DuCharme states that she did not tell Mr. DeCosta to do his job and if she could please have that changed. Ms. Jaramillo asks Mr. Wallin that if we listen to the CD and it does say that would it be her call to go by what was said on the CD or by what the Commissioners say. Mr. Wallin states that you need to go by what is on the CD because that is what transpired at that moment. If one of the Commissioners has concerns about what was said then they need to address that issue at the next meeting and state for the record that is not what they might have said. Ms. Jaramillo states that we will listen to the audio again to get what was said. If she did not state that, the minutes will be corrected, if this is what was said then there will be no change. Madam Commissioner DuCharme also states that the spelling of Marty

Road needs to be corrected. Chairman Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

APPROVAL OF THE October 11th, 2017 REGULAR COMMISSION MEETING AGENDA

Chairman Sanchez asks for a motion to approve the October 11th, 2017 Regular Commission Meeting Agenda. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the October 11th, 2017 Regular Commission Meeting Agenda. Chairman Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

APPROVAL OF CONSENT AGENDA

Chairman Sanchez asks for a motion to approve the Consent Agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Consent Agenda. Madam Commissioner DuCharme seconds the motion. No further discussion, all Commissioners in Favor. **MOTION CARRIED.**

Madam Commission DuCharme asks if there are any indigent claims and if so what is the amount. Ms. Ortiz states that the amount on the indigent claims is \$1,967.37.

ACTION ITEMS

***Department Requests/Reports:**

1.) Updates:

d.) Commission Updates

a.) Julia DuCharme District 2 states that her update has to do with a personal experience. Last Monday the family got a new dog and are in the process of training the dog. On this particular day the dog managed to escape under the fence. The family then proceeded to chase the dog around trying to catch it. A few people saw this and were trying to help them catch the dog. While chasing the dog they got some unexpected help from the District 5 Fire Chief, as he noticed them while he was turning in to the substation. She would like to thank Michael Trammel for his help. Had it not been for him they may not have been able to catch the dog. To many this may not seem like an emergency, but to them it was. This dog may have gotten run over, caused an accident or possibly bitten someone. A big thank you to Michel Trammel, again, for his assistance with catching the dog.

Madam Commissioner DuCharme states that she also attended the New Mexico Foundation of Government's annual meeting. People who are for transparency and honesty in government support this group. Madam Commissioner DuCharme herself is a big supporter of this group.

Two years ago this group conducted a survey of all 33 counties websites and at this time our website was ok but needed a few changes. Since then, those changes have been made and there

is much more information for the public that is available on the website. She feels that if a survey is conducted again our website will do much better.

Also Madam Commissioner DuCharme, Ms. Garland, Ms. Ortiz, and Commissioner Frost attended a meeting at Presbyterian Medical Services. It was a very informative meeting. The senior citizens will now have access to the internet at each of the senior centers. A computer will be placed at each one the centers with full internet access.

2.) Lease between Torrance County Sheriff's Department and Document Solutions – Stephanie Dunlap, Sheriff Administrator

Stephanie Dunlap, Sheriff Department Administrator states that the Sheriff's Department is not planning on using this company. Ms. Dunlap is requesting that this item be dropped. **NO ACTION TAKEN**

3.) Grant Agreement(s) for Traffic Enforcement Projects – Stephanie Dunlap, Sheriff Administrator

a. BKLUP/CIOT Project No. 18-OP-RF-103

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to approve BKLUP/CIOT Project No. 18-OP-RF-103. Chairman Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

b. STEP/DNOS Project No. 18-ST-RF-103

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to approve STEP/DNOS Project No. 18-ST-RF-103. Chairman Sanchez seconds the motion. No further discussion. **MOTION CARRIED**

***Commission Matters:**

4.) Interest in Purchase/Lease of Hope Medical Building – Bernardine Dial

Bernardine Dial, Estancia Resident, comes forth as a representative for the First Baptist Church here in Estancia. The church is looking at a few possibilities on expanding the church. The church does a lot of things with the youth in the community, have get together's for the community and then of course the regular church functions such as funeral and Sunday and Wednesday services. With everything they do at the church they tend to run out of room. So what Ms. Dial is requesting on behalf of the church is to purchase the old medical building. She is unaware if anyone is currently housed at the building. If there isn't Ms. Dial states that it would be beneficial to the county in that it would help them save money on utilities and basic upkeep of the building. Ms. Dial would like if the commission take this request into consideration. Thank you to the commission for taking the time to listen to her request.

Ms. Tracey Master DWI Prevention Coordinator comes forth to state that there are currently 3 departments that occupy the building. Those departments are DWI, Domestic Violence and the Home Visiting Program. Not only does this building house these departments but it also utilizes storage space as well. Ms. Master states that she has moved 8 times since she took over this position, it's not fun and if the commission could please consider leaving us here and not moving us again.

Belinda Garland Torrance County Manager states that there is no way that we could move the staff at this time because there is no other space available for them. In her opinion this would not even be an option.

Chairman Sanchez states that they will probably not consider this purchase as an option at this time.

Commissioner Frost states that it may be thought about but we cannot displace any of the employees.

NO ACTION TAKEN DISCUSSION ONLY

5.) Appoint Road Viewing Committee to address the Partial Closure of Marty Road

Ms. Annette Ortiz Deputy County Manager states that she has made contact with 3 of the previous road viewers that are on a list as well as one alternate. They have all agreed to be on the committee. Those individuals will be Tito Chavez, Edwina Hewitt, and Jose Torrez. At this time if the Commission would appoint these 3 individuals to the road viewing committee.

ACTION TAKEN: Commissioner Frost makes a motion to approve to appoint Tito Chavez, Edwina Hewitt, and Jose Torrez as the road viewing committee to address the partial closure of Marty Road. Chairman Sanchez seconds the motion. No further discussion, Madam Commissioner DuCharme states that she will abstain from voting as Ms. Hewitt is a friend of hers. Two Commissioners are in favor. **MOTION CARRIED**

6.) Review Proposed Revision & Amendment to Ordinance 94-12 Section 13.E 7 Resolution 2016-18A

- a.) **Amendment Wording Change**
- b.) **Resolution 2017-051 Establishing the Solid Waste Management Fee as provided in Ordinance 94-12**

Mr. Steve Guetschow P & Z Director, states that Commissioner Frost and Ms. Garland met and worked on some wording revisions to this resolution. Mr. Guetschow states that he was unable to attend because he was busy with the P & Z meeting. He states that he can read the whole resolution or just the areas where the revisions were made, whichever pleases the commission.

Mr. Guetschow reads the new resolution. Document hereto attached

Ms. Garland asks if the commission would like for her to read the changes that were made.

The reply of the commission is yes. Ms. Garland states that on item #1 the change that was made is that on the current resolution it states that over the age of 65 years of age and qualifies for public assistance and an individual who qualifies for public assistance. There is no discount just for a person with the age of 65.

On the current resolution and ordinance it states anyone 65 and older will need to qualify for public assistance as set forth in Sections 27-2-3 & 27-2-4 NMSA 1978. What we did was took out the age of 65 and condensed it all into anybody who qualifies for public assistance. We simplified this and stated it as SNAP since the qualifications are set forth in the statutes for SNAP. It will be easier for the Solid Waste department to make their determination for assistance because of the statutes that are in place.

On number 2 there is no change. On the vacant exempt portion we set out the definition of vacant and we found that definition that is used by realty companies.

Madam Commissioner DuCharme states that on the upper part of the second page it says "upon affidavit and verification," she would like to know if this language is in the current resolution. Ms. Garland replies that yes it is, there were no changes made to this area of the resolution, all we were adding here is the definition of vacant.

Commissioner Frost states that this would be this person signing that the property is in fact vacant. Is that correct? Also, if they fail to comply with the affidavit they sign, they will be subject to penalties, correct? Ms. Garland replies, yes, that is correct. Commissioner Frost states that the individual does need to report this every two years, correct? Ms. Garland replies, yes, that is correct.

Madam Commissioner DuCharme says she would like to distribute the definition that she came up with. Ms. Garland passes out the definition that Madam Commissioner DuCharme wrote. Madam Commissioner DuCharme reads the definition: A vacant residence means a residence that is not used for habitation by the owner(s) or anyone else. To receive a vacant residence status, the owners must fill out an affidavit, show current utility bills (gas and electric) for the dwelling he/she resides in, and proof of payment for garbage disposal at his/her residence.

In the current resolution it states verification, but it doesn't state what that verification is. If we add this into the definition then Mr. DeCosta will not have to go into the property to check on the verification.

Ms. Garland asks if she will set standards for the utility bills such as a dollar amount that will state, if the bill is not at a certain dollar amount will it deem that home vacant. Madam Commissioner DuCharme means that where the individual resides not for the vacant property. Commissioner Frost states in other words if they live in Bernalillo county but own vacant property in Tarrant County they must provide proof that they pay utilities in Bernalillo County because that is where they live. Madam Commissioner DuCharme states that, yes, the proof of that utility bill will show that the homeowner is throwing their trash somewhere else.

Commissioner Frost states that on this description of a vacant residence there is no mention of utilities. The reason being is because, as we spoke about last week, there may be a vacant home and a well with a pump that provides electricity to the pump that furnishes water to livestock

that is on the property. This is not mentioned in here, so how does that affect what you are saying with this definition. Madam Commissioner DuCharme states that she is not talking about a vacant residence, she is talking about proof of where the owner actually lives.

Ms. Garland states what we are trying to verify is the house itself, not the house they are actually living in. There could be a possibility where somebody lives in a house but are renting the other house and those are the people creating the trash that they are taking and throwing.

Madam Commissioner DuCharme states that they are signing the affidavit and that is a legally binding document. Is that correct Mr. Wallin? Mr. Wallin replies that not necessarily. It's an affidavit, a statement under oath regarding an issue. It is not a contract, it's not something that binds them to damages or enforcement. It is just like someone standing at the podium swearing to tell the truth. That is what an affidavit is. Madam Commissioner DuCharme states what she means is that that it is binding in the sense to tell the truth.

Mr. Wallin asks why you would have an ordinance in place if you have no intention on enforcing it. Madam Commissioner DuCharme states that with the definition she is proposing it would stop Mr. DeCosta from having to enter the home to see if people have furniture in the house or not. Mr. Wallin states that is not a question of enforcement but rather a process of enforcing. It looks as tho you are wanting to eliminate the need for him to do further investigating and just rely on the property owner. That is a directive you can make but Mr. DeCosta will still have to enforce the ordinance. If he determines that someone lied on the affidavit, then he has the duty, under the current law, to enforce the ordinance. However you all define the vacancy is up to the commission.

Ms. Ortiz states that the definition came from an insurance underwriting company and that is what their definition is of a vacant premises. It is a basis to consider that something is without content or occupant. As far as a vacant definition we went from one point to another that you are looking at vacant residence not just property. If it is without content or occupant then it makes Mr. DeCosta's ability to verify much easier.

Michael Godey Torrance County resident, states that they may be there and not dumping trash but dumping it in the woods somewhere. He states that Mr. Wallin may agree with him that no law is perfect. It may be possible that a person will visit the property. There are people that might have dual residences and possibly live in one county and not the other. Mr. Godey states that going by SNAP may cause issues because you have to apply for those twice a year and you even have some issues with Medicaid. One option you may be able to look at are an individual's taxes.

Ms. Garland states that looking into people's income taxes is not an option. We do not want the solid waste to have to start prying into people's tax returns. Commissioner Frost states that he agrees with this as well.

Chairman Sanchez states that on the proposed definition non-vacant is equivalent to unoccupied, correct? Mr. Guetschow replies that no, it clearly states what it means.

Commissioner Frost states that as Mr. Godey mentioned, laws are not always perfect. The solid waste issue has been around for a couple of weeks, 2 years, maybe even 10 years, but whatever

we do is not going to fit everyone. There are some people that would like to not have any discounts, and some that would like lots of discounts, but no matter what we do it is not going to be perfect, nor will it fit everyone. We have to start somewhere.

ACTION TAKEN: Commission Frost makes motion to approve the Proposed Revision & Amendment to Ordinance 94-12 Section 13.E 7 Resolution 2016-18A and Resolution 2017-051 establishing the Solid Waste Management Fee as provided in Ordinance 94-12 as proposed. Chairman Sanchez seconds the motion. Chairman Sanchez asks if there is any further discussion.

Mr. Steve Guetschow Torrance county citizen would like to state that as a citizen he doesn't think that it's fair that anyone would allow another person to pay a portion of their bill. In comparison he states that he is a widower and that he and his wife did not have children yet a portion of his taxes go to support schools and the education of your children, even though he doesn't have kids that attend, he is ok with that because it is for the good of the community. This resolution is for the good of the community to support the efforts with the collection of solid waste around the county. Also with your provisions with these monies that come forward it may come to a point where you will not have to pay the solid waste authority additional money besides what is contracted every year. You can apply that extra money to the fee and reduce the fees to the citizens of Torrance County.

Charlene Guffey Torrance County resident states that the money the county puts out on these discounts and loss of revenue are actually coming from the county resident's taxes. Ms. Guffey states that she would rather see the money go to the road department where all will benefit, including the Sheriff's department, the fire departments and the residents so that the roads are in better condition for them and not for a private truck to be going up and down the road. Any commissioner who will benefit from these discounts should be wise on how they vote. If this county wants to give discounts, then don't complain when they have to pay the bill.

Michael Godey states that the alternative would be to ask the resident if they would be willing to show their taxes. Not a requirement at all but just give that as a proof of income to receive a discount.

Madam Commissioner DuCharme addresses Mr. Guetschow his comment about not having children in public school. What you're talking about is taxes not fees. She states that we cannot make a perfect law but we can attempt to make it fair. At the last commission meeting Ms. Danette Cabber mentioned that they have 489 vacant resident accounts. Please take into consideration how many people will be affected by this decision. Also this definition came from an insurance underwriter and they made this definition themselves fitting their situation and their industry. She states that she tried to find the definition for vacant residency in the state statutes and she couldn't find it. She thinks that we can make our own definition to fit our situation. Ms. Guffey made a jab at her saying that I needed to think twice if she benefits from this decision. Madam Commissioner DuCharme states that if you do get something you benefit from it, she won't get anything from it she just wants for her money to be left alone.

Ms. Guffey states that what she commented was "any commissioner" not just her.

Madam Commissioner DuCharme states that at the last commission meeting there was a public hearing and several people asked the commission not to impose this fee. Ms. Guffey was the only one who spoke in favor of the fee. Madam Commissioner Ducharme reads a letter from Ms. Holland, its concerning an article in the Mountainview Telegraph. She also states that Ms. Guffey and Mr. Guetschow mentioned lost revenue, and Mr. Guetschow estimated that about \$35,000.00 is lost. Mr. Guetschow replies that it is based on the 152 inspection that Mr. DeCosta preformed. So you receive revenue when you provide goods and services. Those people won't receive any goods or services from the county, why would we charge them? Mr. Guetschow states that he does not understand where they are not receiving any goods or services. The goods and services provided for these people are so that there is not any waste blowing around the county, the solid waste authority will be able to keep the transfer stations opened and manned where these people can take their solid waste.

Betty Cabber Torrance County Assessor states that she would like to repeat what she stated at the previous commission meeting. This is trying to keep everything fair and equitable, which is what they try to do when they are assessing properties. Everyone has to share in that vacant house whether it is totally vacant, or if it has furniture in it and is only used part of the time, or if no one actually lives there and there is no water or electricity hooked up to it. We still asses the building no matter what, if we were to drop that off, the taxes would go up, if we gave a discount because no one is living there then everyone's taxes will go up. You need to have a flat simple rule and not abide by every rule or request, if you start doing that then you have to start giving discounts to every single situation and that isn't good.

Chairman Sanchez states that both definitions are problematic but the proposed one inches us in a direction that he thinks we need to go in terms of identifying an adequate definition of a vacant property. This may not be the last time we hear about this but I think it's time we move forward.

Commissioner Frost states that he was informed the about 25% of the accounts are not paid. This resolution will hopefully help us to prevent this with in the near future. We need to move forward with something and we know this won't be perfect.

Chairman Sanchez and Commissioner Frost are in favor, Madam Commissioner DuCharme is opposed, no further discussion. **MOTION CARRIED**

7.) Findings of Fact / Conclusions of Law, Planning & Zoning Decision Ref: D. May

Ms. Garland states that these are the findings of fact that were proposed after the decision was made on the hearing for Mr. May. Ms. Garland is asking for the final approval and signature for the documents.

Mr. Wallin states that just so the Commission will understand, this is something that has to be done to preserve the record and to preserve either party's right to appeal. These findings of fact are based on the hearing that was held August 23rd, 2017.

Madam Commissioner DuCharme tells Mr. Wallin that she has a few questions.

1.) Mr. May's property is zoned as PL. Mr. May disputed that. Was it proven that his property was zoned PL? Do we have proof of that?

Mr. Wallin replies that is a question that you as the commission decide. Mr. Wallin will submit that there is proof, Mr. May disputed that, and you the commission are the decision makers, not himself. Mr. Wallin's understanding of the decision was it was zoned as PL (pre-platted land).

Madam Commissioner DuCharme asks what proof we have of that. Mr. Wallin replies that without going back through the record it may have been part of the testimony of Mr. Guetschow.

Mr. Steve Guetschow states that it is on the zoning map as pre-platted lands. The Bella Vista Subdivision and that whole complex in the subdivision was an approved subdivision prior to 1973. And according to our zoning map it is zoned as PL, pre-platted lands. Pre-Platted lands, other than the con-conforming lot sizes, is the county's wish to be consolidated to larger lots until they meet the surrounding lots zoning district. They are currently zoned as rural residential 2.5.

2.) Permitted structures. As far as she can remember, Mr. May has 4 mobile homes. Were they there when Mr. May was issued his certificate?

Mr. Guetschow replies that no not all of them were there at the time he was issued his certificate. Mr. DeCosta provided images in his court case as well as to the commission and at one point the structures weren't there and a few years later they are there. The evidence is in the photos.

Madam Commissioner DuCharme asks Mr. Guetschow if it has been proven that Mr. May has several un-permitted structures on his property. As she recalls they seemed to mostly be talking about the amount of vehicles Mr. May accumulated on his property after the certificate was issued.

Mr. Guetschow states that he is not familiar with all the charges that Mr. DeCosta levied against Mr. May.

Ms. Garland states that there was photo evidence proposed of extra buildings that had been moved in. Mr. Guetschow states that there were no permits issued for any of them.

3.) Do we have the right Mr. Wallin to call the contents of the un-permitted structures solid waste?

Mr. Guetschow replies that if the structures are dilapidated and/or falling apart then they are no longer habitable.

Madam Commissioner DuCharme states that it says that Mr. May's property contains several un-permitted structures containing solid waste.

Mr. Wallin states that whether or not its solid waste, the purpose of this item is not to retry the issues. The commission are the finders of fact in this matter and served in a quasi-judicial

capacity. The testimony as he recalls is that there were items contained that were deemed unsuitable and whether or not they are solid waste that is up to the commission to decide. We are not here to re-try or re-visit. You made the ruling and if you are not comfortable based on your decision that you made as a board then we can change that. This is our understanding of what you are ruling. We are protecting Mr. May's right to an appeal of he decides to appeal this.

Madam Commissioner DuCharme asks what rights do we have to protect us and if we can use another term instead of solid waste.

Mr. Wallin asks Madam Commissioner DuCharme what she would like to call it. Would you prefer it be called alleged solid waste? Once again this is our attempt to put your findings and conclusions to preserve the record. If you want to say that he has unpermitted structures containing personal property, but once again it has to fall in with the solid waste ordinance. Mr. Wallin believes the intent of your decision was to deem that this was solid waste as defined in the ordinance and that is what staff presented.

Madam Commissioner DuCharme states that she is not comfortable with it being called solid waste and it should be called something else.

Commissioner Frost states that as he reads this it's on us to verify and make it legal for the records to show that is what happened.

ACTION TAKEN: Commissioner Frost makes a motion to approve Findings of Fact/Conclusions of Law, Planning & Zoning Decision Ref: D. May. Chairman Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

8.) Consider adjustment of December 27th Commission Schedule

Ms. Garland states that Christmas falls on Monday the 25th this year. We have a commission meeting scheduled that Wednesday and I would like to request that it either be moved to the previous Thursday or to just choose to not have the meeting at all if that is possible.

Commissioner Frost states that if there was anything critical that did come up could we call a special meeting if need be. Ms. Garland states yes that is a possibility.

ACTION TAKEN: Commissioner Frost makes a motion to cancel the meeting on December 27th, 2017 and if anything critical comes about there would be a special meeting called. Chairman Sanchez seconds the motion.

Madam Commissioner DuCharme asks what the basis for this request is.

Ms. Garland states that there is generally not a lot of business going on at this time of the year as most people are out on vacation. As Commissioner Frost states if need be we can call a special meeting if something crucial comes up. We are requesting this early so that we can begin to advertise of the adjustment for the meeting schedule.

Madam Commissioner DuCharme asks Ms. Garland if there might be enough business to have a meeting on the 13th and the 20th of December. Ms. Garland states that having them a week apart is not very good, as it was mentioned if need be we can schedule a special meeting. Madam Commissioner DuCharme states that if we skip a meeting it will be a month before we have our next meeting. Ms. Ortiz states that if we see there is a need for a meeting on the 13th then we can go ahead and call a special meeting. No further discussion, all Commissioners in favor. **MOTION CARRIED**

9.) Consider adjustment of December 24th Holiday Observance

Ms. Garland is proposing to the Commission that they allow the county offices to be closed on the 26th since the Christmas Eve floating holiday falls on that Sunday. This will allow for families to travel and have more time to get home and recover from the holiday. We will advertise right away so that the public will be aware of the offices being closed that day.

Madam Commissioner DuCharme states that the employees will be off Friday, Saturday, Sunday, Monday, and Tuesday. Ms. Garland replies that yes that is correct, and what this will allow is for all of the county employees as a whole to take the floating holiday. Ms. Ortiz states that the county normally has a skeleton crew at this time anyway with everyone trying to take their vacation time. This would make it more equitable for all employees to be able to take off at the same time than for the departments to decide who can and cannot take off at this time.

ACTION TAKEN: Commissioner Frost makes a motion to approve to the December 24th holiday be moved to December 26th, 2017 to allow all employees to have this day off. Madam Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

***County Manager Requests/Reports:**

10.) Amendment to Agreement for Inmate Confinement Between Santa Fe County and Torrance County

Ms. Garland states that she would like to apologize for this, she and Sheriff White have been working diligently on this with Santa Fe County trying to get a contract in place for our inmates to be confined at the Santa Fe County jail. Ms. Garland states that she has contacted Santa Fe County this morning and their legal department is still working on the contract. With the permission of the commission she would like to call an emergency meeting tomorrow October 12th, 2017 so that we can get this contract reviewed and approved. Ms. Garland states that we can call an emergency meeting within 24 hours. We will have to notify the Attorney General's Office about this meeting. Ms. Garland states that the inmates need to be moved out by next Friday so she does need this contract reviewed and signed ASAP to allow us time to set up transportation of the inmates.

There is some discussion between Commissioner Frost and Ms. Garland regarding the Core Civic Facility and the time it will take to process the inmates when they get to Santa Fe County and also some discussion about the time of the meeting for the following day.

Ms. Ortiz states that it may be possible for the commission to recess this meeting for the following day instead of having to call an emergency meeting.

Mr. Wallin states that yes it is an option.

Chairman Sanchez states that yes we will recess this meeting until tomorrow at 3:00 p.m. instead of having to call for an emergency meeting.

11.) Update

Ms. Garland reads her update to the Commission. On 9/28/17 & 9/29/17 she met with the grant committee to discuss a few grants for the Sheriff's department and the next day she and Sheriff White went to Santa Fe to discuss inmate housing at the Santa Fe County Jail.

October 2nd through 5th she attended the Rickett's Trial at District Court, drove a few roads she received complaints about and worked on various email and phone calls and administrative processes.

Worked on October 4th on the solid waste proposal with Commissioner Frost, on the 10th met with a resident about road complaints, and attended a public hearing for PMS and the Torrance County Senior Citizens. **UPDATE HERETO ATTACHED**

Public Comment / 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.

a.) Annette Ortiz Deputy County Manager would like to inform everyone that October is Breast Cancer awareness month. Every Thursday during the Month of October we will be having small contests on that day and we also would like to encourage everyone to wear pink on those Thursdays. Also on October 31st, 2017 we will be closed from 12:30 pm to 1:30 pm for a small Halloween Carnival and lunch for the employees.

b.) Betty Cabber Torrance County Assessor would like to inform everyone that road work is about to begin on Highway 41 between Stanley and Galisteo on Monday October 16th. 2017. Once the work begins there will be lane closures and the road will be down to one lane in certain areas. The DOT will be using a pilot car to escort people through. This is just information for everyone that may have plans on going in that direction. Either give yourself more time or seek alternate route.

***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.) Pending Litigation related to Ricketts v. Torrance County, Section 10-15-1(H)(3)

Chairman Sanchez asks for a motion to enter into Executive Session.

ACTION TAKEN: Commissioner Frost makes a motion to enter into Executive session. Madam Commissioner DuCharme seconds the motion. No further discussion, all Commissioners in favor. Roll call vote: Commissioner Frost, District 1-Yes. Madam Commissioner DuCharme, District 2-yes. Chairman Sanchez, District 3-Yes. **MOTION CARRIED**

Entered into Executive session at 11:02 a.m.

ACTION TAKEN: Chairman Sanchez makes a motion to reconvene from Executive session. Commissioner Frost seconds the motion. **MOTION CARRIED**

Return from Executive Session at 11:10 a.m.

***Reconvene from Executive Session:**

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

a.) Consider and Act upon, if necessary Litigation related to Ricketts v. Torrance County

Commissioner Sanchez states that no action will be taken from executive session.

Chairman Sanchez states that we will not adjourn this meeting. We will recess until tomorrow October 12th, 2017 at 3:00 to get the approval for agenda item #10 so that everyone will get a chance to review the agreement before it is signed once we get it from Santa Fe County.

MEETING RECESSED at 11:12 a.m.

RECONVENE FROM RECESS

Chairman Sanchez calls the meeting to order at 3:01 p.m. October 12th, 2017. (Chairman Sanchez was not present at the meeting but was conducting the meeting via phone)

Chairman Sanchez states that we will continue with agenda item #10 which is the amendment to agreement for inmate confinement between Santa Fe County and Torrance County.

10. Cont'd) Commission Sanchez asks if there is any discussion or public comment on this. Ms. Garland states that there is no one other than herself, the other 2 commissioners, Yvonne from the clerk's office and Mr. Godey, that are present. Commissioner Frost states that he has no comments at this time.

ACTION TAKEN: Commissioner Frost asks for a motion to approve the Amendment to Agreement for Inmate Confinement between Santa Fe County and Torrance County. Madam Commissioner DuCharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

ADJOURNMENT

ACTION TAKEN: Chairman Sanchez makes a motion to adjourn the October 11th, 2017 Regular Commission Meeting. Madam Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

Meeting adjourned at 3:05 pm

Chairman Javier Sanchez

Yvonne Otero-Administrative Assistant

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.



Consent Agenda

C E R T I F I C A T I O N

TOTAL CHECKS PRINTED 42

THE UNDERSIGNED MEMBERS OF THE TORRANCE COUNTY BOARD OF COMMISSIONERS DO CERTIFY THAT THE CLAIMS ENUMERATED ABOVE WERE APPROVED ALLOWED & DO AUTHORIZE THE WARRANTS AGAINST THE FUNDS OF TORRANCE COUNTY FOR THE SUM OF 25,785.85 ON ACCOUNT OF OBLIGATIONS INCURRED FOR THE SERVICES AS SHOWN ABOVE FOR THE PERIOD ENDING 10//1/9/20 . WE CERTIFY THAT THE WITHIN NAMED PERSONS ARE LEGALLY ENTITLED UNDER THE CONSTITUTION OF THE STATUTES OF NEW MEXICO TO RECEIVE THE COMPENSATION STATED HERBIN. THAT THE SERVICES HAVE BEEN PERFORMED AS STATED IN THE ACCOUNTS HEREIN, THAT THEY ARE NECESSARY AND PROPER, THAT THIS VOUCHER HAS BEEN EXAMINED, THAT THE AMOUNTS CLAIMED ARE JUST, REASONABLE, AND AS AGREED AND THAT NO PART HAS BEEN PAID BY TORRANCE COUNTY.

SIGNED

ATTEST BY

James W. Frost

Javier Sanchez

Julia Ducharme

Linda Jaramillo

THE UNDERSIGNED COUNTY TREASURER DOES HEREBY CERTIFY THAT SUFFICIENT FUNDS EXIST FOR THESE ACCOUNTS PAYABLE CHECKS TO BE ISSUED ON THIS DATE AND DOES HEREBY AUTHORIZE THE FINANCE DEPARTMENT TO PROCESS THESE CHECKS.

Tracy L. Sedillo

CK#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount
	211.62		BOLTS					31493
	10/11/2017		SEPTEMBER 2017					31493

COUNTY ROAD SHOP 211.62

01 R 101558	HONSTEIN OIL CO.	P&L FUEL-Z22216	685-08-2202	11101117	10/11/2017			141.94
		P&L FUEL-Z22216	401-08-2202					59.90
		ASSESSOR FUEL	610-40-2202					20.78
		TC ANIMAL SHELTER FUEL	401-82-2202					184.24

PLANNING & ZONING 201.84 COUNTY ASSESSOR 20.78 ANIMAL SHELTER 184.24

01 R 101559	JARAMILLO, LINDA	CLERK'S AFFILIATE MEETING	401-21-2205	12101117	10/11/2017			38.00
		OCTOBER, 2017						

ELECTIONS 38.00

01 O 101560	KAYSER, LINDA	CLERK'S AFFILIATE MEETING	401-21-2205	13101117	10/11/2017			38.00
		OCTOBER, 2017						

ELECTIONS 38.00

01 R 101561	LOBO INTERNET SERVICES LTD	WIRELESS INTERNET SERVICE	401-82-2272	14101117	10/11/2017			48.46
		OCTOBER, 2017						
		INVOICE # 95464						
		MONTHLY INTERNET SERVICE	911-80-2272	15101117	10/11/2017			148.07
		OCTOBER, 2017						
		INVOICE # 95375						
		TCPD, 2,3,4,5 & FIRE ADMTN.	408-91-2272	16101117	10/11/2017			156.15
		MONTHLY INTERNET SERVICE	409-91-2272					81.15
		OCTOBER, 2017	405-91-2272					81.15
		INVOICE # 95372	406-91-2272					76.15
			413-91-2272					36.15

TCPO-DV&HV MONTHLY INTERNET SERV 629-49-2207

		OCTOBER, 2017	690-86-2272	17101117	10/11/2017			25.84
		INVOICE # 95374						25.85

ANIMAL SHELTER 48.46 911-DISPATCH CENTER 148.07 STATE FIRE ALLOTMENT 430.75

HOME VISITING GRANT FY	25.84	DV CONTRACT FY18	25.85					
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01 R 101562 IUCERO, LUCIA

		TEEN COURT SERVICES	605-03-2271	18101117	10/11/2017			31559
		SEPT 16-30, 2017						31559
		MAX \$20/HOUR PLUS GRT						31559
		MAXIMUM OF 15 HOURS/WEEK						31559
		5 ADDITIONAL HOURS FOR REPORTS						31559
		INVOICE # 930-017						

DWI DISTRIBUTION GRANT 640.50

01 R 101563	MEM OF NEM MEXICO	2 - 12X12 REFLECTIVE DOOR EMBLEM	610-40-2218	19101117	10/11/2017			31536
		1043.05						31536
		2 - 2"X 4" REFLECTIVE UNIT NUMBERS						31536
		1.5 - GRAPHICS REMOVAL						31536
		1 - GRAPHIC INSTALLATION						31536
		TAX						31536
		VERBAL APPROVAL BY L. OLIVAS						31536
		1715 ON 8/31/2017 TMP-180903						31536
		INVOICE # 5274						
		24" / 61CM 10-16V NROAD LBD SGL	610-40-2248	20101117	10/11/2017			805.55

CR#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount
01 0	10/15/17	REARBY, WARREN T	DISTRICT 3 MAIN STATION	408-91-2215	27101117	10/11/2017	31551	600.00
			REPLACEMENT OF 5 EXTERIOR				31551	
			SECURITY LIGHT FIXTURES WITH 28				31551	
			WANT DUSK TO DAWN LED FIXTURES				31551	
			COMPARABLE TO 150 WANT HID				31551	

STATE FIRE ALLOTMENT 600.00								
01 0	10/15/17	RICH FORD SALES	OIL CHANGE & INSPECTION	401-30-2201	28101117	10/11/2017	31629	48.87
			2017 EXPLORER				31629	
			INVOICE # 2015228/1-2					

COUNTY TREASURER 48.87								
01 0	10/15/17	RICOH USA, INC	MP3354SP - C66130949	401-30-2203	32101117	10/11/2017		278.42
			7/23/2017-8/22/2017 RENT					
			INVOICE # 99497746					

COUNTY TREASURER 278.42								
01 0	10/15/17	RICOH USA, INC	REPLACES PO#30551	401-05-2203	29101117	10/11/2017		414.60
			RICOH MFC4530; 1 NSI AS WRKFLW					
			DYE LIC (IDVY LIC) MAINT 8PS					
			INSTALLATION NSI AUTOSTORAGE					
			MP5001 V801500501 P/V					
			THIS PO IS SUBJECT TO WSCA					
			CONTRACT #1715 AND STATE OF NEW					
			MEXICO CONTRACT 90-000-00-00092A					
			36 MONTH LEASE 383.22/MONTH					
			383.12 X 12 IS 4,583.04. EACH					
			B&W COPY IS BILLABLE AT 0.0107					
			PER COPY, GOLD INCLUDES PARTS,					
			LABOR, TONER, AND STAPLES.					
			EXCLUDES PAPER. FULL SHIP TO					
			ADDRESS:					
			205 9TH STREET (PO BOX 48)					
			ESPANOLA, NM 87016 (ROOM 24)					
			VERBAL APPROVAL BY L. OLIVAS					
			928 ON 5/25/2017 TMP-FY1802					
			INVOICE # 23474785					

COUNTY COMMISSION 414.60								
01 0	10/15/17	RICOH USA, INC	REPLACES PO#30551	401-05-2203	30101117	10/11/2017		421.17
			INVOICE # 5050556604					

COUNTY COMMISSION 421.17								
01 0	10/15/17	RICOH USA, INC	REPLACES PO#30551	401-05-2203	31101117	10/11/2017		877.73
			INVOICE # 505002850; 5050047859					

COUNTY COMMISSION 877.73								
01 0	10/15/17	RMS SERVICES	MAINT. CONTRACT FOR ADMIN. BLDG	401-15-2203	33101117	10/11/2017		1222.01
			MAINT. CONTRACT FOR JUDICIAL	401-16-2203				870.91
			INVOICE # 3088/3089					
			CHANGE FILTERS AT SENIOR CENTERS	401-16-2215	34101117	10/11/2017		257.55

CR#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount
			VERBAL APPROVAL BY L. OLIVAS					31595
			1443 ON 9/20/2017 TWP-180917					31595

ADMINISTRATIVE OFFICES 1222.01 JUDICIAL COMPLEX MAINT 1128.46

01 O 101578	10/11/2017	SEPIILLO, TRACY	NMAC TREASURER'S AFFILIATE	609-30-2205	35101117	10/11/2017		152.00
			CONFERENCE OCTOBER, 2017					

COUNTY TREASURER 152.00

01 O 101579	10/11/2017	STAPLES BUSINESS ADVANTAGE	BATTERIES, RUBBER BANDS, PLANNER	401-08-2219	36101117	10/11/2017		57.55
		1821.76	RED SHARPIES, RED MARKERS,					31563
			COLORAD PAPER					31563
			INVOICE # 3353077345&3353077346	411-92-2219	41101117	10/11/2017		31571
			BROTHER LABEL MAKER, TONER,					31571
			LABEL MAKER TAPES, PENCIL					31571
			POUCHES, DRY ERASE BOARD ERASERS					31571
			1.5" BINDERS; 123 BATTERIES					
			INVOICE # 3353165699;3353077344					

PLANNING & ZONING 57.55 1/4% FIRE EXCISE TAX 1764.21

01 R 101580	10/11/2017	SUPERIOR AMBULANCE	B. L.M INDIGENT MEDICL	414-19-2293	48101117	10/11/2017		1410.17
		1410.17	ACCOUNT # 18602					
			INDIGENT CLAIM # 1931					

ZND 1/8 GROSS RECEIPTS 1410.17

01 O 101581	10/11/2017	TDS/CCR TIRES CENTERS	TIRE TUBE FOR TRACTOR MOWER	402-60-2244	43101117	10/11/2017		611.54
		611.54	VERBAP APPROVAL BY T. OLIVAS					31542
			1217 ON 9/11/2017 TWP-180913					31542
			ADD: TIRES FOR TILT TOP TRAILER					31542
			INVOICE # 77127/77515					

COUNTY ROAD DEPARTMENT 611.54

01 R 101582	10/11/2017	TENORIO, AMANDA	EDGE CLASSES-PUBLIC PURCHASING	401-55-2205	37101117	10/11/2017		228.00
		228.00	OCTOBER-2017					

FINANCE DEPARTMENT 228.00

01 O 101583	10/11/2017	TJ ENTERPRISES AUTO SUPPLY	PARTS/HARDWARE FOR BUILDING	401-15-2215	44101117	10/11/2017		59.88
		59.88	MAINTENANCE					31479
			PARTS/HARDWARE FOR AUTO					31479
			MAINTENANCE					31479
			SEPTEMBER 2017					

ADMINISTRATIVE OFFICES 59.88

01 O 101584	10/11/2017	TJ ENTERPRISES AUTO SUPPLY	PARTS FOR EQUIPMENT REPAIRS -	402-60-2244	45101117	10/11/2017		534.94
		534.94	OILS, FILTERS, BELTS, WIPER					31492
			BLADES, WRENCHES, BRAKES, WHEEL					31492
			STUDS, GROSSBAR, LOG NOTS,					31492
			COORANTS, TOWELS					31492
			SEPTEMBER 2017					

COUNTY ROAD DEPARTMENT 534.94

CHK#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount
01 0	101585	TJ ENTERPRISES AUTO SUPPLY	PARTS FOR VEHICLE REPAIRS - OILS	402-60-2201	46101117	10/11/2017	31490	681.38
			FILTERS, TOWELS, FLUIDS, BELTS,				31490	
			FUSES, COOLANTS, PLUGS, FUNNELS,				31490	
			GASKETS				31490	
			SEPTEMBER 2017				31490	

COUNTY ROAD DEPARTMENT 681.38								
01 0	101586	WASTE MANAGEMENT OF NM INC.	DIST. 5 VFD (8) YARD DUMPSTER	405-91-2210	38101117	10/11/2017		641.08
			INVOICE # 8635385-0573-7					
			FIRE ADMIN. MONTHLY CHARGES	413-91-2210	39101117	10/11/2017		332.84
			1-8 YARD DUMPSTER					
			OCTOBER, 2017					
			INVOICE # 8635384-0573-0					

STATE FIRE ALLOTMENT 973.92								
01 0	101587	WILLARD, VILLAGE OF	DIST. 6 VFD MONTHLY WATER BILL	418-91-2210	40101117	10/11/2017		54.33
			8/28/2017-9/26/2017					

STATE FIRE ALLOTMENT 54.33								
01 0	101588	2ND-TO-NONE SERVICE	4 - OIL CHANGES FOR NEW SEMTS	402-60-2244	42101117	10/11/2017	31522	1568.80
			VERBAL APPROVAL BY K. HERNANDEZ				31522	
			926 ON 9/7/2017 TWP-180908				31522	
			INVOICE # 286555;54;50;49					

COUNTY ROAD DEPARTMENT 1568.80								
01 0	101589	TC AND F, LLC	WEED CONTROL CHEMICALS FOR ADMIN	401-15-2215	9292017	09/20/2017	31293	91.88
			INVOICE # 293					

ADMINISTRATIVE OFFICES 91.88								
01 0	101590	HICERO, MARTIN	ICS 400 TRAINING	604-83-2205	1101717	10/17/2017		136.00
			RUIDOSO, NW-LINCOLN COUNTY SOC					
			OCTOBER, 2017					

COMMUNICATIONS/EMS TAX 136.00								
42	25785.95	/ /	TOTAL					

** GRAND TOTAL **		25,785.85	.00
**TOTAL	GENERAL FUND	8,229.35	.00
**DEPT	COUNTY COMMISSION	2,080.92	.00
401-05-2203	MAINTENANCE CONTRACTS	1,713.50	.00
401-05-2207	TELECOMMUNICATIONS	367.42	.00
**DEPT	PLANNING & ZONING	117.45	.00
401-08-2202	VEHICLE FUEL	59.90	.00
401-08-2219	OFFICE SUPPLIES	57.55	.00
**DEPT	COUNTY MANAGER	189.65	.00
401-10-2207	TELECOMMUNICATIONS	189.65	.00
**DEPT	ADMINISTRATIVE OFFICES MAINTENAN	1,639.07	.00
401-15-2203	MAINTENANCE CONTRACTS	1,222.01	.00
401-15-2215	BUILDING MAINTENANCE/REPAIR	417.06	.00
**DEPT	JUDICIAL COMPLEX MAINTENANCE	1,128.46	.00
401-16-2203	MAINTENANCE CONTRACTS	870.91	.00
401-16-2215	BUILDING MAINTENANCE/REPAIR	257.55	.00
**DEPT	ELECTIONS	76.00	.00
401-21-2205	MISAGE/PER DIEM	76.00	.00
**DEPT	COUNTY TREASURER	327.29	.00
401-30-2201	VEHICLE MAINTENANCE/REPAIR	48.87	.00
401-30-2203	MAINTENANCE CONTRACTS	278.42	.00
**DEPT	FINANCE DEPARTMENT	228.00	.00
401-55-2205	MISAGE/PER DIEM	228.00	.00
**DEPT	INFORMATION TECHNOLOGY DEPARTMEN	1,917.61	.00
401-65-2203	MAINTENANCE CONTRACTS	1,917.61	.00
**DEPT	ANIMAL SHELTER	524.90	.00
401-82-2202	VEHICLE FUEL	184.24	.00
401-82-2207	TELECOMMUNICATIONS	266.02	.00
401-82-2209	HEATING/GAS/PROPANE	26.18	.00
401-82-2272	PROFESSIONAL SERVICES	48.46	.00
**TOTAL	ROAD FUND	4,625.72	.00
**DEPT	COUNTY ROAD DEPARTMENT	4,414.10	.00
402-60-2201	VEHICLE MAINTENANCE/REPAIR	681.38	.00
402-60-2207	TELECOMMUNICATIONS	94.48	.00
402-60-2244	MACHINERY MAINTENANCE/REPAIR	3,638.24	.00
**DEPT	COUNTY ROAD SHOP	211.62	.00
402-61-2250	SHOP SUPPLIES	211.62	.00
**TOTAL	DISTRICT 5 VFD	905.11	.00
**DEPT	STATE FIRE ALLOTMENT	905.11	.00
405-91-2209	HEATING/GAS/PROPANE	64.95	.00
405-91-2210	WATER/SEWER/TRASH	641.08	.00
405-91-2230	MEDICAL SUPPLIES	117.93	.00
405-91-2272	PROFESSIONAL SERVICES	81.15	.00
**TOTAL	DISTRICT 2 VFD	1,705.90	.00

**DEPT STATE FIRE ALLOTMENT 1,705.90 .00
 406-91-2207 TELECOMMUNICATIONS 277.00 .00
 406-91-2209 HEATING/GAS/PROPANE 1,158.75 .00
 406-91-2248 SAFETY EQUIPMENT 194.00 .00
 406-91-2272 PROFESSIONAL SERVICES 76.15 .00
 **TOTAL DISTRICT 3 VFD 1,230.70 .00

**DEPT STATE FIRE ALLOTMENT 1,230.70 .00
 408-91-2207 TELECOMMUNICATIONS 289.08 .00
 408-91-2209 HEATING/GAS/PROPANE 53.04 .00
 408-91-2215 BUILDING MAINTENANCE/REPAIR 600.00 .00
 408-91-2230 MEDICAL SUPPLIES 132.43 .00
 408-91-2272 PROFESSIONAL SERVICES 156.15 .00
 **TOTAL DISTRICT 4 VFD 249.67 .00

**DEPT STATE FIRE ALLOTMENT 249.67 .00
 409-91-2207 TELECOMMUNICATIONS 168.52 .00
 409-91-2272 PROFESSIONAL SERVICES 81.15 .00
 **TOTAL COUNTY FIRE PROTECTION FUND 1,764.21 .00

**DEPT 1/4% FIRE EXCISE TAX 1,764.21 .00
 411-92-2219 OFFICE SUPPLIES 1,764.21 .00
 **TOTAL FIRE DEPARTMENT ADMIN 646.40 .00

**DEPT STATE FIRE ALLOTMENT 646.40 .00
 413-91-2207 TELECOMMUNICATIONS 277.41 .00
 413-91-2210 WATER/SEWER/TRASH 332.84 .00
 413-91-2272 PROFESSIONAL SERVICES 36.15 .00
 **TOTAL INDIGENT FUND 1,967.37 .00

**DEPT 2ND 1/8 GROSS RECEIPTS TAX 1,967.37 .00
 414-19-2293 INDIGENT MEDICAL CLAIMS 1,967.37 .00
 **TOTAL DISTRICT 6 VFD 93.56 .00

**DEPT STATE FIRE ALLOTMENT 93.56 .00
 418-91-2209 HEATING/GAS/PROPANE 39.23 .00
 418-91-2210 WATER/SEWER/TRASH 54.33 .00
 **TOTAL CIVIL DEFENSE FUND 136.00 .00

**DEPT COMMUNICATIONS/BMS TAX 136.00 .00
 604-83-2205 MILEAGE/PER DIEM 136.00 .00
 **TOTAL DMI PROGRAM FUND 640.50 .00

**DEPT DMI DISTRIBUTION GRANT FY18 640.50 .00
 605-03-2271 NON-PROFESSIONAL SERVICES 640.50 .00
 **TOTAL TREASURER'S FEE 1,698.12 .00

**DEPT COUNTY TREASURER 1,698.12 .00
 609-30-2205 MILEAGE/PER DIEM 304.00 .00
 609-30-2219 OFFICE SUPPLIES 1,394.12 .00
 **TOTAL PROPERTY VALUATION FUND 1,063.83 .00


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**DEPT          COUNTY ASSESSOR          1,063.83          .00
610-40-2202     VEHICLE FUEL            20.78             .00
610-40-2218     EQUIPMENT MAINTENANCE/REPAIR  237.50            .00
610-40-2248     SAFETY EQUIPMENT        805.55            .00
*****
**TOTAL          HOME VISITING GRANT      64.54             .00
*****
**DEPT          HOME VISITING GRANT FY18  64.54             .00
629-49-2205     MILRAGE/PER DIEM        38.70             .00
629-49-2207     TELECOMMUNICATIONS      25.84             .00
*****
**TOTAL          P&Z COURT FEES          216.94            .00
*****
**DEPT          PLANNING & ZONING        216.94            .00
685-08-2201     VEHICLE MAINTENANCE/REPAIR  75.00             .00
685-08-2202     VEHICLE FUEL            141.94            .00
*****
**TOTAL          DOMESTIC VIOLENCE GRANT  275.85            .00
*****
**DEPT          DV CONTRACT FY18        275.85            .00
690-86-2266     TRAINING                 250.00            .00
690-86-2272     PROFESSIONAL SERVICES    25.85             .00
*****
**TOTAL          EMERGENCY-911 FUND      272.08            .00
*****
**DEPT          911-DISPATCH CENTER    272.08            .00
911-80-2215     BUILDING MAINTENANCE/REPAIR  124.01            .00
911-80-2272     PROFESSIONAL SERVICES    148.07            .00
*****
BANK01          WELLS FARGO              25,785.85         .00
** BANK TOTALS **          25,785.85         .00
*****

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C E R T I F I C A T I O N

TOTAL CHECKS PRINTED

THE UNDERSIGNED MEMBERS OF THE TORRANCE COUNTY BOARD OF COMMISSIONERS DO CERTIFY THAT THE CLAIMS ENUMERATED ABOVE WERE APPROVED ALLOWED & DO AUTHORIZE THE WARRANTS AGAINST THE FUNDS OF TORRANCE COUNTY FOR THE SUM OF 155,935.85 ON ACCOUNT OF OBLIGATIONS INCURRED FOR THE SERVICES AS SHOWN ABOVE FOR THE PERIOD ENDING 10/19/2017 . WE CERTIFY THAT THE WITHIN NAMED PERSONS ARE LEGALLY ENTITLED UNDER THE CONSTITUTION OF THE STATUTES OF NEW MEXICO TO RECEIVE THE COMPENSATION STATED HEREIN. THAT THE SERVICES HAVE BEEN PERFORMED AS STATED IN THE ACCOUNTS HEREIN, THAT THEY ARE NECESSARY AND PROPER, THAT THIS VOUCHER HAS BEEN EXAMINED, THAT THE AMOUNTS CLAIMED ARE JUST, REASONABLE, AND AS AGREED AND THAT NO PART HAS BEEN PAID BY TORRANCE COUNTY.

SIGNED

ATTEST BY

James W. Frost

Javier Sanchez

Julia Ducharme

Linda Jaramillo

THE UNDERSIGNED COUNTY TREASURER DOES HEREBY CERTIFY THAT SUFFICIENT FUNDS EXIST FOR THESE ACCOUNTS PAYABLE CHECKS TO BE ISSUED ON THIS DATE AND DOES HEREBY AUTHORIZE THE FINANCE DEPARTMENT TO PROCESS THESE CHECKS.

Tracy L. Sedillo

14

OUTSTANDING INVOICES

INVC#	Name	Description	Line Item	PO#	Amount
1101917	AIRGAS USA LLC	DIST.2 VFD CYLINDER RENTAL FEE	406912230		94.29
94.29	TOT\$ AIRGAS INC	SEPTEMBER, 2017			
94.29	PAID P O BOX 676015				
94.29	BAL DALLAS TX 75267 6015				
2101917	AIRGAS USA LLC	20 - HI VIZ FULL BRIM HARD HAT	600062248		466.77
466.77	TOT\$ AIRGAS INC	W/LOGO - PN 34HYR			
466.77	PAID P O BOX 676015	HARD HAT HAS LOGO BYB61176 ON			
466.77	BAL DALLAS TX 75267 6015	TWO SIDES			
		SHIPPING & HANDLING			
		INVOICE # 9068228475			
3101917	ARTESIA FIRE EQUIPMENT INC	LION V-FORCE COAT W/C7	411922248		3487.50
3487.50	TOT\$	TRADITIONAL LINER, LION V-FORCE			
3487.50	PAID 1014 S 1ST ST/P O BOX 1367	LUMBAR PANT W/CY TRADITIONAL			
3487.50	BAL ARTESIA NM 88211 1367	LINER, TRADITIONAL HELMET W/4"			
		TUFFSHIELD, LEATHER HELMET,			
		STRUCTURAL BOOT, WILDLAND BOOT,			
		MAJESTIC WHITE NOMEX PAC II HOOD			
		OVERSIZED GEAR BAG, SHELBY FLEX			
		TUFF GLOVE W/O WRISTLET			
		L. GARY			
		INVOICE # 60923			
4101917	ATLANTIC TACTICAL INC.	2 - SERPA HOLSTERS	410502222		231.90
231.90	TOT\$	REPLACES PO 30837 - ORIGINALLY			
231.90	PAID 763 CORPORATE CIRCLE	APPROVED ON 3/6/2017			
231.90	BAL NEW CUMBERLAND PA 17070	VERBAL APPROVAL BY L. OLIVAS			
		1442 ON 6/26/2017 TMP-FY1817			
		INVOICE # SI-80599892			
5101917	AUTO CUSTOMS, LLC	EXTANGE ENCORE SOLID FOLDING	604832248		1038.30
1038.30	TOT\$	TONNEAU COVER;			
1038.30	PAID 2303 SE 17TH STREET, SUITE 102	3" PRO SERIES BLACK NERF BAR			
1038.30	BAL OCALA FL 34471	INVOICE # 349535			
6101917	AUTOZONE INC.	2 - COMMERCIAL GRAD 18000MAH	401502201		379.98
379.98	TOT\$	LI-ION JUMP START AND POWER			
379.98	PAID P.O. BOX 116067	BANK			
379.98	BAL ATLANTA GA 30368 6067	INVOICE # 2248738553			
7101917	AUTOZONE INC.	BATTERIES, WIPER BLADES, WASHER	401502201		400.48
800.96	TOT\$	FLUID, OTHER VEHICLE MAINTENANCE	420742201		400.48
800.96	PAID P.O. BOX 116067	NEEDS			
800.96	BAL ATLANTA GA 30368 6067	AUGUST 2017			
8101917	CABBER, BETTY	NWAC ASSESSOR FALL CONFERENCE	610402205		152.00
152.00	TOT\$	SILVER CITY, 2017			

OUTSTANDING INVOICES

INVC#	Name	Description	Line Item	PO#	Amount
PAID	48 W ICE PLANT ROAD				
152.00	BAL ESTANCIA NM 87016				
9101917	CENTRAL NM ELECTRIC COOP.	COURTHOUSE MONTHLY BILL SEPT.-17	401152208		2314.46
		COURTHOUSE	401152208		6.38
8758.74	TOT\$	HEALTH DEPT. MONTHLY BILL	401242208		253.99
PAID	PO BOX 669	SENIOR CENTER'S MONTHLY BILL	401052208		1443.92
8758.74	BAL	JUDICIAL MONTHLY BILL	401162208		3354.48
	MORIARTY NM 87035 0669	DIST. 1 VFD MONTHLY BILL	407912208		112.56
		DISPATCH MONTHLY BILL	911802208		1272.95
10101917	COMPUTER CORNER INC	TRIPP LIFE 375W CAR POWER	610402248		187.96
187.96	TOT\$	INVERTER		31638	
PAID	3101-A MENAUL NE	INVOICE # 158690		31638	
187.96	BAL	ALBUQUERQUE NM 87107			
11101917	COMPUTER CORNER INC	DIAGNOSTIC/REPAIR FOR DESKTOP	610402218		59.12
59.12	TOT\$	COMPUTER - N. SEDILLO		31632	
PAID	3101-A MENAUL NE	INVOICE # 158727		31632	
59.12	BAL	ALBUQUERQUE NM 87107			
12101917	CORRECTIONS CORP. OF AMERICA	INMATE COST	420702172		81008.50
83604.21	TOT\$	INMATE MEDICAL	420702173		2499.13
PAID	P.O. BOX 936017	INMATE X-RAY	420702173		96.58
83604.21	BAL	9-2017			
13101917	DE LAGE LANDEN FINANCIAL SERVICE	MONTHLY PAYMENT	401502218		285.25
285.25	TOT\$	INVOICE # 56246211			
PAID	P O BOX 41602				
285.25	BAL	PHILADELPHIA PA 19101			
14101917	DOCUMENT SOLUTIONS INC	MONTHLY CHARGES 9/8-10/7-2017	401502203		222.56
222.56	TOT\$	INVOICE # IN72837			
PAID	P O BOX 37410				
222.56	BAL	ALBUQUERQUE NM 87178			
15101917	DT AUTOMOTIVE	FUEL SENSOR	401502201		412.00
412.00	TOT\$	TIRE ROTATION		31666	
PAID	BRANDON DAVIS	BACA - DODGE		31666	
412.00	BAL	MORIARTY NM 87035			
		INVOICE # 316661			
16101917	DT AUTOMOTIVE	REAR BRAKES	401502201		622.00
622.00	TOT\$	BATTERY		31664	
PAID	BRANDON DAVIS	FUEL SENSOR		31664	
622.00	BAL	MORIARTY NM 87035			
		TIRE ROTATION		31664	
		GARCIA - DODGE		31664	
		INVOICE # 316641			
17101917	DT AUTOMOTIVE	OIL CHANGES, TIRE FIXES, AIR	401502201		487.00
974.00	TOT\$	FILTERS, TIRE ROTATIONS, ROUTINE	420742201		487.00
				31219	
				31219	

OUTSTANDING INVOICES

INVC#	Name	Description	Line Item	PO#	Amount
974.00	PAID P.O. BOX 1890 BAL MORIARTY NM 87035	VEHICLE MAINTENANCE SEPTEMBER 2017		31219 31219	404.00
18101917	DT AUTOMOTIVE	1 - OIL CHANGE	401502201	31665	
404.00	TOT\$ ERANDON DAVIS	2 - REAR TIRE		31665	
	PAID P.O. BOX 1890	VERBAL APPROVAL BY L. OLIVAS		31665	
404.00	BAL MORIARTY NM 87035	1149 ON 9/29/2017 TMP-180925 INVOICE # 31665		31665	
12.77	TOT\$ ESPINOSA-MOORE, BERTHA	ITEMS FOR TODDLER PRIZE	629492224		12.77
	PAID 161 THUNDER MOUNTAIN RD.	FOR BEAN BAG THROW			
12.77	BAL EDGEWOOD NM 87015	TCPO OUTREACH EVENT			
20101917	G & K SERVICES	MATS;MOPS;ETC. ADMIN. BLDG. SEPT 401152237			770.20
1459.00	TOT\$ P O BOX 842385	MATS;MOPS;ETC.JUDICIAL/SEPT. 401162237			688.80
	PAID BOXTON MA 02284 2385				
1459.00	BAL GARCIA, NAIOMI	FINGERPRINTS	911802272		8.30
8.30	TOT\$ 76 ESTANCIA DEL NORTE				
	PAID MORIARTY NM 87035				
8.30	BAL GONZALES, JUAN PEREA	FINGERPRINTS	911802272		8.30
50101917	PO BOX 563				
8.30	TOT\$ ESTANCIA NM 87016				
	PAID HART'S TRUSTWORTHY HARDWARE	SHOVELS AND TOOLS FOR FIELD	401822222	31668	98.90
98.90	TOT\$ P.O. BOX 2459	WORK		31668	
	PAID MORIARTY NM 87035	INVOICE # B244552			
98.90	BAL HART'S TRUSTWORTHY HARDWARE				
23101917	HART'S TRUSTWORTHY HARDWARE	NUTS, BOLTS, SCREWS, KEYS, LOCKS 401502218			491.84
491.84	TOT\$ P.O. BOX 2459	HARDWARE FOR S.O.		31231	
	PAID MORIARTY NM 87035	SEPTEMBER 2017		31231	
491.84	BAL HOMESTEAD WATER CO.				
24101917	HOMESTEAD WATER CO.	DIST.5 WATER BILL SEPT. 2017	405912210		16.93
16.93	TOT\$ P.O. BOX 250				
	PAID MORIARTY NM 87035				
16.93	BAL HONSTEIN OIL CO.	FUEL-SEPT. 1-15	420732202		55.89
25101917	HONSTEIN OIL CO.	FUEL-SEPT. 16-30			
55.89	TOT\$ 11 PASEO REAL	INVOICE # ZZ2215/ZZ2216			
	PAID SANTA FE NM 87507				
55.89	BAL HONSTEIN OIL CO.	FUEL CHARGES 10/15/2017	610402202		133.51
26101917	HONSTEIN OIL CO.	ASSESSOR'S OFFICE FLEET UNITS			
133.51	TOT\$ 11 PASEO REAL	INVOICE # ZZ2217			
	PAID				

INVC#	Name	Description	Line Item	PO#	Amount
133.51	BAL SANTA FE NM 87507				
27101917	HONSTEIN OIL CO.	SHERIFF FUEL	401502202		824.33
824.33	TOT\$ PAID	INVOICE # ZZ2216			
824.33	BAL SANTA FE NM 87507				
28101917	HONSTEIN OIL CO.	SHERIFF FUEL	401502202		1138.21
1138.21	TOT\$ PAID	INVOICE # ZZ2215			
1138.21	BAL SANTA FE NM 87507				
29101917	INDEPENDENT NEWS LLC	2 - PUBLIC NOTICES	401082221		14.52
14.52	TOT\$ PAID	9/27 PUBLIC HEARING REVISIONS TO SECTION 13, ORDINANCE 94-12			
14.52	BAL EDGEWOOD NM 87015	2 EDITION RUN 9/6/17, 9/13/17 VERBAL APPROVAL BY K. HERNANDEZ 909 ON 9/5/17 TMP-180904 INVOICE # 78054/78098			
30101917	INDEPENDENT NEWS LLC	EMPLOYMENT AD	401052221		151.29
151.29	TOT\$ PAID	HR DIRECTOR INVOICE # 78168			
151.29	BAL EDGEWOOD NM 87015				
31101917	INDEPENDENT NEWS LLC	AD FOR DANCE UNDER THE STARS	605092221		294.47
294.47	TOT\$ PAID	RUN DATE 9/6/2017 INVOICE # 78024			
294.47	BAL EDGEWOOD NM 87015				
32101917	INTELLICHOICE INC	3 - DEPUTY MOBILE CAD LICENSES	401502272		2487.50
3980.00	TOT\$ PAID	DEA EFORCE 1047 S 100 STE 130 LOGAN UT 84321	420742272		1492.50
3980.00	BAL LOGAN UT 84321	LICENSES INVOICE # 1228759			
33101917	IRON MOUNTAIN RECORDS MANAGEMENT	MONTHLY STORAGE FOR MICROFILM	612202203		85.17
85.17	TOT\$ PAID	INVOICE # 201419001			
85.17	BAL PASADENA CA 91189 1002				
34101917	LESPEARANCE, ISABEL	SECRETARIAL DUTIES	412532272		425.00
425.00	TOT\$ PAID	9/16/17-10/15/2017 INVOICE # 105			
425.00	BAL TORREON NM 87061				
35101917	LUCERO, JESUS	NNMAC ASSESSOR AFFILIATE	610402205		152.00
152.00	TOT\$ PAID	FALL CONFERENCE-2017			
152.00	BAL TORREON NM 87016				
36101917	LUCERO, LUCIA	TEEN COURT SERVICES-GRT	605022272		747.25

INVC#	Name	Description	Line Item	PO#	Amount
747.25	TOT\$	INVOICE # 101-017			
747.25	PAID	PO BOX 123			
747.25	BAL	TORREON NM 87061			
37101917	TOT\$	MAGS INDOOR SHOOTING, LLC	2 - GLOCK 22 GEN 4 40 S&W		979.90
979.90	PAID	DAVID TIXIER	420742231	31606	
979.90	BAL	410 CAMINO ORIENTE/PO BOX 547		31606	
		MORIARTY NM 87035		31606	
38101917	TOT\$	LEASE PAYMENT SCAN PRO 1100	612202203		266.36
266.36	PAID	INVOICE # 15365793			
266.36	BAL	PHILADELPHIA PA 19101 3604			
39101917	TOT\$	TENDER 2-1	406912248		281.50
281.50	PAID	REFLECTIVE CUT AND PRINT/CUT		31527	
281.50	BAL	2500 RIO RANCHO BLVD		31527	
		RIO RANCHO NM 87124		31527	
		GRAPHICS INSTALLATION (HOURS)		31527	
		DESIGN AND PRODOCUTION		31527	
		DECALS AND LETTERING		31527	
		INVOICE # 5332			
40101917	TOT\$	SNACK: FRUIT, CHEESE, CRACKERS,	629492224		23.60
23.60	PAID	FISH SNACKS AND FRUIT JUICE		31633	
23.60	BAL	FOR 2 UPCOMING EDUCATION FAMILY		31633	
		GROUP CONNECTIONS		31633	
		ADD: CARMEL APPLE DIP		31633	
		INVOICE # C0777-0882			
41101917	TOT\$	EMPLOYMENT AD	401052221		66.38
66.38	PAID	HR DIRECTOR		31449	
66.38	BAL	MORIARTY NM 87035		31449	
42101917	TOT\$	EMPLOYMENT ADVERTISEMENT	690862221		58.92
58.92	PAID	DV PREVENTION SPECIALIST		31357	
58.92	BAL	INVOICE # I0001363796-0803		31357	
43101917	TOT\$	COUNTY MANAGER MEMBERSHIP DUES	401052269		450.00
450.00	PAID	01/01/2018-12/31/2018			
450.00	BAL	INVOICE # 200141			
44101917	TOT\$	ASSESSOR VOIP PHONE	610402207		351.52
1919.76	PAID	CLERK VOIP PHONE	401202207		189.28
1919.76	BAL	MANAGER VOIP PHONE	401102207		135.20
		FINANCE	401552207		81.12
		MAINTENANCE	401152207		54.08
		PURCHASING	401272207		27.04
		COMMISSION	401052207		54.08

INVC#	Name	Description	Line Item	PO#	Amount
45101917	NIMCO	RED RIBBON WEEK INCENTIVES	804892257	31652	158.20
158.20	TOT\$ 102 HWY 81 NORTH	RRW SHIRTS, CANDY, EAR BUDS		31652	
	PAID PO BOX 9	SHIPPING AND HANDLING		31652	
158.20	BAL CALHOUN KY 42327 0009	INVOICE # 478057			

45101917	NM APPARATUS LLC	FD7 OIL FILTER;OIL/QT.	413912201		186.05
186.05	TOT\$	PARTS;LABOR			
	PAID P O BOX 471	INVOICE # 92034			
186.05	BAL MCINTOSH NM 87032				

47101917	NM EDGE	14 - EDGE CREDITS	401552266	31646	910.00
910.00	TOT\$	PUBLIC PURCHASING CLASSES		31646	
	PAID 4001 OFFICE COURT SUITE 308	K. HERNADEZ, A. TENORIO		31646	
910.00	BAL SANTA FE NM 87507	INVOICE # 5192			

48101917	NM STATE RECORDS & ARCHIVES CTR	14 - DESTRUCTION OF RECORDS	401302272	31637	7.00
7.00	TOT\$	ALBUQUERQUE RECORDS CENTER		31637	
	PAID 1205 CAMINO CARLOS REY	INVOICE # 2550			
7.00	BAL SANTA FE NM 87505				

49101917	ORTIZ, JENEA R	COORDINATOR & JUAC MEETING	635682205		203.83
203.83	TOT\$				
	PAID 45 ROBERT DR				
203.83	BAL ESTANCIA NM 87016				

51101917	QWEST CORPORATION	SHERIFF MONTHLY BILL SEPT,2017	420702207		273.59
1545.83	TOT\$ DBA CENTURYLINK QC	TREASURER'S MONTHLY BILL	401302207	56.22	
	PAID P O BOX 91155	CLERK MONTHLY BILL	401202207	54.76	
1545.83	BAL SEATTLE WA 98111 9255	SHERIFF MONTHLY BILL	401502207	32.98	
		DIST.5 VFD MONTHLY BILL	405912207	365.34	
		TCFD 6 MONTHLY BILL	418912207	226.21	
		DISPATCH MONTHLY BILL	911802207	536.73	

52101917	REMNEY, WARREN T	1 - GFI OUTLETS REPLACED (4)	911802215	31675	195.00
195.00	TOT\$	LABOR		31675	

OUTSTANDING INVOICES

INVC#	Name	Description	Line Item	PO#	Amount
PAID	46 PAJARITO				
195.00	BAL MORIARTY NM 87035				
780.84	TOT\$ RENTON HARDWARE INC.	REPLACE DOOR IN SHERIFF'S OLD OFFICE	621962611	31654	780.84
780.84	BAL 344 4TH AVE NE	INVOICE # 2190		31654	
780.84	BAL RIO RANCHO NM 87124				
600.68	TOT\$ RICOH USA, INC	F&Z RENT ADDITIONAL IMAGES	401082203		600.68
600.68	BAL P.O. BOX 650073	INVOICE # 99497748			
600.68	BAL DALLAS TX 75265 0073				
65.15	TOT\$ RICOH USA, INC	EQUIPMENT:BLK&WHT COPIES	629492218		65.15
65.15	BAL P.O. BOX 660342	COLORED COPIES	690862218		65.15
65.15	BAL DALLAS TX 75266 0342	9/01/2017-9/30/2017			
65.15	BAL DALLAS TX 75266 0342	INVOICE # 5050602257			
56.96	TOT\$ RICOH USA, INC	REPLACES PO 28393	610402203	31290	56.96
56.96	BAL P.O. BOX 660342	RICOH MPCW220SP WIDE FORMAT	675072203	31290	56.96
56.96	BAL DALLAS TX 75266 0342	INVOICE # 5050602263			
1249.50	TOT\$ SAFETY FLARE INC.	30 - FIRE EXTINGUISHERS FOR UNIT	401502222	31568	1249.50
1249.50	BAL 2803 RICHMOND NE	4 - FIRE EXTINGUISHERS FOR		31568	
1249.50	BAL ALBUQUERQUE NM 87107	SHERIFF'S OFFICE		31568	
1249.50	BAL ALBUQUERQUE NM 87107	INVOICE # 102747			
263.38	TOT\$ SAMBA HOLDINGS, INC.	DL MONITORING AND BACKGROUND	401052272	31292	263.38
263.38	BAL DEPT LA 24536	INVOICE # 16944			
263.38	BAL PASADENA CA 91185 4536				
5550.00	TOT\$ SANTA FE COUNTY CORRECTIONS DEPT	JUVENILE INMATE CARE	420722172		5550.00
5550.00	BAL BANK OF NEW YORK MELLON TRUST CO	INVOICE # TOR 09-2017			
5550.00	BAL 400 SOUTH HOPE STREET SUITE 400				
5550.00	BAL LOS ANGELES CA 90071				
299.76	TOT\$ STAPLES BUSINESS ADVANTAGE	10 RULERS; BLUE PAPER; LIME	629492219	31538	299.76
299.76	BAL DEPT DAL	PAPER; BEIGE PAPER; BLUE PENS;		31538	
299.76	BAL PO BOX 83689	BROCHURE PAPER; 3 PLANNERS		31538	
299.76	BAL CHICAGO IL 60696 3689	CRAYONS FOR OUTREACH, RIBBON,	629492224	31538	299.86
299.76	BAL CHICAGO IL 60696 3689	BALLOONS W/ AIR PUMP; TISSUE		31538	
299.76	BAL CHICAGO IL 60696 3689	PAPER		31538	
313.29	TOT\$ STAPLES BUSINESS ADVANTAGE	HP LASERJET INK CARTRIDGES	604832219	31590	313.29
313.29	BAL DEPT DAL	INVOICE # 3353767854			
313.29	BAL PO BOX 83689				
313.29	BAL CHICAGO IL 60696 3689				
141.90	TOT\$ STAPLES BUSINESS ADVANTAGE	CUSTOM STAMP, AIR DUSTER, 1-10	401272219	31513	141.90
141.90	BAL CHICAGO IL 60696 3689				

OUTSTANDING INVOICES

INVC#	Name	Description	Line Item	PO#	Amount
279.74	TOT\$ DEPT DAL	TAB DIVIDERS, 1" SELF ADHESIVE		31513	
	PAID PO BOX 83689	TABS, HIGHLIGHTERS, CLOROX WIPES		31513	
279.74	BAL CHICAGO IL 60696 3689	KLEENEX, BINDER CLIPS, MAGNETIC LABEL HOLDERS		31513	137.84
		AIR DUSTERS, GLUE STICKS,	40152219	31513	
		HIGHLIGHTERS, CLOROX WIPES,		31513	
		KLEENEX, BINDER CLIPS, DARK		31513	
		BLUE CLASSIFICATION FOLDERS		31513	

63101917	STAPLES BUSINESS ADVANTAGE	1 - HEAVY DUTY DATER "RECEIVED"	401272219	31608	362.55
362.55	TOT\$ DEPT DAL	STAMP;		31608	
	PAID PO BOX 83689	3 - HANGING FILE FOLDERS, LETTER		31608	
362.55	BAL CHICAGO IL 60696 3689	25/BX;		31608	
		1 - DRISCOLT BIG & TALL CHAIR;		31608	
		2 - HP 61XL BLACK/TRICOLOR		31608	
		INK CARTRIDGES		31608	
		INVOICE # 3353767855			

64101917	SUPERIOR AMBULANCE	MEDICAL A.L.	420702173		1410.17
1410.17	TOT\$	INVOICE # T17-10-0032A			
	PAID P.O. BOX 6913				
1410.17	BAL ALBUQUERQUE NM 87197				

65101917	T-MOBILE USA, INC	COMMISSION MONTHLY BILL	401052207		44.44
3706.00	TOT\$	CIVIL DEFENSE	604832207		70.21
	PAID PO BOX 742596	MAINT. MONTHLY BILL	401152207		8.74
3706.00	BAL CINCINNATI OH 45274 2596	MANAGER MONTHLY BILL	401102207		89.93
		CLERK MONTHLY BILL	401202207		8.74
		P&Z MONTHLY BILL	685082207		8.74
		P&Z MONTHLY BILL	401082207		22.22
		SHERIFF MONTHLY BILL	401502207		1863.89
		TC ANIMAL SHELTER MONTHLY BILL	401822207		88.88
		FIRE ADMIN.	413912207		645.92
		DIST.3 VFD	408912207		22.22
		DIST.2 VFD	406912207		22.22
		DIST.4 VFD	409912207		22.22
		ROAD MONTHLY BILL	402602207		376.21
		TCPO HV	629492207		68.67
		TCPO-DV	690862207		68.67
		DISPATCH	911802207		155.54
		DWI	605032207		22.22
		ELECTRONIC MONITORING	420732207		31.73
		TREASURER	401302207		16.60
		FINANCE	401552207		47.99

66101917	TDS/GCR TRUCK TIRE CENTER INC	4 TIRES - YOUNG CHARGER	401502201	31582	458.44
458.44	TOT\$	VERBAL APPROVAL BY K. HERNANDEZ		31582	
	PAID PO BOX 910530	1345 ON 9/6/2017 TMP-180906		31582	
458.44	BAL DENVER CO 80291 0530	INVOICE # 77033			

INVC#	Name	Description	Line Item	FO#	Amount
67101917	TDS/GCR TRUCK TIRE CENTER INC	2 TIRES - WATTS DODGE	401502201	31583	284.32
284.32	TOT\$	VERBAL APPROVAL BY L. OLIVAS		31583	
	PAID	1018 ON 8/28/2017 TWP-180813		31583	
284.32	BAL	INVOICE # 76887			

68101917	TDS/GCR TRUCK TIRE CENTER INC	4 TIRES - STOCUM CHEVY	401502201	31581	568.64
568.64	TOT\$	VERBAL APPROVAL BY L. OLIVAS		31581	
	PAID	1953 ON 8/22/2017 TWP-180812		31581	
568.64	BAL	INVOICE # 76767			

69101917	UNIVERSITY OF NM HOSPITALS	INMATE MEDICAL A.I	420702173		344.00
344.00	TOT\$	BERNALILLO COUNTY MEDICAL CENTER			
	PAID	P O BOX 848196			
344.00	BAL	DALLAS TX 75284 8196			

70101917	UNIVERSITY OF NM HOSPITALS	INMATE MEDICAL M.M	420702173		130.00
130.00	TOT\$	BERNALILLO COUNTY MEDICAL CENTER			
	PAID	P O BOX 848196			
130.00	BAL	DALLAS TX 75284 8196			

71101917	UNIVERSITY OF NM HOSPITALS	INMATE MEDICAL K.R.	420702173		18012.75
18012.75	TOT\$	BERNALILLO COUNTY MEDICAL CENTER			
	PAID	P O BOX 848196			
18012.75	BAL	DALLAS TX 75284 8196			

72101917	WAGeworks	MONTHLY ADMIN. FEE	401052272		138.00
138.00	TOT\$	MONTHLY COMPLIANCE FEE			
	PAID	INVOICE # 338575			
138.00	BAL	PO BOX 870725			
		KANSAS CITY MO 64187 0725			

75101917	WEST MESA EMERGENCY PRODUCTS LLC	SPEAKER W/BACKET	401502201	31641	451.16
451.16	TOT\$	LABOR AND INSTALLATION		31641	
	PAID	TAX		31641	
451.16	BAL	RIO RANCHO NM 87124		31641	

73101917	WESTERN STATES SHERIFF ASSOC	MEMBERSHIP DUES	401502269	31517	100.00
100.00	TOT\$	H. WHITE		31517	
	PAID	INVOICE # 1532			
100.00	BAL	474 ROGERS CANYON ROAD			
		LARAMIE WY 82072			

74101917	WESTERN TRAILS VETERINARY INC.	(2) LRG. STERILIZATIONS	401822272		220.00
220.00	TOT\$	(2) SMALL STERILIZATION			
	PAID	INVOICE # 116872			
220.00	BAL	2126 HWY 333			
		EDGEWOOD NM 87016			

76101917	ZIA GRAPHICS INC.	4 - LADIES POLO SHIRTS XL	609302248	31611	337.00
337.00	TOT\$	2 - LADIES POLO SHIRTS 3XL		31611	
	PAID	2 - MENS POLO SHIRTS 3XL		31611	
337.00	BAL	2 - MENS POLO SHIRTS XL		31611	
		FOR SATELLITE OFFICES & FIELD		31611	

INVC#	Name	Description	Line Item	PO#	Amount
WORK	INVOICE # 49590A			31611	

TOTAL INVOICING 155935.85

DEBITS

CREDITS

** GRAND TOTAL **		155,935.85	.00
**TOTAL	GENERAL FUND	27,246.46	.00
**DEPT	COUNTY COMMISSION	2,719.65	.00
401-05-2207	TELECOMMUNICATIONS	206.68	.00
401-05-2208	ELECTRICITY	1,443.92	.00
401-05-2221	PRINTING/PUBLISHING/ADVERTISING	217.67	.00
401-05-2269	MEMBERSHIP DUES/SUBSCRIPTIONS	450.00	.00
401-05-2272	PROFESSIONAL SERVICES	401.38	.00
**DEPT	PLANNING & ZONING	691.50	.00
401-08-2203	MAINTENANCE CONTRACTS	600.68	.00
401-08-2207	TELECOMMUNICATIONS	76.30	.00
401-08-2221	PRINTING/PUBLISHING/ADVERTISING	14.52	.00
**DEPT	COUNTY MANAGER	225.13	.00
401-10-2207	TELECOMMUNICATIONS	225.13	.00
**DEPT	ADMINISTRATIVE OFFICES MAINTENAN	3,153.86	.00
401-15-2207	TELECOMMUNICATIONS	62.82	.00
401-15-2208	ELECTRICITY	2,320.84	.00
401-15-2237	CLEANING SERVICE	770.20	.00
**DEPT	JUDICIAL COMPLEX MAINTENANCE	4,043.28	.00
401-16-2208	ELECTRICITY	3,354.48	.00
401-16-2237	CLEANING SERVICE	688.80	.00
**DEPT	COUNTY CLERK	252.78	.00
401-20-2207	TELECOMMUNICATIONS	252.78	.00
**DEPT	HEALTH DEPT BLDG MAINTENANCE	253.99	.00
401-24-2208	ELECTRICITY	253.99	.00
**DEPT	PURCHASING DEPARTMENT	531.49	.00
401-27-2207	TELECOMMUNICATIONS	27.04	.00
401-27-2219	OFFICE SUPPLIES	504.45	.00
**DEPT	COUNTY TREASURER	296.14	.00
401-30-2207	TELECOMMUNICATIONS	289.14	.00
401-30-2272	PROFESSIONAL SERVICES	7.00	.00
**DEPT	COUNTY SHERIFF	13,439.83	.00
401-50-2201	VEHICLE MAINTENANCE/REPAIR	4,468.02	.00
401-50-2202	VEHICLE FUEL	1,962.54	.00
401-50-2203	MAINTENANCE CONTRACTS	222.56	.00
401-50-2207	TELECOMMUNICATIONS	2,172.62	.00
401-50-2218	EQUIPMENT MAINTENANCE/REPAIR	777.09	.00
401-50-2222	FIELD SUPPLIES	1,249.50	.00
401-50-2269	MEMBERSHIP DUES/SUBSCRIPTIONS	100.00	.00
401-50-2272	PROFESSIONAL SERVICES	2,487.50	.00
**DEPT	FINANCE DEPARTMENT	1,176.95	.00
401-55-2207	TELECOMMUNICATIONS	129.11	.00

DEBITS CREDITS

401-55-2219	OFFICE SUPPLIES	137.84	.00
401-55-2266	TRAINING	910.00	.00
**DEPT	INFORMATION TECHNOLOGY DEPARTMENT	27.04	.00
401-65-2207	TELECOMMUNICATIONS	27.04	.00
**DEPT	ANIMAL SHELTER	407.78	.00
401-82-2207	TELECOMMUNICATIONS	88.88	.00
401-82-2222	FIELD SUPPLIES	98.90	.00
401-82-2272	PROFESSIONAL SERVICES	220.00	.00
**DEPT	PROBATE JUDGE	27.04	.00
401-90-2207	TELECOMMUNICATIONS	27.04	.00
**TOTAL	ROAD FUND	430.29	.00
**DEPT	COUNTY ROAD DEPARTMENT	430.29	.00
402-60-2207	TELECOMMUNICATIONS	430.29	.00
**TOTAL	DISTRICT 5 VFD	382.27	.00
**DEPT	STATE FIRE ALLOTMENT	382.27	.00
405-91-2207	TELECOMMUNICATIONS	365.34	.00
405-91-2210	WATER/SEWER/TRASH	16.93	.00
**TOTAL	DISTRICT 2 VFD	398.01	.00
**DEPT	STATE FIRE ALLOTMENT	398.01	.00
406-91-2207	TELECOMMUNICATIONS	22.22	.00
406-91-2230	MEDICAL SUPPLIES	94.29	.00
406-91-2248	SAFETY EQUIPMENT	281.50	.00
**TOTAL	DISTRICT 1 VFD	112.56	.00
**DEPT	STATE FIRE ALLOTMENT	112.56	.00
407-91-2208	ELECTRICITY	112.56	.00
**TOTAL	DISTRICT 3 VFD	22.22	.00
**DEPT	STATE FIRE ALLOTMENT	22.22	.00
408-91-2207	TELECOMMUNICATIONS	22.22	.00
**TOTAL	DISTRICT 4 VFD	22.22	.00
**DEPT	STATE FIRE ALLOTMENT	22.22	.00
409-91-2207	TELECOMMUNICATIONS	22.22	.00
**TOTAL	L.E. PROTECTION FUND	231.90	.00
**DEPT	COUNTY SHERIFF	231.90	.00
410-50-2222	FIELD SUPPLIES	231.90	.00
**TOTAL	COUNTY FIRE PROTECTION FUND	3,487.50	.00
**DEPT	1/4% FIRE EXCISE TAX	3,487.50	.00

DEBITS

CREDITS

411-92-2248	SAFETY EQUIPMENT	3,487.50	.00
**TOTAL	COUNTY FAIR	425.00	.00
**DEPT	COUNTY FAIR	425.00	.00
412-53-2272	PROFESSIONAL SERVICES	425.00	.00
**TOTAL	FIRE DEPARTMENT ADMIN	831.97	.00
**DEPT	STATE FIRE ALLOTMENT	831.97	.00
413-91-2201	VEHICLE MAINTENANCE/REPAIR	186.05	.00
413-91-2207	TELECOMMUNICATIONS	645.92	.00
**TOTAL	DISTRICT 6 VFD	226.21	.00
**DEPT	STATE FIRE ALLOTMENT	226.21	.00
418-91-2207	TELECOMMUNICATIONS	226.21	.00
**TOTAL	JAIL FUND	112,799.26	.00
**DEPT	ADULT INMATE CARE	103,774.72	.00
420-70-2172	CARE OF INMATES	81,008.50	.00
420-70-2173	INMATE MEDICAL	22,492.63	.00
420-70-2207	TELECOMMUNICATIONS	273.59	.00
**DEPT	JUVENILE INMATE CARE	5,550.00	.00
420-72-2172	CARE OF INMATES	5,550.00	.00
**DEPT	COMMUNITY MONITORING	114.66	.00
420-73-2202	VEHICLE FUEL	55.89	.00
420-73-2207	TELECOMMUNICATIONS	58.77	.00
**DEPT	TRANSPORTATION OF PRISONERS	3,359.88	.00
420-74-2201	VEHICLE MAINTENANCE/REPAIR	887.48	.00
420-74-2231	WEAPONS/AMMUNITION	979.90	.00
420-74-2272	PROFESSIONAL SERVICES	1,492.50	.00
**TOTAL	SAFETY PROGRAM	466.77	.00
**DEPT	RISK MANAGEMENT	466.77	.00
600-06-2248	SAFETY EQUIPMENT	466.77	.00
**TOTAL	CIVIL DEFENSE FUND	1,448.84	.00
**DEPT	COMMUNICATIONS/EMS TAX	1,448.84	.00
604-83-2207	TELECOMMUNICATIONS	97.25	.00
604-83-2219	OFFICE SUPPLIES	313.29	.00
604-83-2248	SAFETY EQUIPMENT	1,038.30	.00
**TOTAL	DWI PROGRAM FUND	1,117.83	.00
**DEPT	DWI LOCAL GRANT FY18	747.25	.00
605-02-2272	PROFESSIONAL SERVICES	747.25	.00
**DEPT	DWI DISTRIBUTION GRANT FY18	22.22	.00

	DEBITS	CREDITS
605-03-2207	22.22	.00
TELECOMMUNICATIONS		
**DEPT	294.47	.00
605-09-2221	294.47	.00
HIGH LONESOME WIND PILT		
PRINTING/PUBLISHING/ADVERTISING		
**DEPT	53.89	.00
605-22-2207	53.89	.00
DWI LOCAL GRANT FY17		
TELECOMMUNICATIONS		
**TOTAL	337.00	.00
TREASURER'S FEE		
**DEPT	337.00	.00
609-30-2248	337.00	.00
COUNTY TREASURER		
SAFETY EQUIPMENT		
**TOTAL	1,093.07	.00
PROPERTY VALUATION FUND		
**DEPT	1,093.07	.00
610-40-2202	133.51	.00
COUNTY ASSESSOR		
VEHICLE FUEL		
610-40-2203	56.96	.00
MAINTENANCE CONTRACTS		
610-40-2205	304.00	.00
MILEAGE/PER DIEM		
610-40-2207	351.52	.00
TELECOMMUNICATIONS		
610-40-2218	59.12	.00
EQUIPMENT MAINTENANCE/REPAIR		
610-40-2248	187.96	.00
SAFETY EQUIPMENT		
**TOTAL	351.53	.00
CLERK'S EQUIPMENT FUND		
**DEPT	351.53	.00
612-20-2203	351.53	.00
COUNTY CLERK		
MAINTENANCE CONTRACTS		
**TOTAL	780.84	.00
CAPITAL OUTLAY GROSS RECEIPTS TX		
**DEPT	780.84	.00
621-96-2611	780.84	.00
CAPITAL OUTLAY GROSS RECEIPTS TX		
CO/BUILDINGS & IMPROVEMENTS		
**TOTAL	821.27	.00
HOME VISITING GRANT		
**DEPT	769.81	.00
629-49-2207	68.67	.00
HOME VISITING GRANT FY18		
TELECOMMUNICATIONS		
629-49-2218	65.15	.00
EQUIPMENT MAINTENANCE/REPAIR		
629-49-2219	299.76	.00
OFFICE SUPPLIES		
629-49-2224	336.23	.00
EDUCATIONAL SUPPLIES		
**DEPT	51.46	.00
629-52-2207	51.46	.00
HOME VISITING GRANT FY17		
TELECOMMUNICATIONS		
**TOTAL	203.83	.00
JUVENILE JUSTICE GRANT		
**DEPT	203.83	.00
635-68-2205	203.83	.00
CYFD JUVENILE JUSTICE GRANT FY18		
MILEAGE/PER DIEM		
**TOTAL	84.00	.00
RURAL ADDRESSING		
**DEPT	84.00	.00
675-07-2203	56.96	.00
RURAL ADDRESSING		
675-07-2207	27.04	.00
MAINTENANCE CONTRACTS		
TELECOMMUNICATIONS		
**TOTAL	35.78	.00
P&Z COURT FEES		

CREDITS

DEBITS

**DEPT	PLANNING & ZONING	35.78	.00
685-08-2207	TELECOMMUNICATIONS	35.78	.00
**TOTAL	DOMESTIC VIOLENCE GRANT	244.20	.00
**DEPT	DV CONTRACT FY18	244.20	.00
690-86-2207	TELECOMMUNICATIONS	120.13	.00
690-86-2218	EQUIPMENT MAINTENANCE/REPAIR	65.15	.00
690-86-2221	PRINTING/PUBLISHING/ADVERTISING	58.92	.00
**TOTAL	DRUG EDUCATION PROGRAM	158.20	.00
**DEPT	DRUG EDUCATION	158.20	.00
804-89-2257	OUTREACH MATERIALS/SUPPLIES	158.20	.00
**TOTAL	EMERGENCY-911 FUND	2,176.82	.00
**DEPT	911-DISPATCH CENTER	2,176.82	.00
911-80-2207	TELECOMMUNICATIONS	692.27	.00
911-80-2208	ELECTRICITY	1,272.95	.00
911-80-2215	BUILDING MAINTENANCE/REPAIR	195.00	.00
911-80-2272	PROFESSIONAL SERVICES	16.60	.00
BANK01	WELLS FARGO	155,935.85	.00
	** BANK TOTALS **	155,935.85	.00



Agenda Item
No. 1

Infrastructure Capital Improvement Plan FY 2019-2023

Torrance County Project Summary

ID	Year	Rank	Project Title	Category	Funded to date	2019	2020	2021	2022	2023	Total Project		Phases?
											Cost	Amount Not Yet Funded	
14072	2019	001	County Road Improvements	Hiways/Roads/Streets/Bridges	0	480,000	480,000	480,000	480,000	480,000	2,400,000	2,400,000	Yes
28448	2019	002	Duran Water System Improvements	Water Supply	0	20,000	0	0	0	0	20,000	20,000	Yes
32761	2019	003	McIntosh Drinking Water Dispensing Station	Water Supply	0	899,244	0	0	0	0	899,244	899,244	No
31503	2019	004	Senior Center Vehicles	Senior Facilities	0	250,000	0	0	0	0	250,000	250,000	No
25657	2019	005	4x4 Sheriff Patrol Vehicles	Public Safety Vehicles	0	50,133	50,133	50,133	50,133	50,133	250,665	250,665	Yes
34003	2019	006	Fire Station Well	Water Supply	0	20,000	0	0	0	0	20,000	20,000	No
10565	2019	007	Volunteer Fire Dept Equipment	Fire	0	520,000	125,000	125,000	125,000	0	895,000	895,000	Yes
26803	2019	008	Road Department Equipment	Public Safety Equipment/Bldgs	0	300,000	0	0	0	0	300,000	300,000	No
26827	2019	009	County Fair Ground Improvements	Other	0	200,000	200,000	200,000	200,000	200,000	1,000,000	1,000,000	Yes
32747	2019	010	Cell for Regional Landfill	Solid Waste	0	400,000	400,000	400,000	400,000	400,000	2,000,000	2,000,000	Yes
26831	2020	001	Upgrade County Computer Software	Adm/Service Facilities (local)	0	0	300,000	0	0	0	300,000	300,000	No
30247	2020	002	New 12-Passenger Van	Senior Facilities	0	0	84,000	0	0	0	84,000	84,000	No
31501	2020	003	Moriarty Senior Center Renovations	Senior Facilities	0	0	55,000	0	0	0	55,000	55,000	No
11048	2020	004	Fire Station Renovations	Fire	0	0	240,000	0	0	0	240,000	240,000	No
14143	2020	005	Road Equipment & Vehicles	Public Safety Vehicles	0	0	500,000	250,000	250,000	250,000	1,250,000	1,250,000	Yes
33491	2020	006	Manzano Community Center	Convention Facilities	0	0	100,000	85,000	0	0	185,000	185,000	Yes

Infrastructure Capital Improvement Plan FY 2019-2023

33492	2020	007	Punta de Agua Multipurpose Center	Convention Facilities	0	0	40,000	145,000	0	0	185,000	185,000	Yes
33996	2020	008	Mountainair Senior Center Entrance	Senior Facilities	0	0	15,000	0	0	0	15,000	15,000	Yes
34014	2020	009	County Jail	Public Safety Equipment/Bldgs	0	0	140,000	0	0	0	140,000	140,000	Yes
30246	2020	010	Senior Center Equipment	Senior Facilities	0	0	120,000	0	0	0	120,000	120,000	No
26830	2021	001	Purchase and Equip Medical Response Vehicles	Public Safety Vehicles	0	0	0	225,000	0	0	225,000	225,000	No
18517	2021	002	New Type 4 Urban Interface Apparatus VFD 3	Fire	0	0	0	200,000	0	0	200,000	200,000	No
25656	2021	003	Home Visiting Program Vehicle	Other	0	0	0	35,000	35,000	0	70,000	70,000	No
31498	2021	004	Estancia Senior Center Repairs	Senior Facilities	0	0	0	28,500	0	0	28,500	28,500	Yes
11948	2021	005	Senior Center Renovations Torrance	Senior Facilities	0	0	0	385,000	0	0	385,000	385,000	Yes
33493	2021	006	Torreón Acequia Improvements	Acequias	0	0	0	50,000	0	0	50,000	50,000	Yes
10012	2021	007	Emergency Services Infrastructure	Health-Related Cap Infra	0	0	0	1,300,000	200,000	0	1,500,000	1,500,000	No
18519	2022	001	Water System Upgrade	Fire	0	0	0	0	92,000	0	92,000	92,000	No
26826	2022	002	County Building Repairs	Adm/Service Facilities (local)	0	0	0	140,000	35,000	0	175,000	175,000	Yes
20624	2022	003	New County Government Offices	Adm/Service Facilities (local)	0	0	0	1,050,000	0	0	1,050,000	1,050,000	Yes
28449	2023	001	New Senior Center Facility	Senior Facilities	0	0	0	0	600,000	0	600,000	600,000	Yes
20626	2023	002	New Road Department Yard / Shop	Adm/Service Facilities (local)	0	0	0	0	650,500	0	650,500	650,500	Yes
31504	2023	003	Moriarty Senior Center Equipment	Senior Facilities	0	0	0	0	5,000	0	5,000	5,000	No

Number of projects:	33	Year 1:	3,139,377	Year 2:	2,849,133	Year 3:	3,958,633	Year 4:	3,022,133	Year 5:	2,670,633	Total Project Cost:	15,639,909	Total Not Yet Funded:	15,639,909
Funded to date:	0														
Grand Totals															



Agenda Item
No. 2

New Mexico

GOVERNMENTAL
CONDUCT ACT
COMPLIANCE GUIDE

THE GOVERNMENTAL CONDUCT ACT NMSA 1978, Chapter 10, Article 16

Compliance Guide

HECTOR BALDERAS
Attorney General

ACKNOWLEDGEMENT

Thank you to Paul Biderman, J.D., Retired Research Professor at the University of New Mexico School of Law, former New Mexico Secretary of Energy and Minerals and former Assistant Attorney General, and Clifford M. Rees, J.D., former Assistant General Counsel for the New Mexico Department of Health and former General Counsel for the New Mexico Department of Finance and Administration, for their excellent work researching and drafting the Attorney General's Governmental Conduct Act Compliance Guide.

Second Edition

2015



Mission

Our mission is to protect New Mexicans in order to make our communities safer and more prosperous. We prosecute criminal and civil offenses; advocate for consumers and those without a voice; empower the public by proactively educating them and connecting them with beneficial resources; and serve as legal counsel for the State and its agents.

Vision

We aspire to be an innovative leader in New Mexico, recognized for proactively finding solutions and responding to evolving needs by leveraging partnerships with individuals, community organizations, government agencies, and businesses.

As Attorney General, I have made a commitment to the public safety and health of all New Mexico families. Transparency and accountability support democratic government “of the people, by the people, for the people” and democracy fosters the safety and health of our communities.

The New Mexico Governmental Conduct Act (GCA) governs the ethical and legal conduct of public officers and employees at all levels of government. The GCA provides guidance to those trusted to serve the public interest by establishing parameters for ethical and legal conduct. The GCA can also be used by members of the public to evaluate the work of those entrusted with public trust. Along with the Inspection of Public Records Act and Open Meetings Act, the GCA ensures that government functions are carried out in the open, in an honest and fair manner, by people who remain accountable to the public.

An ethical and democratic government encourages participation by the people; it enables people to examine how public officials and employees perform their public duties, and holds all government actors to equally high standards. When public officers and employees know that the public joins them in keeping government open and honest, everyone is safer and the government is healthier.

This Guide is written to help the public understand the standards of conduct expected of government officials and employees and can be used to evaluate those government officials and employees while they carry out their duties and responsibilities.

A handwritten signature in black ink, appearing to read "Hector Balderas". The signature is stylized and cursive.

HECTOR BALDERAS
Attorney General of New Mexico
2015

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I. INTRODUCTION

The Governmental Conduct Act, NMSA 1978, Chapter 10, Article 16 (“GCA”), was enacted in 1967 as the Conflicts of Interest Act. The current title was enacted as part of an extensive revision to the law in 1993. The law was not significantly amended again until 2007. Those amendments were followed by additional changes in 2009 and 2011.

Until the GCA was amended in 2011, most of its provisions applied only to state officers and employees. In 2011, the law’s coverage was expanded to officers and employees of all political subdivisions of the state and their agencies. The law’s expanded coverage made it crucial that all state and local government officers and employees in New Mexico understand their ethical responsibilities under the GCA, as well as the specific prohibitions and limitations that ensure that public officers and employees conduct themselves solely in the interest of the public. To that end, the Attorney General has issued this Compliance Guide, which is intended to explain the provisions of the GCA and clarify their application to covered officials and employees. In addition, the Guide will enable members of the public to become more knowledgeable about the standards of conduct the GCA requires and assist them in holding their representatives in government accountable to those standards.

If you would like additional copies of this Guide, or if you have any questions about the Guide or the applicability of the GCA, please contact the Open Government Division of the Office of the Attorney General, P.O. Drawer 1508, Santa Fe, NM 87504-1508, or by telephone at 505-827-6070. The Guide is also posted on the Office of Attorney General’s website at www.nmag.gov.

II. GOVERNMENTAL CONDUCT ACT

10-16-1. Short title.

Chapter 10, Article 16 NMSA 1978 may be cited as the "Governmental Conduct Act."

10-16-2. Definitions.

As used in the Governmental Conduct Act:

A. "business" means a corporation, partnership, sole proprietorship, firm, organization or individual carrying on a business;

B. "confidential information" means information that by law or practice is not available to the public;

C. "contract" means an agreement or transaction having a value of more than one thousand dollars (\$ 1,000) with a state or local government agency for:

(1) the rendition of services, including professional services;

(2) the furnishing of any material, supplies or equipment;

(3) the construction, alteration or repair of any public building or public work;

(4) the acquisition, sale or lease of any land or building;

(5) a licensing arrangement;

(6) a loan or loan guarantee; or

(7) the purchase of financial securities or instruments;

D. "employment" means rendering of services for compensation in the form of salary as an employee;

E. "family" means an individual's spouse, parents, children or siblings, by consanguinity or affinity;

F. "financial interest" means an interest held by an individual or the individual's family that is:

(1) an ownership interest in business or property; or

(2) any employment or prospective employment for which negotiations have already begun;

G. "local government agency" means a political subdivision of the state or an agency of a political subdivision of the state;

H. "official act" means an official decision, recommendation, approval, disapproval or other action that involves the use of discretionary authority;

I. "public officer or employee" means any elected or appointed official or employee of a state agency or local government agency who receives compensation in the form of salary or is eligible for per diem or mileage but excludes legislators;

J. "standards" means the conduct required by the Governmental Conduct Act;

K. "state agency" means any branch, agency, instrumentality or institution of the state; and

L. "substantial interest" means an ownership interest that is greater than twenty percent.

10-16-3. Ethical principles of public service; certain official acts prohibited; penalty.

A. A legislator or public officer or employee shall treat the legislator's or public officer's or employee's government position as a public trust. The legislator or public officer or employee shall use the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests.

B. Legislators and public officers and employees shall conduct themselves in a manner that justifies the confidence placed in them by the people, at all times maintaining the integrity and discharging ethically the high responsibilities of public service.

C. Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct. At all times, reasonable efforts shall be made to avoid undue influence and abuse of office in public service.

D. No legislator or public officer or employee may request or receive, and no person may offer a legislator or public officer or employee, any money, thing of value or promise thereof that is conditioned upon or given in exchange for promised performance of an official act. Any person who knowingly and willfully violates the provisions of this subsection is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

10-16-3.1. Prohibited political activities.

A public officer or employee is prohibited from:

A. directly or indirectly coercing or attempting to coerce another public officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for a political purpose;

B. threatening to deny a promotion or pay increase to an employee who does or does not vote for certain candidates, requiring an employee to contribute a percentage of the employee's pay to a political fund, influencing a subordinate employee to purchase a ticket to a political fundraising dinner or similar event, advising an employee to take part in political activity or similar activities; or

C. violating the officer's or employee's duty not to use property belonging to a state agency or local government agency, or allow its use, for other than authorized purposes.

10-16-4. Official act for personal financial interest prohibited; disqualification from official act; providing a penalty.

A. It is unlawful for a public officer or employee to take an official act for the primary purpose of directly enhancing the public officer's or employee's financial interest or financial position. Any person who knowingly and willfully violates the provisions of this subsection is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

B. A public officer or employee shall be disqualified from engaging in any official act directly affecting the public officer's or employee's financial interest, except a public officer or employee shall not be disqualified from engaging in an official

act if the financial benefit of the financial interest to the public officer or employee is proportionately less than the benefit to the general public.

C. No public officer during the term for which elected and no public employee during the period of employment shall acquire a financial interest when the public officer or employee believes or should have reason to believe that the new financial interest will be directly affected by the officer's or employee's official act.

10-16-4.1. Honoraria prohibited.

No legislator, public officer or employee may request or receive an honorarium for a speech or service rendered that relates to the performance of public duties. For the purposes of this section, "honorarium" means payment of money, or any other thing of value in excess of one hundred dollars (\$ 100), but does not include reasonable reimbursement for meals, lodging or actual travel expenses incurred in making the speech or rendering the service, or payment or compensation for services rendered in the normal course of a private business pursuit.

10-16-4.2. Disclosure of outside employment.

A public officer or employee shall disclose in writing to the officer's or employee's respective office or employer all employment engaged in by the officer or employee other than the employment with or service to a state agency or local government agency.

10-16-4.3. Prohibited employment.

It is unlawful for a state agency employee or local government agency employee

who is participating directly or indirectly in the contracting process to become or to be, while such an employee, the employee of any person or business contracting with the governmental body by whom the employee is employed.

10-16-6. Confidential information.

No legislator or public officer or employee shall use or disclose confidential information acquired by virtue of the legislator's or public officer's or employee's position with a state agency or local government agency for the legislator's, public officer's or employee's or another's private gain.

10-16-7. Contracts involving public officers or employees.

A. A state agency shall not enter into a contract with a public officer or employee of the state, with the family of the public officer or employee or with a business in which the public officer or employee or the family of the public officer or employee has a substantial interest unless the public officer or employee has disclosed through public notice the public officer's or employee's substantial interest and unless the contract is awarded pursuant to a competitive process; provided that this section does not apply to a contract of official employment with the state. A person negotiating or executing a contract on behalf of a state agency shall exercise due diligence to ensure compliance with the provisions of this section.

B. Unless a public officer or employee has disclosed the public officer's or employee's substantial interest through public notice and unless a contract is awarded pursuant to a competitive process, a local government agency shall not enter into a contract with a public officer or employee

of that local government agency, with the family of the public officer or employee or with a business in which the public officer or employee or the family of the public officer or employee has a substantial interest.

C. Subsection B of this section does not apply to a contract of official employment with a political subdivision. A person negotiating or executing a contract on behalf of a local government agency shall exercise due diligence to ensure compliance with the provisions of this section.

10-16-8. Contracts involving former public officers or employees; representation of clients after government service.

A. A state agency shall not enter into a contract with, or take any action favorably affecting, any person or business that is:

(1) represented personally in the matter by a person who has been a public officer or employee of the state within the preceding year if the value of the contract or action is in excess of one thousand dollars (\$ 1,000) and the contract is a direct result of an official act by the public officer or employee; or

(2) assisted in the transaction by a former public officer or employee of the state whose official act, while in state employment, directly resulted in the agency's making that contract or taking that action.

B. A former public officer or employee shall not represent a person in the person's dealings with the government on a matter in which the former public officer or employee participated personally and substantially while a public officer or employee.

C. A local government agency shall not enter into a contract with, or take any action favorably affecting, any person or business that is:

(1) represented personally in the matter by a person who has been a public officer or employee of that local government agency within the preceding year if the value of the contract or action is in excess of one thousand dollars (\$1,000) and the contract is a direct result of an official act by the public officer or employee; or

(2) assisted in the transaction by a former public officer or employee of that political subdivision of the state whose official act, while in employment with that political subdivision of the state, directly resulted in the agency's making that contract or taking that action.

D. For a period of one year after leaving government service or employment, a former public officer or employee shall not represent for pay a person before the state agency or local government agency at which the former public officer or employee served or worked.

10-16-9. Contracts involving legislators; representation before state agencies.

A. A state agency shall not enter into a contract for services, construction or items of tangible personal property with a legislator, the legislator's family or with a business in which the legislator or the legislator's family has a substantial interest unless the legislator has disclosed the legislator's substantial interest and unless the contract is awarded in accordance with the provisions of the Procurement Code, except the potential contractor shall not be eligible for a sole source or small purchase contract. A person negotiating or executing a contract on behalf of

a state agency shall exercise due diligence to ensure compliance with the provisions of this subsection.

B. A legislator shall not appear for, represent or assist another person in a matter before a state agency, unless without compensation or for the benefit of a constituent, except for legislators who are attorneys or other professional persons engaged in the conduct of their professions and, in those instances, the legislator shall refrain from references to the legislator's legislative capacity except as to matters of scheduling, from communications on legislative stationery and from threats or implications relating to legislative actions.

10-16-11. Codes of conduct.

A. By January 1, 1994, each elected statewide executive branch public officer shall adopt a general code of conduct for employees subject to his control. The New Mexico legislative council shall adopt a general code of conduct for all legislative branch employees. The general codes of conduct shall be based on the principles set forth in the Governmental Conduct Act.

B. Within thirty days after the general codes of conduct are adopted, they shall be given to and reviewed with all executive and legislative branch officers and employees. All new public officers and employees of the executive and legislative branches shall review the employees' general code of conduct prior to or at the time of being hired.

C. The head of every executive and legislative agency and institution of the state may draft a separate code of conduct for all public officers and employees in that agency or institution. The separate agency

code of conduct shall prescribe standards, in addition to those set forth in the Governmental Conduct Act and the general codes of conduct for all executive and legislative branch public officers and employees, that are peculiar and appropriate to the function and purpose for which the agency or institution was created or exists. The separate codes, upon approval of the responsible executive branch public officer for executive branch public officers and employees or the New Mexico legislative council for legislative branch employees, govern the conduct of the public officers and employees of that agency or institution and, except for those public officers and employees removable only by impeachment, shall, if violated, constitute cause for dismissal, demotion or suspension. The head of each executive and legislative branch agency shall adopt ongoing education programs to advise public officers and employees about the codes of conduct. All codes shall be filed with the secretary of state and are open to public inspection.

D. Codes of conduct shall be reviewed at least once every four years. An amended code shall be filed as provided in Subsection C of this section.

E. All legislators shall attend a minimum of two hours of ethics continuing education and training biennially.

10-16-11.1. State agency or local government agency authority.

Nothing in the Governmental Conduct Act shall be construed to preclude a state agency or local government agency from adopting and publishing ordinances, rules or standards that are more stringent than

those required by the Governmental Conduct Act.

10-16-13. Prohibited bidding.

No state agency or local government agency shall accept a bid or proposal from a person who directly participated in the preparation of specifications, qualifications or evaluation criteria on which the specific competitive bid or proposal was based. A person accepting a bid or proposal on behalf of a state agency or local government agency shall exercise due diligence to ensure compliance with this section.

10-16-13.1. Education and voluntary compliance.

A. The secretary of state shall advise and seek to educate all persons required to perform duties under the Governmental Conduct Act of those duties. This includes advising all those persons at least annually of that act's ethical principles.

B. The secretary of state shall seek first to ensure voluntary compliance with the provisions of the Governmental Conduct Act. A person who violates that act unintentionally or for good cause shall be given ten days' notice to correct the matter. Referrals for civil enforcement of that act shall be pursued only after efforts to secure voluntary compliance with that act have failed.

10-16-13.2. Certain business sales to the employees of state agencies and local government agencies prohibited.

A. A public officer or employee shall not sell, offer to sell, coerce the sale of or be a party to a transaction to sell goods, services, construction or items of tangible

personal property directly or indirectly through the public officer's or employee's family or a business in which the public officer or employee has a substantial interest, to an employee supervised by the public officer or employee. A public officer or employee shall not receive a commission or shall not profit from the sale or a transaction to sell goods, services, construction or items of tangible personal property to an employee supervised by the public officer or employee. The provisions of this subsection shall not apply if the supervised employee initiates the sale. It is not a violation of this subsection if a public officer or employee, in good faith, is not aware that the employee to whom the goods, services, construction or items of tangible personal property are being sold is under the supervision of the public officer or employee.

B. A public officer or employee shall not sell, offer to sell, coerce the sale of or be a party to a transaction to sell goods, services, construction or items of tangible personal property, directly or indirectly through the public officer's or employee's family or a business in which the public officer or employee has a substantial interest, to a person over whom the public officer or employee has regulatory authority.

C. A public officer or employee shall not receive a commission or profit from the sale or a transaction to sell goods, services, construction or items of tangible personal property to a person over whom the public officer or employee has regulatory authority.

D. A public officer or employee shall not accept from a person over whom the public officer or employee has regulatory authority an offer of employment or an offer

of a contract in which the public officer or employee provides goods, services, construction, items of tangible personal property or other things of value to the person over whom the public officer or employee has regulatory authority.

10-16-13.3. Prohibited contributions; financial service contractors.

A. A business that contracts with a state agency or local government agency to provide financial services involving the investment of public money or issuance of bonds for public projects shall not knowingly contribute anything of value to a public officer or employee of that state agency or local government agency who has authority over the investment of public money or issuance of bonds, the revenue of which is used for public projects in the state.

B. A public officer or employee of a state agency or local government agency that has authority over the investment of public money or issuance of bonds, the revenue of which is used for public projects in the state, shall not knowingly accept a contribution of anything of value from a business that contracts with that state agency or local government agency to provide financial services involving the investment of public money or issuance of bonds for public projects.

C. For the purposes of this section:

(1) "anything of value" means any money, property, service, loan or promise, but does not include food and refreshments with a value of less than one hundred dollars (\$ 100) consumed in a day; and

(2) "contribution" means a donation or transfer to a recipient for the personal use of the recipient, without commensurate consideration.

10-16-14. Enforcement procedures.

A. The secretary of state may refer suspected violations of the Governmental Conduct Act to the attorney general, district attorney or appropriate state agency or legislative body for enforcement. If a suspected violation involves the office of the secretary of state, the attorney general may enforce that act. If a suspected violation involves the office of the attorney general, a district attorney may enforce that act.

B. Violation of the provisions of the Governmental Conduct Act by any legislator is grounds for discipline by the appropriate legislative body.

C. If the attorney general determines that there is sufficient cause to file a complaint against a public officer removable only by impeachment, he shall refer the matter to the house of representatives of the legislature. If within thirty days after the referral the house of representatives has neither formally declared that the charges contained in the complaint are not substantial nor instituted hearings on the complaint, the attorney general shall make public the nature of the charges, but he shall make clear that the merits of the charges have never been determined. Days during which the legislature is not in session shall not be included in determining the thirty-day period.

D. Violation of the provisions of the Governmental Conduct Act by any public officer or employee, other than those covered by Subsection C of this section, is

grounds for discipline, including dismissal, demotion or suspension. Complaints against executive branch employees may be filed with the agency head and reviewed pursuant to the procedures provided in the Personnel Act. Complaints against legislative branch employees may be filed with and reviewed pursuant to procedures adopted by the New Mexico legislative council. Complaints against judicial branch employees may be filed and reviewed pursuant to the procedures provided in the judicial personnel rules.

E. Subject to the provisions of this section, the Governmental Conduct Act may be enforced by the attorney general. Except as regards legislators or statewide elected officials, a district attorney in the county where a person resides or where a violation occurred may also enforce that act. Enforcement actions may include seeking civil injunctive or other appropriate orders.

10-16-17. Criminal penalties.

Unless specified otherwise in the Governmental Conduct Act, any person who knowingly and willfully violates any of the provisions of that act is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$ 1,000) or by imprisonment for not more than one year or both. Nothing in the Governmental Conduct Act shall preclude criminal prosecution for bribery or other provisions of law set forth in the constitution of New Mexico or by statute.

10-16-18. Enforcement; civil penalties.

A. If the secretary of state reasonably believes that a person committed, or is about to commit, a violation of the Governmental Conduct Act, the secretary of state shall refer the matter to the attorney general or a district attorney for enforcement.

B. The attorney general or a district attorney may institute a civil action in district court if a violation has occurred or to prevent a violation of any provision of the Governmental Conduct Act. Relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including an order for a civil penalty of two hundred and fifty dollars (\$250) for each violation not to exceed five thousand dollars (\$5,000).

III. THE GOVERNMENTAL CONDUCT ACT: AN OVERVIEW

A. Earning the Public Trust

The Law - Section 10-16-3

A. A legislator or public officer or employee shall treat the legislator's or public officer's or employee's government position as a public trust. The legislator or public officer or employee shall use the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests.

B. Legislators and public officers and employees shall conduct themselves in a manner that justifies the confidence placed in them by the people, at all times maintaining the integrity and discharging ethically the high responsibilities of public service.

Commentary

This part of the GCA summarizes why we have ethics laws: to help ensure the public's trust in the honesty of our elected and appointed public officials. When members of the public trust their government to act with integrity, they are more likely to vote, to voice opinions on issues, to resolve disputes through the courts and administrative agencies, to pay their taxes fully and otherwise comply with the law. Their trust in government depends upon the belief that government will keep its promises, give out truthful and complete information, act with transparency, distribute public benefits and burdens fairly, and use resources funded by the public for the benefit of the community. The public's belief in the integrity of their government will be determined entirely by the acts of its elected officials and appointed

personnel, from the highest elected officials forging policy, to the thousands of public employees diligently conducting the daily work of government.

B. Who is Covered by the GCA?

The Law - Sections 10-16-2

As used in the Governmental Conduct Act: ...

G. "local government agency" means a political subdivision of the state or an agency of a political subdivision of the state.

I. "public officer or employee" means any elected or appointed official or employee of a state agency or local government agency who receives compensation in the form of salary or is eligible for per diem or mileage but excludes legislators.¹

K. "state agency" means any branch, agency, instrumentality or institution of the state.

Commentary

Since it first became law in 1993, the GCA has been expanded to address an increasing number of ethical issues by a growing list of public employees. Over time the definition of persons covered by the Act has been expanded to include judges, members of public boards and commissions, employees of state

¹Except where the context suggests otherwise, this Compliance Guide uses the terms "employee," "officer" and "official" interchangeably to refer to public officers and employees covered by the GCA.

institutions, local government employees, and, for certain purposes, legislators. The addition of local government officers and employees in 2011 extended the GCA's requirements to thousands of elected and appointed officers and employees who work for political subdivisions, including municipalities, counties, school boards, local housing authorities, mutual domestic water consumers associations and Spanish and Mexican land grants.

With the 2011 amendments to the GCA, virtually every person working in every government entity within New Mexico that is created by state law or local ordinance is now under the GCA. This includes everyone working in government agencies, boards and commissions, public educational institutions at all levels, state hospitals and correctional institutions, all judges and court staff, and legislative staff. Even volunteers who are eligible to receive per diem and mileage compensation for attending meetings of government boards and commissions, at any level of government, are covered. The only exception is that elected legislators are not covered in general, but certain provisions of the GCA specifically apply to them, their families or their family businesses, as will be shown in later sections of this Compliance Guide.

The GCA applies only to New Mexico state and local government officers and employees. It does not cover officers and employees of the federal government, governments of Native American tribes and pueblos or governments of states other than New Mexico.

Example 1:

A member of a local school board receives no salary, but is eligible for per diem and mileage reimbursement. This member never asks for reimbursement of his travel expens-

es, however. The member is subject to the GCA because he is eligible for reimbursement, whether or not he ever claims it.

Example 2:

An employee of a state agency works in a bureau that is funded totally with federal grants. Even though the GCA does not apply to federal agencies, all state or local government employees are subject to the GCA, regardless of their funding source.

Example 3:

A non-profit agency receives a major portion of its program's budget from state funds. The director of the agency pressures an employee to support a certain political candidate. While the director's actions would be a violation of the GCA in a state or local government agency, the managers of the non-profit agency are not subject to the GCA in exercising their supervision of employees even though the non-profit agency receives public money.

C. Basic Principles of Conduct Required of Public Officials

The GCA helps to ensure that the people who operate state and local government and public institutions act honestly, diligently, transparently, fairly, within the limits of their lawful authority, and with integrity. The key that binds all these strands together is the concept of rule of law, sometimes referred to as a government of laws, not of men and women. What these phrases signify is that the people who make and carry out the laws do so according to binding legal principles, not according to their personal interests and whims. Adherence to the rule of law is necessary for fair decisions by the government, respect for the government, meaningful vot-

ing and public petitions to the government, and the existence of personal liberties.

When conflicts exist about what action government should take, as in disputes over zoning variance requests, for example, not every citizen may be happy with the outcome. A businessperson proposing a development may feel that the zoning authority's decision is too restrictive, while local residents may object to the same decision as disruptive of their quiet enjoyment of their existing lifestyle. It is impossible for officials to please everyone, and officials may hold and ultimately act on values that some of their constituents reject. But every citizen is entitled to the assurance that, like it or not, each decision that public officials make and the actions taken to implement that decision have not resulted from payoffs, personal or family interests, or secret deals, but rather from honest consideration of the facts and the officials' beliefs that they are acting in the best interest of the community.

This Compliance Guide will now look in greater detail at specific rules established by the GCA designed to protect the public from abuses by public servants, and at how these rules are enforced. We will also look at other New Mexico statutes that work with the GCA to create our state's system of public ethics law.

IV. HOW DOES THE GOVERNMENTAL CONDUCT ACT PROTECT THE PUBLIC FROM IMPROPER INFLUENCE?

A. What Constitutes Improper Influence?

The Law – Section 10-16-3

D. No legislator or public officer or employee may request or receive, and no person may offer a legislator or public officer or employee, any money, thing of value or promise thereof that is conditioned upon or given in exchange for promised performance of an official act. Any person who knowingly and willfully violates the provisions of this subsection is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

The Law – Section 10-16-2

As used in the Governmental Conduct Act: ...

H. “official act” means an official decision, recommendation, approval, disapproval or other action that involves the use of discretionary authority.

Commentary

Nothing undermines confidence in government more than a real or perceived culture of corruption—where public assets, services and powers are, or appear to be, for sale by the officials to whom they have been entrusted. When officials are or seem to be “lining their own pockets” or enriching their political treasuries in exchange for conducting the business of government, the public becomes appropriately outraged. Government officials and employees are supposed to manage public property and provide ser-

vices by applying the law as it is written and in ways that best serve the public interest - not to allow officials or their friends or families to profit personally by dealing in their public trust.

The GCA was adopted primarily to erect a wall against this kind of abuse of power. It makes it a fourth degree felony for any public officer or employee or legislator to ask for or receive any money, thing of value, or a promise of any money or thing of value in exchange for the promised performance of an official act. It also makes it illegal for a person to offer any money or other thing of value in exchange of the promised performance of an official act.² A violation of this provision is punishable by eighteen months imprisonment and a fine not to exceed \$5,000. See NMSA 1978, § 31-18-15.

For a violation of Section 10-16-3(D) to occur, there must be a promised performance of an official act in exchange for the payment of money or other thing of value.³ The GCA defines an “official act” as a decision or other action in a matter that involves the

² Similar misconduct, including bribery, is a crime under several other state laws. For example, see NMSA 1978, §§ 30-24-1 and -2.

³ As discussed below, the GCA includes an absolute prohibition against payments and gifts to certain government officials and employees even if the gifts are not conditioned on the promised performance of an official act. In addition, the Gift Act, NMSA 1978, §§ 10-16B-1 to -4, restricts gifts lobbyists and similar donors may make to legislators and other public officials. See Appendix I, Part A.

use of discretionary authority. A government official performs an “official act” when the official uses his or her discretion to make a decision or take action that the official determines is appropriate based on the applicable facts and circumstances. In contrast, a public officer or employee who has no choice but to grant an application, for example, if the applicant meets the criteria specified by law does not have discretionary authority and is not performing an official act for purposes of the GCA.

The GCA does not require that the officer or employee who receives the illegal payment or thing of value personally perform the promised official act. A violation may occur if the officer or employee has sufficient influence or authority to direct another officer or employee to perform an official act on a matter of interest to the person who makes the payment.

Example 4:

The purchaser of a lot goes to a county clerk’s office to request copies of a filed deed. The clerk asks for a copying fee, matching the fee schedule posted on the wall. The purchaser says he wants it copied without a fee, and accuses the clerk of demanding a bribe. He finally pays the fee under protest, watches the clerk stamp his check as received, and gets a receipt. The clerk has acted properly. The fee was required by law and the clerk had no discretion to decide whether or not to charge the fee. Accordingly, the fee was not paid or received in exchange for the promised performance of an official act.

Example 5:

The Oil Conservation Division issues permits to drill oil wells. Drilling applications are subjected to close scrutiny by the Divi-

sion, which has discretionary authority to grant or deny an application. An oil producer shows up at a district office of the Division to file a request to get a permit to drill a well, says he is new to the State and is introduced to the district director for a courtesy visit in his office. After the director reaches behind him for some literature about his division, he turns back to find an open box that has appeared on his desk. In the box are two matched pearl-handled revolvers. The oil producer says nothing, but smiles. The director asks him to leave and take the box with him, and immediately calls his supervisor. The producer has illegally offered the director something of value by plainly offering the guns to him—even though nothing was said and no cash was offered. It may be a challenge to prove the allegation in a criminal case because nothing specific was requested or promised in exchange for the gift. But since the producer was in the process of filing an application related to his business interests, the director correctly rejected the gift and reported it.

Example 6:

A governor’s aide finds himself in debt and in danger of defaulting on his mortgage. Around this time, he is contacted by a long-time friend who owns a construction firm. The friend asks for the aide’s help in getting awarded a contract to construct a bridge. Without telling the governor, the aide approaches the agency in charge of awarding the contract. He falsely tells the agency director that the governor really wants his friend to get the contract, in any way they can make that happen. Then the aide asks his friend for a long-term, interest-free loan of a substantial sum that will pay off his mortgage debt. He gets the money and the contractor gets the contract. When the full transaction comes out, however, they both also get jail terms. Even though the payment

was called a loan, the fact that it was offered without interest at a market rate made it a thing of value. The loan was illegal under the GCA because it was made in exchange for the performance of an official act that produced a substantial benefit to the lender.

B. Gifts from Financial Services Companies

The Law – Section 10-16-13.3

A. A business that contracts with a state agency or local government agency to provide financial services involving the investment of public money or issuance of bonds for public projects shall not knowingly contribute anything of value to a public officer or employee of that state agency or local government agency who has authority over the investment of public money or issuance of bonds, the revenue of which is used for public projects in the state.

B. A public officer or employee of a state agency or local government agency that has authority over the investment of public money or issuance of bonds, the revenue of which is used for public projects in the state, shall not knowingly accept a contribution of anything of value from a business that contracts with that state agency or local government agency to provide financial services involving the investment of public money or issuance of bonds for public projects.

C. For the purposes of this section:

(1) “anything of value” means any money, property, service, loan or promise, but does not include food and refreshments with a value of less than one hundred dollars (\$100) consumed in a day; and

(2) “contribution” means a donation or transfer to a recipient for the personal use of the recipient, without commensurate consideration.

Commentary

Much of the greatest concern in recent years about ethics in New Mexico government has focused on financial services provided to the state, largely because so much money is involved, especially in the state’s pension and permanent funds. States have found that the large fees associated with handling investments from multi-billion dollar funds can be tempting enough to induce some financial firms to engage in unethical tactics. Similarly, the successful marketing of bonds to fund construction projects requires involvement by financial services companies knowledgeable about bond markets, which entitles them to earn substantial fees. Thus, the state legislature enacted a provision of the GCA making it unlawful for any financial services firm to “contribute” money or any other valuable items to a public official with authority over such transactions, or for any such official to accept such a contribution.

For purposes of the prohibition, a contribution of anything of value is a donation or transfer by a financial services provider to a government official without anything in return from the official. Food and refreshments of under \$100 value consumed in a single day are not considered things of value and may be contributed without violating Section 10-16-13.3.

Example 7:

A city financial division manager and the city councilor who heads the finance committee are invited by a bond placement service company to New York City. The company wants to make a presentation to them on

how the company would represent the city's interest if retained. The company offers to pay all their travel expenses and to provide tickets to a Broadway play. The officials must reject all the offered travel and entertainment expenses except for up to \$100 per day in food and refreshments. The city will have to pay for the trip beyond that, and the officials will have to buy their own theater tickets, or the placement service company will have to send their representatives to New Mexico to make the presentation on its behalf.

V. WHAT CONFLICTS OF INTEREST MUST PUBLIC OFFICIALS AND EMPLOYEES AVOID?

A. Public Interest Prevails Over Conflicting Private Interests

The Law - Section 10-16-3(C)

Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct. At all times, reasonable efforts shall be made to avoid undue influence and abuse of office in public service.

The Law - Section 10-16-4

A. It is unlawful for a public officer or employee to take an official act for the primary purpose of directly enhancing the public officer's or employee's financial interest or financial position. Any person who knowingly and willfully violates the provisions of this subsection is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

B. A public officer or employee shall be disqualified from engaging in any official act directly affecting the public officer's or employee's financial interest, except a public officer or employee shall not be disqualified from engaging in an official act if the financial benefit of the financial interest to the public officer or employee is proportionately less than the benefit to the general public.

C. No public officer during the term for which elected and no public employee during the period of employment shall acquire a financial interest when the public officer or employee believes or should have reason to believe that the new finan-

cial interest will be directly affected by the officer's or employee's official act.

Commentary

These sections from the GCA strongly warn all public officials and employees at any level of New Mexico state or local government against using their public authority to benefit their private financial interests. "Financial interest" for purposes of the GCA is an interest held by an individual or the individual's family that is an ownership interest in business or property or any employment or prospective employment for which negotiations have already begun. The GCA defines "family" as a person's spouse, parents, children or siblings, by consanguinity (blood relationship) or affinity (through marriage). See Section 10-16-2(E), (F).

A public employee who takes an official act primarily to improve the employee's financial interest or position risks a fourth degree felony conviction. Even when the primary motive is something other than benefiting a public employee's financial interest, the GCA generally disqualifies a public employee from taking an official act that directly affects the employee's financial interests, unless the benefit to the public clearly outweighs the financial benefit to the employee. If a public employee has any doubt as to whether the employee should be disqualified from engaging in an official act that has an effect on the employee's financial interest, the best course is full disclosure. As indicated in Section 10-16-3(C), full disclosure of potential conflicts is a primary means of addressing and vetting situations that have the potential for improper self-dealing.

Example 8:

Sitting on huge sums in its permanent funds, a state agency's fund managers advertise for a professional consulting firm to provide advice on how best to invest the money. Several consulting firms apply. The state fund managers secretly agree to hire one consulting firm if it advises large investments in Mutual Fund A. The state fund managers are major shareholders in Mutual Fund A and will share in its profits from this transaction. The fund managers have violated the GCA because they took official action for the primary purpose of enhancing their financial interests and could be subject to imprisonment.

Although the GCA's provisions, including those discussed in this Part, are primarily concerned with financial conflicts of interest, the GCA's ethical principles, including Section 10-16-3(C)'s "guiding principle" of full disclosure, apply to any bias or interest that would adversely affect a government employee's ability to perform the employee's duties exclusively in the public interest. Any time a state or local government employee has a personal interest that could reasonably be perceived as unduly influencing the employee's conduct in a particular matter contrary to the public interest, the employee should disclose the interest, at a minimum, and refrain from acting or participating in the matter, if necessary.

In some cases, laws outside the GCA may dictate a public employee's conduct in the face of a conflict. For example, when acting in a quasi-judicial capacity, the members of a state or local adjudicatory body are subject to Article VI, Section 18 of the New Mexico Constitution, which prohibits a judge from hearing a case "in which either of the parties are related to him by affinity or consanguini-

ty, within the degree of first cousin..." See also Appendix I.B.

For conflicts of interest expressly addressed by the GCA, one way to look at how public officials and employees can avoid those conflicts is to consider the subject in three categories:

- 1) private business and the public workplace;
- 2) outside employment; and
- 3) former government employees.

To those three general categories might be added a fourth, more specific, one:

- 4) conflicts of interest for legislators.

We will look at how the GCA protects government employees, commercial interests, and the general public against potential favoritism or abuses of power by banning conflicts in all these categories.

B. Private Business and the Public Workplace

1. Selling products or services at work

The Law - Section 10-16-13.2

A. A public officer or employee shall not sell, offer to sell, coerce the sale of or be a party to a transaction to sell goods, services, construction or items of tangible personal property directly or indirectly through the public officer's or employee's family or a business in which the public officer or employee has a substantial interest, to an employee supervised by the public officer or employee. A public officer or employee shall not receive a commission or shall not profit from the sale or a transaction to sell goods, services, construction or items of tangible

personal property to an employee supervised by the public officer or employee. The provisions of this subsection shall not apply if the supervised employee initiates the sale. It is not a violation of this subsection if a public officer or employee, in good faith, is not aware that the employee to whom the goods, services, construction or items of tangible personal property are being sold is under the supervision of the public officer or employee.

Commentary

Public officers and employees, like anyone else, may have hobbies or skills that they wish to share with friends, family and colleagues. It may seem nonintrusive and even a favor to offer to sell handmade crafts to fellow employees, or to others with whom we deal through our work.

But if taken too far, such transactions can become coercive and abusive of authority. For example, employees who seek to supplement their income through profitable sales to the people whom they supervise put their staff in a bind: their employees may worry that turning down the supervisor's offer will lead to less favorable assignments, performance reviews, or other personnel actions. Even solicitations for worthy charities may become unwelcome if accompanied by implications that failure to donate could lead to unfavorable treatment, that those who donate will be favorably treated, or if the solicitations get too persistent. Employee time that is supposed to be devoted to public service may be diverted into private business or efforts on behalf of private charities. Occasionally, solicitations may even violate the law, such as in gambling pools.

The GCA controls some of this behavior by labeling as unlawful certain private dealings in the public workplace. Specifically, a su-

supervisor is prohibited from selling for profit any goods or services to her employees, whether directly or indirectly through her family or any business in which the supervisor has a substantial interest. Nor may a supervisor take a commission or otherwise profit from a sale to an employee she supervises, even if the supervisor does not participate in the transaction directly or indirectly through the supervisor's family or business.

There are two exceptions to the GCA's prohibition against sales to supervised employees. First, the prohibition does not apply if an employee initiates the sale. Second, the law provides a "good faith" defense - if the supervisor did not know that the sale was being made to a supervised employee, the sale does not violate the law.

The restrictions apply to the supervisor, the supervisor's family (spouse, parents, children or siblings), or any business in which the supervisor has a substantial interest. The GCA defines "substantial interest" as an ownership interest of greater than 20%. See Section 10-16-2(L).

Example 9:

A receptionist with no supervisory responsibility in a municipal government office sews angel dolls for her family around Christmas-time. She shows them to her co-workers and several ask if they can buy one. Realizing that her handiwork is in demand, she posts a sign in the office break room offering the dolls for sale. The sales do not violate her office's policies and do not detract significantly from her work duties. She has not violated the GCA, because she is selling to people who initiated the sale and over whom she has no supervisory authority.

Example 10:

During a coffee break at work, a county department head asks his staff to discuss what their family members do. When his turn comes up, the department head makes known that his brother runs a car repair business and that he would be happy to schedule repair work for anyone on the staff, promising them a good deal. This statement violates the GCA because the supervisor initiated it and it solicits sales from employees he supervises for a family-run business. It does not matter whether the department head personally profits from the business, because his family member does.

Example 11:

A county employee knows that his supervisor's brother is the sole owner of a car repair shop, but the supervisor has never mentioned this to his staff. The employee brings his car into this shop for repairs. As he picks it up and pays, the employee says to the shop owner: "Be sure to tell your brother I brought my car to you—he's my boss, you know." Although the employee/customer may be trying to curry favor with his boss, there is no violation of the GCA. The supervisor did not promote his brother's services to his staff, has no financial interest in his brother's business, and the employee initiated the transaction. Even if there had been a problem, the supervisor appears to have a "good faith" defense, in that he did not know his brother was selling his services to the supervisor's employee.

Example 12:

A state agency chief legal counsel signs up as an agent for a prepaid legal services company. The company pays for the services of an attorney to anyone who pays a monthly subscription. The legal counsel has no own-

ership interest in the company, but receives a commission from each sale, which he arranges during breaks, lunch and after work hours. He sends out an email to the entire agency to let everyone in the agency know that they can buy this service from him.

He has violated the GCA by offering services to staff he works with and, in some instances, may directly supervise. Even though the business does not belong to him or a family member, he cannot make a commission from sales to employees he supervises. As for agency personnel he does not supervise, he is carefully avoiding conducting his sales during work hours. Nevertheless his use of agency "powers and resources" to make his business known for his personal benefit, including his implicit endorsement as the agency lawyer for this legal services business and the use of office email to promote it, would seem to violate the ethical principles in the GCA against self-dealing.⁴

2. Selling to regulated entitiesThe Law - Section 10-16-13.2

B. A public officer or employee shall not sell, offer to sell, coerce the sale of or be a party to a transaction to sell goods, services, construction or items of tangible personal property, directly or indirectly through the public officer's or employee's family or a business in which the public officer or employee has a substantial interest, to a person over whom the public officer or employee has regulatory authority.

C. A public officer or employee shall not receive a commission or profit from the sale or a transaction to sell goods, services, construction or items of tangible personal property to a person over whom

⁴ Section 10-16-3(A) (see above, Part III.A).

the public officer or employee has regulatory authority.

Commentary

The law restricting public officials or employees from selling to individuals or entities over whom they have regulatory authority is similar to the provision against sales to supervised employees. As with the restrictions on sales to supervised employees, the agency employee may not sell or profit directly, through the employee’s family or through a business in which the employee has a substantial interest and the employee may not receive a commission or profit from a sale to a person over whom the employee has regulatory authority.

The restrictions on sales to regulated entities differ from those on sales to supervised employees in two respects. First, the restriction against selling to regulated persons and entities applies to any employee with regulatory authority over the person or entity, not just to employees who are supervisors or otherwise part of the agency’s management. Second, the restriction on sales to regulated persons does not expressly provide a good faith defense when a government officer or employee is not aware that an individual or entity to whom a sale is made is under the employee’s regulatory authority.

Example 13:

A staff accountant for a utility company that is regulated by the Public Regulation Commission is attending a social reception. He tells a Public Regulation Commission hearing officer that his wife has just filed for divorce. The hearing officer suggests that he retain her husband, who is a family law specialist. The suggestion violates the GCA, because the accountant is an employee of an entity regulated by the Commission and the

hearing officer likely would be viewed as having regulatory authority over the utility company. It is against the law for the hearing officer to sell legal services to the regulated entity employee indirectly through a family member.⁵

Example 14:

The wife of a Superintendent of Insurance runs an office supply business. During a meeting, the Superintendent hands his wife’s business card to the president of a regulated company, but says nothing about it. The company president has his purchasing agent order, but in the agent’s own name, a two-year supply of paper, pens, and printer ink cartridges from the business. The agent pays with a company check. The sale violates the GCA because the Superintendent is selling office supplies through his wife’s business. His wife may not have known the name of the company purchasing agent who placed the order, but the Superintendent’s action in handing her business card to the president promoted the sale. The payment by company check left no doubt who the buyer was.

3. Contracting with public employees

The Law – Section 10-16-7

A. A state agency shall not enter into a contract with a public officer or employee of the state, with the family of the public officer or employee or with a business in which the public officer or employee or the family of the public officer or employee has a substantial interest unless the public officer or employee has disclosed

⁵See also Section 8-8-19 of the Public Regulation Commission Act for ethical considerations specific to Commission candidates, Commissioners and staff.

through public notice the public officer's or employee's substantial interest and unless the contract is awarded pursuant to a competitive process; provided that this section does not apply to a contract of official employment with the state. A person negotiating or executing a contract on behalf of a state agency shall exercise due diligence to ensure compliance with the provisions of this section.

B. Unless a public officer or employee has disclosed the public officer's or employee's substantial interest through public notice and unless a contract is awarded pursuant to a competitive process, a local government agency shall not enter into a contract with a public officer or employee of that local government agency, with the family of the public officer or employee or with a business in which the public officer or employee or the family of the public officer or employee has a substantial interest.

C. Subsection B of this section does not apply to a contract of official employment with a political subdivision. A person negotiating or executing a contract on behalf of a local government agency shall exercise due diligence to ensure compliance with the provisions of this section.

Commentary

Apart from contracts of employment, the GCA puts restrictions on state employees wishing to contract with any state agency and on local government employees attempting to contract with the local government agency that employs them.⁶ The re-

strictions apply to the employee, the family of the employee (spouse, parents, children or siblings); or to any business in which the employee or the employee's family has a substantial (over 20%) interest.

The restrictions are not absolute. It is possible for public employees to contract with the government that employs them, provided they meet two conditions.

First, the employee must publicly disclose the substantial interest he or she holds. The GCA does not define how that disclosure must be accomplished. It appears that the purpose of the notice is to alert the public to the potential conflict of interest inherent in a public body contracting with its own employee or their family, to ensure transparency and accountability. If the transaction is appropriately publicized, for example, people who might have offered to provide the same service would be able to ensure that proper procedures are followed; and other members of the public would be assured that no "backroom deals" were made to favor insiders, perhaps at an unfair cost to taxpayers.

Even though the GCA does not specify the form of public notice that should be provided, it should be adequate to serve the purposes of providing transparency and accountability. That would mean that, at a minimum, anyone who is reasonably attentive to developments concerning the applicable government agency would be alerted to the situation. Presumably, adequate notice could include anything from posting a notice conspicuously at city hall, to buying a newspaper announcement, to arranging to have it

⁶ For purposes of the GCA, a "contract" is "an agreement or transaction having a value of more than one thousand dollars (\$1,000) with a state or local government agency" for

a wide variety of purposes. See NMSA 1978, § 10-16-2(C).

appear prominently in the agency newsletter or website.

Some guidance regarding the appropriate form of notice might be found in the Open Meetings Act,⁷ which requires public bodies to give advance notice of their meetings to the public. Lacking statutory direction, it would be advisable for a state agency that is contemplating a contract with a state employee, or local government agency that is contemplating a contract with one of its own employees, or a family member or the employee's or family member's business, to use the same form of notice it uses to publicize meetings. For example, a local government body might note in its published meeting agenda that it will consider approving a contract with one of its employees.

Second, state government agencies intending to contract with a state employee and local government agencies intending to contract with one of their employees, their family members or businesses, must award the contract through a competitive process. Usually, this requirement will be met by following the competitive sealed bid process or the competitive sealed proposal process delineated in the Procurement Code.⁸ Some

⁷ NMSA 1978, § 10-15-1(D), (F).

⁸ NMSA 1978, §§ 13-1-28 to -199. The Procurement Code's provisions governing procurement by competitive sealed bids and competitive sealed proposals are found at NMSA 1978, Sections 13-1-102 to -122. The Code provides exceptions from the requirement for competitive sealed bids and proposals for small contracts and sole source procurements. See Sections 13-1-125, 13-1-126. However, procurements achieved by those methods would not meet the GCA's requirement for a contract awarded through a competitive process.

local government entities may be excluded from the Procurement Code, such as municipalities that have adopted home rule charters and have enacted their own purchasing ordinances.⁹

The employee negotiating or executing the contract on behalf of the government agency is responsible for using due diligence to ensure that the rules described above are followed. Specifically, a state agency should ask potential contractors whether they are state officers or employees and a local government agency should ask potential contractors whether they are officers or employees of that agency. If so, the required public notice must be made and the contract awarded through a competitive process.

Example 15:

A municipal full-time fire chief owns several dump trucks for private trash hauling from construction sites. The city has no trucks of its own, and its previous contract hauling service has just gone out of business. At a city council meeting, the city manager announces that his office will put out a request for proposals to contract with a new hauling service for its solid waste. The fire chief stands up and, on the record, states that he would like to submit a proposal to be awarded the contract in accordance with the rules of the Procurement Code's Request for Proposals (RFP) competitive sealed proposal process. He responds to the RFP properly and does not discuss his proposal with anyone in municipal government. When the city clerk gives the agenda to the local newspaper for the meeting at which the proposals will be considered, she includes a special note that the city fire chief has submitted a proposal. The fire chief's proposal is lawful, since he has made public disclo-

⁹ NMSA 1978, § 13-1-98(K).

sure of his interest and followed the competitive process.

Example 16:

Same situation as in the above example, except that the trash hauling business is owned by the fire chief's uncle. Since the definition of family is limited to spouse, parents, children or siblings, the restrictions of the GCA do not apply—no disclosure is required and non-competitive methods can be used, provided they are otherwise consistent with applicable law.

Example 17:

A state agency that hears administrative appeals of its actions issues a Request for Proposals (RFP) under the competitive sealed proposal process of the Procurement Code for contract hearing officers who are licensed New Mexico attorneys. The RFP also invites current state employees with hearing officer experience to respond to the RFP as long as they disclose their current state agency employment status. Sam Smith, an attorney who is employed by another state agency and works a four-day flex schedule, submits a proposal to serve as a hearing officer. He discloses that he is a full-time state agency employee but will perform his hearing officer duties on his day off from the state agency that employs him. The agency publishes a notice in the local newspaper listing the proposals it has received and indicating those submitted by state employees. The agency awards Smith a contract to be a hearing officer based on its evaluation of the weighted evaluation factors in the RFP. Smith has given sufficient public notice that he is a state employee.

4. Preserving confidentiality

The Law - Section 10-16-6

No legislator or public officer or employee shall use or disclose confidential information acquired by virtue of the legislator's or public officer's or employee's position with a state agency or local government agency for the legislator's, public officer's or employee's or another's private gain.

Commentary

This provision protects confidential information from being disclosed for personal use by an employee who has access to it through an official position, to benefit either the employee or anyone else privately. While most government information is considered public, there are many records that are by law withheld from public viewing. Such confidential records include, for example, individual and business tax returns, many materials developed for litigation, school records, and medical records. This provision of the law is one of the provisions in the GCA that extend to legislators as well as other public officials and employees.¹⁰

Example 18:

An emergency medical technician employed by the county fire department drives a seriously injured accident victim to the county hospital, and ascertains the victim's condition from the medical staff. She then calls an attorney friend, details the victim's condition, and provides the victim's phone number

¹⁰ See also the Inspection of Public Records Act, NMSA 1978, ch. 14, art. 2 (requiring public bodies to make public records available for inspection and copying, with certain limited exceptions).

so the attorney can offer to represent him. This conduct violates the GCA, because the EMT, a county employee, has used confidential medical information obtained from the county hospital staff for the private benefit of the attorney.¹¹

Example 19:

A clerk for a board that regulates nursing home administrators is filing correspondence when he notes a highly critical letter, marked "confidential," from the family of a resident regarding a nursing home administrator whose license is up for renewal. The clerk knows the administrator of the nursing home, can't believe the criticism, and feels she should know about this as it may negatively affect the business of the nursing home. The board's practice act protects the confidentiality of complaints until the board takes action on them. Because the letter is a confidential complaint, sending the letter to the nursing home administrator, or even notifying her about it, would violate the GCA.

C. Outside Employment

1. Basic principles

The Law - Section 10-16-3

A. The legislator or public officer or employee shall use the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests.

The Law - Section 10-16-4.2

A public officer or employee shall disclose in writing to the officer's or employee's respective office or employer all employ-

ment engaged in by the officer or employee other than the employment with or service to a state agency or local government agency.

Commentary

Like many other Americans today, many public employees have difficulty making ends meet. When the opportunity arises, even some full-time employees for government take second jobs in the private sector to help support themselves and their families. The only problem with this under the GCA occurs when the second (or subsequent) job interferes with performance on the employee's government job. This might happen under several circumstances:

a. When the employee cannot fully attend to her public duties because of the outside employment

Public employees who work at second jobs unrelated to their official duties are required by the GCA only to disclose to their agencies that they have taken the outside work. This allows supervisors to evaluate the situation for any potential problems. Policies of the agency, whether at the state or local government level, may create additional requirements. Such policies often direct that public employees not take any outside work that interferes with the performance of official duties. If such interference occurs, say because the employee leaves work early due to the hours she has to be at her other job, appropriate corrective or disciplinary action may be taken.¹²

¹¹ It also would likely violate the Emergency Medical Services Act. See § 24-10B-4.1.

¹² The State Personnel Board has promulgated rules governing disciplinary action against state classified employees. See Rule 1.7.11.10 NMAC.

b. When the employee uses public resources to conduct outside work

Employees sometimes try to use their time at their agency or the agency's supplies or equipment for outside work. Examples may include using an agency telephone for private business during work hours, or using computers, copiers, telephones, fax machines, vehicles or other equipment in support of the private business. Some offices will track such personal use of equipment and supplies and obtain reimbursement from the employees, and time used for non-official work can be self-reported; but except in extreme cases an honor system must ultimately be relied on. Emergencies will of course arise requiring some flexibility, but that should usually be the rare exception. In any case, the GCA prohibits use of public resources for private interests, so managers have a duty to rein in any significant use of public time or resources.

c. When the employee's private work conflicts with the public interest

The strongest statements by the GCA on this subject relate to employees whose outside financial interests conflict directly or indirectly with the interests of the public they have committed to serve. As discussed in earlier in this Part, public officials and employees must avoid such conflicts of interest.

Example 20:

A staff member in the county purchasing office is tasked with reviewing the telephone service used in the county jail, to see if costs can be reduced. The official, on her own time and without anyone in her office knowing, is a paid marketing consultant to a private telephone service company that supplies software for blocking and limiting in-

mates' calls and automatically reversing the charges. She approaches her company, which offers the county better service at lower rates than the competition. Even though she may have been able to get a great deal, the purchasing official must immediately disclose this conflict and disqualify herself from any role in the review because it benefits a company that pays her.

Example 21:

Laura is a single mom whose full-time salary at her city job isn't enough to pay her bills and raise her kids. She responds to an Internet ad to become a telephone marketer from home. At first, she only places calls after the kids are in bed or on weekends, but she leaves people her personal cell phone number to call her back. Calls start coming relatively often during her work hours. These calls are too short to keep track of, but they start interrupting her performance of her official duties several times a day. Laura's business has begun to cross the line of ethical conduct. Even though the return calls are coming on her personal cell phone, she is using an office resource—her time—for her private business. She will need to disclose the business to her supervisor, and to make adjustments, possibly giving her callers her home number or cell number used only on her own time, and asking them to leave a message she can return.

2. Prohibited employment

The Law - Section 10-16-4.3

It is unlawful for a state agency employee or local government agency employee who is participating directly or indirectly in the contracting process to become or to be, while such an employee, the employee of any person or business contracting

with the governmental body by whom the employee is employed.

The Law - Section 10-16-13.2

D. A public officer or employee shall not accept from a person over whom the public officer or employee has regulatory authority an offer of employment or an offer of a contract in which the public officer or employee provides goods, services, construction, items of tangible personal property or other things of value to the person over whom the public officer or employee has regulatory authority.

Commentary

While public employees may take outside work to supplement their incomes if they disclose it, these two sections of GCA draw a line barring them from taking employment that would create inherent conflicts of interest. No amount of disclosure or remedial action would make such employment allowable.

a. Employees participating in the contracting process

The first category of forbidden employment is between a government contractor and an agency employee who is involved in the agency's contracting process. Section 10-16-4.3's prohibition applies to public employees who "directly or indirectly" participate in the contracting process.

The GCA does not define "directly or indirectly" for purposes of Section 10-16-4.3's prohibition against contemporaneous employment. However, useful guidance is found in the Procurement Code, which defines "direct or indirect participation" in a similar context (see discussion in the next paragraph) as "involvement through deci-

sion, approval, disapproval, recommendation, formulation of any part of a purchase request, influencing the content of any specification, investigation, auditing or the rendering of advice." See NMSA 1978, § 13-1-53. Thus, an employee of the agency who formulates the specifications for a contract, decides which individuals, businesses or organizations will receive contracts from the agency, is involved with overseeing the performance of the entity awarded the contract or similarly participates in the contracting process may not serve that entity as an employee so long as it has the contract.

The Procurement Code contains a similar provision, which prohibits state or local government employees who are "participating directly or indirectly in the procurement process" from becoming employees of persons or businesses who contract with the employees' agencies. See NMSA 1978, § 13-1-193. In contrast to the GCA, however, the Procurement Code permits a state agency or local government body to waive the Code's prohibition against contemporaneous employment if certain conditions are met. See NMSA 1978, § 13-1-194. Consequently, a government employee who participates in the procurement process for contracts covered by the Procurement Code will be subject to the specific provisions of the Code governing contemporaneous employment with a contractor, including the Code's waiver provision. For procurements or contracts that are outside the scope of the Procurement Code,¹³ the more absolute prohibi-

¹³ The GCA's coverage is broader than the Procurement Code's. The Code generally applies to the procurement of items of tangible personal property, services and construction." NMSA 1978, § 13-1-30. The GCA applies to the same transactions, plus contracts for the acquisition, sale or lease of any land or building, licenses, loans and the pur-

tion in Section 10-16-4.3 of the GCA will apply.

Example 22:

Jane Doe is a contracts manager in a state agency monitoring whether mental health services contractors with her agency are complying with the terms of their professional services contracts. Annually, she participates in the drafting of the request for proposals and the proposal evaluation process that leads to the award of those contracts pursuant to the Procurement Code. Jane is also a licensed social worker employed by one of her state agency's contractors on weekends as a mental health counselor. Because she is directly involved in the state agency's contracting process, Jane's concurrent position with the contractor raises a question under Section 10-16-4.3 of the GCA. In this case, however, the contracting process in which Jane participates is covered by the Procurement Code, so Jane might be permitted to retain her outside position if she meets the requirements for a waiver under Section 13-1-194.

Example 23:

John Barrister is a county attorney who reviews county contracts for legal sufficiency before recommending them to the county commission. He signs his name on the same signature page where the county manager will also sign to legally bind the county after approval has been granted by a majority of the county commissioners. John signs and approves for legal sufficiency a contract with a local law firm that has also contracted with John to do legal research on public issues outside John's regular hours with the county. By virtue of his review of and signa-

chase of financial securities or instruments. See NMSA 1978, § 10-16-2(C).

ture on county contracts, John is directly involved in the contracting process. Accordingly, unless all the contracts John is responsible for reviewing and signing are covered by the Procurement Code (which allows for a waiver of its contemporaneous employment prohibition), the best course for John would be to terminate his contract with the law firm consistent with the GCA's prohibition against contemporaneous employment with contractors.

b. Employees with regulatory authority

The second type of outside employment forbidden to all state and local government officers and employees under the GCA is a job or contract with an entity that the officer or employee regulates. The employee may not work for the entity, nor provide it with any goods or services under a contract. Interestingly, this section of the GCA does not prohibit all employees of an agency that regulates the entity from taking such work: it prohibits only the employees who themselves have regulatory authority over the entity from working for or contracting with it. This might mean, for example, that a rate analyst who reviews and reports on rate filings by a public utility but does not have authority to approve the rate filings would not violate this section by working for the utility.

Example 24:

A state agency employee, on his own time, writes a successful grant application on behalf of a non-profit organization for federal funds that are awarded through a contract with his state agency. The employee, who tells his supervisor from the outset what he is doing, has no role in selecting the grantees, but is charged with monitoring progress under the grants once awarded to ensure that the work is completed on time. The em-

ployee violated the GCA's prohibition against contracting to provide services to an entity that contracts with the employee's agency when the employee participates directly or indirectly in the contracting process. Merely disclosing his role to his supervisor did not remove the unlawful conflict.

Example 25:

A roofing contractor who is a member of the Construction Industries Commission is asked by a New Mexico-licensed general contractor to subcontract for roofing services to build several private residences. Since taking office, the commissioner has not had to vote on the general contractor's license renewal or resolve any disputes, and nothing is pending. The commissioner is willing to disqualify himself should any controversies or other regulatory actions involving this contractor come before the Commission. The GCA nonetheless bars the commissioner from taking the subcontract. His eligibility for per diem and mileage reimbursement as a commissioner subjects him to the GCA, and his status as a commissioner gives him regulatory authority over the contractor. The GCA therefore bars him from accepting the contract to provide construction, or any other paid services, to the regulated contractor.

Example 26:

A private taxi service contracts with the city to provide free safe rides to customers at bars who might otherwise drive drunk. The cab company owner has to appear occasionally at city hall on various contract matters. During these visits, he strikes up a casual friendship with a city policeman assigned to security duty at city hall. When the cab company owner starts to experience vandalism at his garage, he asks the police officer if he can provide security guard ser-

vice at night for his company garage. Since the police officer has no role in the city's contracting process, he may accept the offer as long as it is also allowable under his department's policies regarding outside employment.

3. Honoraria and expense reimbursements

The Law - Section 10-16-4.1

No legislator, public officer or employee may request or receive an honorarium for a speech or service rendered that relates to the performance of public duties. For the purposes of this section, "honorarium" means payment of money, or any other thing of value in excess of one hundred dollars (\$100), but does not include reasonable reimbursement for meals, lodging or actual travel expenses incurred in making the speech or rendering the service, or payment or compensation for services rendered in the normal course of a private business pursuit.

Commentary

The GCA forbids state and local government officials from accepting payment or gifts of over \$100 in value for performing services related to their official duties. The statute therefore seems to allow occasional tokens of appreciation to be given to speakers from government, but the value of a gift may not exceed \$100. Reimbursement for reasonable and bona fide expenses incurred for meals, lodging or travel is allowed because that reimbursement presumably is intended to save the government agency the expense of traveling, not the public official personally. (Salaried state officers are barred by the state constitution from accepting any compensation in addition to their salaries, which may absolutely preclude them from accepting honoraria in exchange for services that

relate to the performance of their public duties. See Appendix I, Part B.)

Example 27:

A highway engineer working for the State occasionally moonlights by designing private roads for rural residents. He does all the work at nights and on weekends or personal leave time, works from home and uses only his own supplies and equipment. The private landowners pay him for his services. These fees appear to be allowable under Section 10-16-4.1 of the GCA as "payment or compensation for services rendered in the normal course of a private business pursuit." Even though the engineer is using the same skills he uses at work, the private roads he is building do not appear to relate to his work. However, it is still important (and legally required under Section 10-16-4.2) that he notify his supervisor of this work, so that the agency management can assure themselves that the work does not conflict in some way with their plans for public roads or with the engineer's duties. For example, the engineer should not put his agency in jeopardy of being accused of favoritism if his private clients also come to the agency for publicly funded services.

Example 28:

An appellate judge is asked by people he does not know to officiate at their wedding on a weekend at an out of town resort in New Mexico. The judge indicates that he can do so, but that since this would require work after business hours and travel, he would want to be paid a gratuity of \$100 plus travel expenses. The couple may compensate the judge for his travel expenses, but the judge may not accept the gratuity. The gratuity does not exceed the limit set in the GCA, but judges are also subject to the Code of Judicial Conduct, which prohibits acceptance of

any fee for performing a wedding. See Rule 21-312 NMRA, Comment 3. So, the judge would not be subject to the penalties that result from violations of the GCA, but might be subject to discipline under the Code of Judicial Conduct.

D. Former Public Employees

1. Restrictions on contracts with former public employees

The Law: Section 10-16-8

A. A state agency shall not enter into a contract with, or take any action favorably affecting, any person or business that is:

(1) represented personally in the matter by a person who has been a public officer or employee of the state within the preceding year if the value of the contract or action is in excess of one thousand dollars (\$1,000) and the contract is a direct result of an official act by the public officer or employee; or

(2) assisted in the transaction by a former public officer or employee of the state whose official act, while in state employment, directly resulted in the agency's making that contract or taking that action.

C. A local government agency shall not enter into a contract with, or take any action favorably affecting, any person or business that is:

(1) represented personally in the matter by a person who has been a public officer or employee of that local government agency within the preceding year if the value of the contract or action is in excess of one thousand dollars (\$1,000) and the contract is a direct result of an official act by the public officer or employee; or

(2) assisted in the transaction by a former public officer or employee of that political subdivision of the state whose official act, while in employment with that political subdivision of the state, directly resulted in the agency's making that contract or taking that action.

Commentary

Paragraph (1) of Section 10-16-8(A) prohibits state agencies from contracting with or taking action favorably affecting any person or business: 1) that is personally represented in a matter by a person who, within the past year, was an officer or employee of the state; 2) when the value of the contract or action exceeds \$1,000, and 3) when the contract is a direct result of an official act by the public employee or officer.

While the restriction in paragraph (1) on former employees only applies to contracts or actions with a value over \$1,000 and expires after a year, paragraph (2) applies a stricter standard. This subparagraph prohibits a state agency from contracting with any person or business that is "assisted" in the transaction by a former state officer or employee whose official act, while in state employment, directly resulted in the agency's making that contract or taking that action. Paragraph (2) places no limits on the amount of the contract or the length of time after the employee has left government for the contract to be illegal.

For both these paragraphs, the GCA defines the term "official act" as: "an official decision, recommendation, approval, disapproval or other action that involves the use of discretionary authority." See NMSA 1978, § 10-16-2(H). See also Part IV.A of this Guide for a discussion of what constitutes an "official act" for purposes of the GCA.

Section 10-16-8(C) applies the same rules that apply to state agencies under Subsection (A) to local government agencies and restricts those agencies from entering into transactions with contractors assisted or represented by former local government employees.

For both Section 10-16-8(A) and (C), deciding whether paragraph (1) or (2) applies to a particular situation may prove challenging. For one thing, the GCA provides no definition of "direct result." Moreover, in deciding whether to apply subparagraph (1) or (2), the agency would have to distinguish between a contractor that is "represented personally" by a former agency employee versus one that is "assisted in the transaction" by the employee. Because of these difficulties, we urge agencies to be extremely cautious before entering into contracts with companies that are represented or assisted in the contracting process by former employees.

Example 29:

Robert Smith is a cabinet secretary who plans to retire in two months. Before he retires, he asks his Administrative Services Division Director to issue a request for proposals for up to \$100,000 in landscaping services at one of his Department's residential treatment facilities. Smith knows that his brother-in-law Jones owns a landscaping company and needs the business. Two months after his retirement, Smith helps his brother-in-law respond to the RFP by drafting part of the proposal, which is timely submitted to his former state agency. He also attends a meeting with Jones and state agency procurement officials to help negotiate a "best and final offer." The state agency awards the contract to Jones. The state agency has violated this section of the GCA. Smith's official act of ordering the issuance of a request for proposals before retiring

directly results in his brother-in-law's opportunity to respond to the RFP. Then within a year of retiring Smith personally represents his brother-in-law by writing part of the proposal response and joining his brother-in-law in the negotiation of the contract, which exceeds \$1,000. Under these circumstances, the state agency cannot award the contract to Jones.

Example 30:

Judy Jones is a former division director of a large state agency that contracts for community-based substance abuse services. While still working for her state agency, she wrote a request for proposals for her division to award a contract that she knew her husband, a substance abuse counselor, would receive, given the specific weighted evaluation factors favorable to her husband she included in the RFP. The state agency violated the GCA by awarding the contract to Jones' husband because he was assisted in the transaction by his wife, whose official acts while still in office directly resulted in the award of the contract to him. Had Jones' husband in this example participated with Jones in the preparation of the weighted evaluation factors in the RFP, the state agency also would have violated Section 10-16-13 of the GCA, which prohibits state and local government agencies from accepting "a bid or proposal from a person who directly participated in the preparation of specifications, qualifications or evaluation criteria on which the specific competitive bid or proposal was based."

2. Restrictions on former employees' transactions with government agencies

The Law - Section 10-16-8

B. A former public officer or employee shall not represent a person in the per-

son's dealings with the government on a matter in which the former public officer or employee participated personally and substantially while a public officer or employee.

D. For a period of one year after leaving government service or employment, a former public officer or employee shall not represent for pay a person before the state agency or local government agency at which the former public officer or employee served or worked.

Commentary

Subsection B creates an absolute restriction on certain former public officers or employees. It prevents them from representing a person in the person's dealings with the government on a matter in which the public officer or employee participated "personally and substantially" while working for either the state agency or local government involved. The amount of the contract or the length of time that the employee has been gone from public service is immaterial. "Personally and substantially" are not defined in the statute, so they should be read as commonly used. "Personally" would therefore mean "in person" and "substantially" would mean more than a passing, peripheral or minor involvement.

Section D creates still another absolute restriction on former officials or employees of state or local government. It establishes a one-year period when a former public officer or employee is prohibited from representing "for pay" a person before the state agency or local government agency at which the former public officer or employee served or worked. This restriction applies no matter how extensive or limited the former employee's involvement may have been in the particular project or contract while the em-

ployee worked at the government agency. The employee may even have worked in a division of the same state or local government agency that was unrelated to the contract or interest of the person he is representing; the prohibition still applies for a year after the employee leaves the agency. A common application of the prohibition has been to former agency attorneys attempting to represent private clients in matters before their former agencies.¹⁴

Example 31:

Lawrence Little designed a software program while a state employee to track prisoners in the Department of Corrections system. After he retires, Little is hired as a consultant by a large private corrections company to update and improve the software he designed for the state. Little is asked by the private company to negotiate a contract with the state employee who succeeded him to replace the software program originally created by Little with an updated version owned by the private company. Little and his successor at the state would violate the GCA if Little negotiated a new contract on behalf of the private company because he was personally and substantially involved in the creation of the original software used by the state.

Example 32:

A retired municipal park maintenance supervisor contracts with a private security firm, which asks her to talk with city officials about hiring them to provide services at city hall. Even though the former city employee was not involved with security while employed by the city, the law bars her from

representing the security firm for pay in discussions with her former employer for a year after her retirement date. She can volunteer these services to the security company, however.

Example 33:

Stanley Smith is a wastewater engineer who has left the Environment Department to do private consulting. Three months after entering the private sector, Smith is retained by a private company to testify on its behalf before the Environment Department's appointed hearing officer on proposed new wastewater regulations. Smith can only do so under the GCA if he was not personally and substantially involved in the drafting of the proposed regulations before he left his state position and does not accept compensation for his testimony.

E. Legislative Conflicts of Interest

1. Contracts with legislators

The Law- Section 10-16-9

A. A state agency shall not enter into a contract for services, construction or items of tangible personal property with a legislator, the legislator's family or with a business in which the legislator or the legislator's family has a substantial interest unless the legislator has disclosed the substantial interest and unless the contract is awarded in accordance with the provisions of the Procurement Code, except the potential contractor shall not be eligible for a sole source or small purchase contract. A person negotiating or executing a contract on behalf of a state agency shall exercise due diligence to ensure compliance with the provisions of this subsection.

¹⁴ See Ortiz v. Taxation and Revenue Department, 124 N.M. 677, 954 P. 2d 109 (Ct. App. 1998).

Commentary

This section of the GCA establishes rules for our unsalaried citizen legislators when they are conducting their private business activities.¹⁵ It applies when legislators attempt to contract with a state agency directly, through their families or through a business in which they or their families have a substantial interest.

There are three key requirements that must all be met before a state agency may enter into a contract with such an entity. First, the legislator must disclose his or her substantial interest. Second, the contract must be awarded under the Procurement Code, except that a legislator/contractor is not eligible for a sole source or small purchase contract. And third, the agency contracting personnel must exercise due diligence to be sure that no conflict addressed by this provision is overlooked. The due diligence requirement might be met by requiring the contractor to complete a form requiring disclosure of any conflicts of interest, including whether the potential contractor is a legislator, a family member or a business in which the legislator or legislator's family has a substantial interest.

The purpose of Section 10-16-9 is to prevent legislators from using their public office for personal gain and exploiting the unfair advantage they could theoretically have by threatening retaliation through legislative actions, such as voting against a budget item sought by the state agency. Even if a legisla-

¹⁵ Members of the legislature are also subject to sanctions for unethical conduct as recommended to their respective houses by the Interim Legislative Ethics Committee, see NMSA 1978, §§ 2-15-7 to -9, and to removal through impeachment, N.M. Const., Art. IV, § 36.

tor did nothing wrong to get a contract with a state agency, the public could reasonably be concerned that the legislator had an unfair advantage by reason of his power. Moreover, agency personnel might believe that a legislator who is denied a contract would retaliate, perhaps during their budget hearings, even if the legislator had no intention of doing so.

Example 34:

A state agency awards a small purchase contract to the daughter of a state legislator to write an informational brochure for the agency. The contract is approved by all appropriate authorities, who do not know of the proposed contractor's family relationship to an elected official. There is no question that the proposed contractor is qualified to perform the work required by the contract. The contract award violates the GCA because it prohibits families of legislators from receiving a small purchase contract. In addition, the proposed contractor's relationship to the legislator was not disclosed. The contracting personnel at the agency might have avoided the improper contract award if they had performed the due diligence required by the GCA, including appropriate inquiries to determine whether a conflict existed.

2. Legislators as representatives of parties before state agencies

The Law: Section 10-16-9

B. A legislator shall not appear for, represent or assist another person in a matter before a state agency, unless without compensation or for the benefit of a constituent, except for legislators who are attorneys or other professional persons engaged in the conduct of their professions and, in those instances, the legislator shall

refrain from references to the legislator's legislative capacity except as to matters of scheduling, from communications on legislative stationery and from threats or implications relating to legislative actions.

Commentary

Legislators can represent or assist constituents before a state agency for the benefit of those constituents, but must do so without compensation. Legislators who are attorneys and other professionals can receive compensation for their representation of clients or for professional services rendered but cannot refer to their legislative status, except for scheduling purposes, and cannot use legislative stationery for private purposes or engage in threats or implications relating to legislative actions.

Example 35:

A senator who is also an attorney licensed to practice law in New Mexico sues on behalf of a client against a state agency for breach of contract. The state agency's attorney successfully petitions the district court for a contempt order and fine against the senator after he fails to appear for depositions of his clients. Angered by this, the senator refuses to pay the fine and seeks revenge against the state agency attorney. He asks a fellow legislator on the Senate Finance Committee to eliminate the salary of the state agency attorney from the agency's budget. The Senate Finance Committee refuses to act on the attorney's salary and at a contempt of court hearing, the senator pays his fine.

The senator violated the GCA and possibly other laws by attempting to use his legislative office to gain personal advantage in a lawsuit he initiated as a licensed attorney for compensation. His effort to mitigate his

offense by belatedly paying the fine may be raised as a defense to his actions, but the abuse of his legislative office may still subject him to ethical sanctions by the Senate in addition to civil or criminal penalties under the GCA.

VI. POLITICAL ACTIVITY

This Part addresses the GCA's provisions governing political activity allowed or prohibited for state and local government officials. For additional constraints under other state and federal laws, see Appendix I.C: Political Activity.

The Law – Section 10-16-3.1

A public officer or employee is prohibited from:

A. directly or indirectly coercing or attempting to coerce another public officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for a political purpose;

B. threatening to deny a promotion or pay increase to an employee who does or does not vote for certain candidates, requiring an employee to contribute a percentage of the employee's pay to a political fund, influencing a subordinate employee to purchase a ticket to a political fundraising dinner or similar event, advising an employee to take part in political activity or similar activities.

Commentary

People who take jobs in government do not give up all their rights to participate as citizens in our democracy. They can vote, donate to candidates, and work on their own time for candidates and political parties and causes. Those elected to office or appointed by elected officials are entitled, and expected, to use public resources at their disposal to fulfill their public commitments made during their political campaigns, consistently with their other duties of office. That justifies their appointing like-minded

people - who serve with virtually no job security - to key policy positions without going through the usual civil service procedures.

At the same time, election to office does not entitle officials to use publicly funded resources to finance their political campaigns. Nor does election success entitle the officials to hire or remove staff from civil service positions, or to treat employees differently based on their political views. Thus, the challenge is how to respect the civil rights of individuals and the legitimate political expectations of office-holders, while protecting the public against political misuse of their resources.

The GCA (and, for certain officials, the federal Hatch Act) attempts to strike a balance among these competing concerns. While respecting the constitutional rights of public employees and officials to participate in democratic processes, the law attempts to protect the taxpayers against use of public resources and personnel to benefit political parties, candidates or officeholders. The law also protects public employees from unfavorable treatment at their jobs simply for not having supported favored candidates.

A. Coercing Employees to Offer Political Support

The GCA protects all New Mexico governmental employees - whether at the state or local government level, and whether or not they are career civil service appointees - against being coerced by their employers to support political candidates, parties or causes. Under this law, public employees are protected not only from coercion to make contributions of money, but anything else of value, including their time. And employees

are protected against being coerced to contribute not only to specific candidates, but also to “a party, committee, organization, agency or person for a political purpose.” So, the prohibition encompasses requiring contributions even to candidates in non-partisan elections or to political action committees, for example.

The GCA further prohibits threats to deny an employee a promotion or pay increase because of how the employee decides to vote, even if such threats are not carried out. The protection of this subsection extends both to classified (civil service) and exempt (politically appointed) employees. Implicitly, it also prevents a public officer or employee from terminating another employee because of his or her vote or attempting to affect the employee’s political choices in other ways, including:

§ 31-3-31 requiring an employee to contribute a percentage of the employee's pay to a political fund;

§ 31-3-32 influencing a subordinate employee to purchase a ticket to a political fundraising dinner or similar event; and

§ 31-3-33 advising an employee to take part in political activity or similar activities.

Example 36:

After a change of administrations, the new state agency head calls in her entire agency staff and “suggests” that they all “seriously consider making contributions” to the new governor’s political party, and that such contributions will be “duly appreciated.” She mentions in the next sentence that she will be reviewing which exempt employees to retain and who throughout the agency will be getting raises or promotions. Her obvious implication tying the political support of the employees with their opportunities to retain their jobs or receive raises or promotions will not be lost on any of her

staff. This coercive conduct violates the GCA.

Example 37:

A supervisor privately asks an employee to contribute to a political action committee. The committee uses the funds it raises to produce and air ads on television in support of specific candidates the committee endorses. The supervisor’s request violates the GCA, even though there is no implied threat or reward attached. Since the political action committee attempts to influence voter behavior during an election, and contributions to the committee can be viewed as participating in the committee’s activities, the supervisor’s request amounts to “advising the employee to take part in political activity or similar activities.”

Example 38:

The lieutenant governor decides to make a run to succeed the term-limited governor he has been serving under. His administrative aide tells his exempt (non-civil service) staff that there will be an organizing meeting on Saturday for those wishing to help on the campaign. John, a legislative aide to the lieutenant governor, decides to attend because he supports his boss and wants to serve as an aide should he become governor. Since John’s decision to attend is entirely voluntary, and his participation in the campaign meeting will occur on a weekend, there is no violation of the GCA.

B. Running for Office

The GCA does not itself authorize public employees to seek or forbid them from seeking election to public office. However, state employees in the classified service are restricted from running for office under the State Personnel Act and the federal Hatch

Act creates a special rule for government employees whose positions are primarily federally funded. See Appendix I.C for further discussion on those laws.

C. Using Public Assets for Political Purposes

The Law - Section 10-16-3.1

A public officer or employee is prohibited from: ...

C. violating the officer's or employee's duty not to use property belonging to a state agency or local government agency, or allow its use, for other than authorized purposes.

Commentary

The law protects taxpayers from use by public employees of public funds or resources to support political activity and other unauthorized purposes. This applies to all public employees, state or local, exempt or classified. Of course, actions that may look like public service to the supporter of an official may look like politicking to his opponents. For example, if a political officeholder running for re-election uses his official car, driver and security detail to attend a luncheon for a private interest group, where he tells his audience what his administration is doing for them, it may look like campaigning. But if the politician does not ask for or accept donations of money or their votes, the expenditures would be legitimate efforts to inform the public of their government's actions.

Example 39:

A county clerk running for re-election asks her staff to put a stack of her election flyers on the counter where the public can see them and take them if they like, but staff

members are instructed not to say anything about the flyers to anyone. Despite the code of silence, putting the flyers on the counter where the public does official business with the clerk's office is an illegal use of public resources under the GCA.

VII. IMPLEMENTATION OF THE GOVERNMENTAL CONDUCT ACT

A. Codes of Conduct

The Law - Section 10-16-11

A. [E]ach elected statewide executive branch public officer shall adopt a general code of conduct for employees subject to his control. The New Mexico legislative council shall adopt a general code of conduct for all legislative branch employees. The general codes of conduct shall be based on the principles set forth in the Governmental Conduct Act.

C. The head of every executive and legislative agency and institution of the state may draft a separate code of conduct for all public officers and employees in that agency or institution. The separate agency code of conduct shall prescribe standards, in addition to those set forth in the Governmental Conduct Act and the general codes of conduct for all executive and legislative branch public officers and employees, that are peculiar and appropriate to the function and purpose for which the agency or institution was created or exists.

D. Codes of conduct shall be reviewed at least once every four years.

The Law- Section 10-16-11.1

Nothing in the Governmental Conduct Act shall be construed to preclude a state agency or local government agency from adopting and publishing ordinances, rules or standards that are more stringent than those required by the Governmental Conduct Act.

Commentary

The GCA requires each official of government who is elected statewide to adopt a general code of conduct, based on the principles in the GCA, governing employees of his or her agency. There are seven such officials under the New Mexico Constitution: the governor, lieutenant governor, secretary of state, attorney general, state auditor, state treasurer, and commissioner of public lands. The New Mexico Legislative Council is directed by the GCA to adopt a code of conduct for legislative employees.

State executive and legislative agencies, and state institutions, are permitted to adopt separate codes of conduct specific to their circumstances. Those codes may prescribe ethical standards for employees of the agency additional to those of the GCA.

All codes of conduct should be filed with the Secretary of State and open to public inspection. The GCA requires that the codes be reviewed every four years, which coincides with the terms of office of elected officials in the executive branch.

The GCA does not specifically address the adoption of codes of conduct by local government agencies. Nevertheless, local governments may find it advantageous to adopt their own codes, since doing so allows local governing bodies to address their particular ethical issues and experience. It also provides an opportunity for constituents to participate in the process of adapting the ethical code to their locale, which could help promote greater public understanding of the ethical rules binding their elected and appointed officials. In any event, the GCA expressly allows local government agencies, as

well as state agencies, to adopt standards that are more stringent than those required by the GCA.

Example 40:

A cabinet secretary decides to adopt a code of conduct for her employees. Her code includes a provision disciplining anyone who sells anything to an employee that they supervise, even if the employee initiates the sale. The code provision banning all sales to supervised employees is stricter than the GCA provision allowing such sales when initiated by the supervised employee. This stricter agency-specific rule is permitted by the GCA.

B. Education

The Law - Section 10-16-13.1

A. The secretary of state shall advise and seek to educate all persons required to perform duties under the Governmental Conduct Act of those duties. This includes advising all those persons at least annually of that act's ethical principles.

The Law - Section 10-16-11

B. Within thirty days after the general codes of conduct are adopted, they shall be given to and reviewed with all executive and legislative branch officers and employees. All new public officers and employees of the executive and legislative branches shall review the employees' general code of conduct prior to or at the time of being hired.

C. The head of each executive and legislative branch agency shall adopt ongoing education programs to advise public officers and employees about the codes of conduct.

E. All legislators shall attend a minimum of two hours of ethics continuing education and training biennially.

Commentary

The GCA places considerable emphasis on educating public officers and employees about the requirements of the law and agency codes of conduct. While penalties for violating these requirements are included in the law, the New Mexico Legislature clearly intended education to be the first resort to prevent problems from arising, rather than disciplinary or legal action after violations have already occurred. Each statewide elected official and agency head is mandated to provide education on the general code of conduct and any applicable separate code of conduct. The Secretary of State is given general responsibility to educate all those subject to the ethical requirements of the law, while all legislators are required to take two hours of ethics training every other year. All public employees are required to receive copies of their agency codes of conduct, either within 30 days of the code's adoption or when new employees are hired.

C. Enforcement

When education fails, tools for enforcing the GCA include: voluntary compliance after notice, disciplinary action, civil actions, criminal penalties, and impeachment.

1. Voluntary compliance

The Law - Section 10-16-13.1

B. The secretary of state shall seek first to ensure voluntary compliance with the provisions of the Governmental Conduct Act. A person who violates that act unintentionally or for good cause shall be given ten days' notice to correct the matter.

Referrals for civil enforcement of that act shall be pursued only after efforts to secure voluntary compliance with that act have failed.

Commentary

When violations of the GCA come to the attention of the Secretary of State, the Secretary is given the authority to refer the violations to an appropriate prosecutorial agency for civil or criminal enforcement action. But before referring an alleged violation for civil enforcement, the Secretary must first give anyone who has violated the GCA “unintentionally or for good cause” ten days’ notice to correct the violation. Thus, the Act imposes on the Secretary a duty to make at least a preliminary determination as to whether or not a violation was intentional.

Example 41:

An employee privately notifies the Secretary of State that her agency has entered into a sole source contract with a company represented by a former employee of the agency. The employee does not know whether the violation of the GCA, which requires the agency to use a competitive process in such circumstances, was an honest error or was a deliberate attempt to evade the law. The Secretary of State assumes that the violation was an honest error and notifies the agency head, allowing ten days for him to take corrective action, such as voiding the contract, before the Secretary of State refers the issue to the Attorney General.

2. Disciplinary action

The Law - Section 10-16-11

C. The separate codes [of conduct], upon approval of the responsible executive branch public officer for executive branch

public officers and employees or the New Mexico legislative council for legislative branch employees, govern the conduct of the public officers and employees of that agency or institution and, except for those public officers and employees removable only by impeachment, shall, if violated, constitute cause for dismissal, demotion or suspension.

The Law – Section 10-16-14

B. Violation of the provisions of the Governmental Conduct Act by any legislator is grounds for discipline by the appropriate legislative body.

C. If the attorney general determines that there is sufficient cause to file a complaint against a public officer removable only by impeachment, he shall refer the matter to the house of representatives of the legislature. If within thirty days after the referral the house of representatives has neither formally declared that the charges contained in the complaint are not substantial nor instituted hearings on the complaint, the attorney general shall make public the nature of the charges, but he shall make clear that the merits of the charges have never been determined.

D. Violation of the provisions of the Governmental Conduct Act by any public officer or employee, other than those [removable only by impeachment], is grounds for discipline, including dismissal, demotion or suspension.

The GCA provides for disciplinary action, including dismissal, demotion or suspension, in response to violations of the Governmental Conduct Act by any state or local government employee. The law similarly provides for disciplinary action when a state executive or legislative branch employee

violates the separate code of conduct governing the employee's conduct. See Part VII.A, above.

For classified state employees, the State Personnel Act and implementing regulations govern disciplinary action for violations of the GCA. Complaints against legislative branch employees are handled according to procedures adopted by the Legislative Council and complaints against judicial branch employees are governed by procedures specified in the judicial personnel rules. See Section 10-16-14(D). Local governments will look to their respective rules and ordinances for the appropriate procedures when their officers and employees are alleged to have violated the GCA.

To make clear that no official is above the law, the legislature provided that violations of the GCA are grounds for removal by impeachment. The N.M. Constitution provides that elected executive branch officials, district judges and legislators may be removed from office by impeachment proceedings, which is the responsibility of the House of Representatives.¹⁶ The GCA authorizes the Attorney General to refer the evidence of a GCA violation by an impeachable official to the House. The House has thirty days to either dismiss the allegations or institute hearings. After thirty days, the Attorney General is required to take the allegations against the official to the public, but must point out that the allegations were not proven.

3. Civil actions

The Law - Section 10-16-18

A. If the secretary of state reasonably believes that a person committed, or is about to commit, a violation of the Gov-

ernmental Conduct Act, the secretary of state shall refer the matter to the attorney general or a district attorney for enforcement.

B. The attorney general or a district attorney may institute a civil action in district court if a violation has occurred or to prevent a violation of any provision of the Governmental Conduct Act. Relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including an order for a civil penalty of two hundred fifty dollars (\$250) for each violation not to exceed five thousand dollars (\$5,000).

Commentary

When the Secretary of State refers a matter for prosecution - after trying to obtain voluntary compliance when appropriate - the Attorney General or district attorney has the option of filing a civil or criminal action, or possibly even both. The prosecutor may decide that there is not sufficient evidence to hold the state or local government official criminally responsible, because, for example, the prosecutor cannot prove that the act was done with criminal intent. In that case, the prosecutor may still be able to ask a court for an injunction, to prevent further misconduct from happening. If misconduct has already happened, the prosecutor can ask the court to impose civil penalties up to the limits authorized in the GCA.

Although the GCA allows the Secretary of State to refer cases to the Attorney General or appropriate district attorney, those agencies have independent authority to prosecute violations of the GCA, regardless of how the violations come to their attention.

¹⁶ See N.M. Const., Art. IV, § 36.

Example 42:

A secretary for a licensing commission that oversees chiropractors calls the Attorney General's Office (AGO) to report that the commission's director is secretly selling office furniture to the chiropractors they regulate. The AGO investigates and finds that the director's husband owns the furniture business and the director, who is living separately from, but still married to, her spouse, was not aware that chiropractors were buying from the family store. The director is unable to get her estranged husband to stop selling the furniture, and tells the AGO there is nothing else she can do. The AGO might ask a court for an injunction requiring her to either stop the furniture sales or step down as director, at least until she takes legal action (such as a separation agreement) that removes her interest in the furniture sales. The AGO might also request a civil penalty of between \$250 and \$5000, as permitted by the GCA.

4. Criminal proceedingsThe Law- Section 10-16-17

Unless specified otherwise in the Governmental Conduct Act, any person who knowingly and willfully violates any of the provisions of that act is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one year or both. Nothing in the Governmental Conduct Act shall preclude criminal prosecution for bribery or other provisions of law set forth in the constitution of New Mexico or by statute.

Commentary

The GCA contains two provisions the violation of which constitutes a fourth degree fel-

ony. Those provisions, as discussed previously in this Guide, prohibit a government employee from (1) requesting or receiving money or other thing of value in exchange for the promised performance of an official act, Section 10-16-3(D) [see discussion in Part IV.A], and (2) taking an official act for the primary purpose of enhancing the employee's financial interest, Section 10-16-4(A) [see discussion in Part V.A].

Otherwise, public officers and employees who deliberately violate the requirements of the GCA and who are prosecuted by the attorney general or a district attorney may be convicted of misdemeanors. While the public employee may try to argue in her defense that the violation was unintentional, the employee is responsible to know the law. A judge may sentence a person convicted of a misdemeanor violation under the GCA to up to a year in jail, a fine of up to \$1,000, or both. These penalties apply not only to the officials themselves, but also to private citizens who violate the GCA.

Prosecutors may also charge the violators under other anti-corruption statutes, such as bribery laws. These can result in much stronger sentences. See Appendix II for a partial list of state and federal laws, many of which include the potential for long prison terms.

APPENDIX I

OTHER LAWS THAT REGULATE GOVERNMENTAL CONDUCT

A. ADDENDUM TO PART IV: THE GIFT ACT

1. Limitations under the Gift Act on Gifts to State Officers, Employees and Candidates

The Law - Section 10-16B-3

A. A state officer or employee or a candidate for state office, or that person's family, shall not knowingly accept from a restricted donor, and a restricted donor shall not knowingly donate to a state officer or employee or a candidate for state office, or that person's family, a gift of a market value greater than two hundred fifty dollars (\$250).

B. A lobbyist registered with the secretary of state, the lobbyist's employer or a government contractor shall not donate gifts of an aggregate market value greater than one thousand dollars (\$1,000) in a calendar year to any one state officer or employee or to any one candidate for state office.

Commentary

The Gift Act, NMSA 1978, §§ 10-16B-1 to -4, sets limits on what state officials and employees, candidates and their families, whether paid or not, may accept as gifts. The purpose is to avoid any appearance that state officials or employees are performing their official duties or using their authority for purposes unrelated to the interests of the public they represent.

The Gift Act defines “state officer or employee” as “any person who has been elected to, appointed to or hired for any state office and who receives compensation in the form of a salary or is eligible for per diem or mileage.” Section 10-16B-2(E). Under this definition, unpaid members of state boards and commissions who are eligible for per diem and mileage reimbursement—even if they never ask for any reimbursement—are subject to the limits on gifts they may accept under this law.¹⁷

In addition to identifying those who are covered, the Gift Act defines what does and does not constitute a gift, and identifies people from whom a gift may not be accepted if it exceeds certain limits. The Act generally defines a “gift” as something of value that one person donates or transfers to another person, without getting something of equivalent value in return. The statute contains a number of exceptions to this definition. Payments to state officials that are not considered “gifts” for purposes of the Gift Act include things of value given by close friends or family, legal campaign donations, loans at genuine interest rates, reasonable compensation for services rendered, legitimate returns on investments, and reimbursement of certain out of pocket expenses. See Section 10-16B-2(B).

¹⁷ Unlike the GCA, the Gift Act does not cover officials or employees of municipal and county governments, school districts, and other political subdivisions.

The Gift Act does not impose an absolute limit or prohibition on gifts to state officials. The law applies only to gifts from “restricted donors.” A “restricted donor” under the Gift Act is essentially someone who stands to, or hopes to, benefit, either personally or for a client, from an official act that is the responsibility of the recipient. Restricted donors include potential contractors, people who have matters pending before a regulatory agency and lobbyists. See Section 10-16B-2(D). A public official under the Act cannot accept from a restricted donor a gift whose market value is greater than \$250. The restricted donor may not make such a gift either to the officer or employee, a candidate for state office, or a member of that person’s family.

While it is not illegal to offer several gifts of less than \$250 to a person, certain restricted donors face an annual limit on gifts as well. Any registered lobbyist,¹⁸ the lobbyist’s employer, or a government contractor is limited to gifts of an aggregate market value of less than \$1,000 per year to any single state official.

Example 1:

An environmental organization’s lobbyist invites members of the Environmental Improvement Board to attend and sit on a panel at a 5-day conference in Colorado on water quality laws. The lobbyist offers that the organization will pay for each member’s registration and travel expenses as well as a \$500 honorarium for their time away from their home and jobs. As long as the educational program is bona fide, the reimbursement of the officials’ out of pocket travel and

registration expense is allowed—even if it exceeds the \$1000 annual limit on gifts from restricted donors—because such reimbursements are an exception to the definition of “gifts” in the Gift Act. The \$500 honorarium might be permissible under the Gift Act as reasonable compensation for services rendered, but would be barred under the GCA’s limitations on honoraria.¹⁹

Example 2:

A petroleum producer offers to treat a new cabinet secretary, whose office regulates his industry, to lunch for a one-on-one talk about the general state of his industry at an expensive restaurant. The cabinet secretary does not wish to offend the constituent and wants to learn the producer’s perspectives on his industry, but does not wish to pay for the high-priced lunch himself. The secretary decides to see how it plays out, and when the bill arrives, notes that it totals about \$300. The lunch is a gift within the meaning of the Gift Act, and the petroleum producer is likely a restricted donor under the Act. The producer will be a restricted donor if he has a pending case before the secretary’s agency or has hired a registered lobbyist to represent his interests. Since the value of the secretary’s meal apparently came in below \$250, the gift may be legal. Nevertheless, the secretary should think hard about the appearance that this expensive lunch would give to members of the public, the legislature or the media for his administration.

¹⁸ Lobbyists are required by the Lobbyist Regulation Act to register and file expenditure reports with the secretary of state. See NMSA 1978, §§ 2-11-3, 2-11-6.

¹⁹ NMSA 1978, Section 10-16-4.1 (limiting to \$100 honoraria paid for speeches or services rendered that relate to the performance of public duties). See also Part V.C.3, above.

Example 3:

The same cabinet secretary is invited to be a guest speaker at a petroleum producers' association at their annual banquet. His expense to travel there comes out of his agency travel budget, but he does not offer to reimburse the association for his lunch. If, as is likely, the value of the lunch is less than \$100, there is no problem under either the Gift Act or the GCA with the cabinet secretary accepting the free lunch.

Example 4:

After the director of the Bureau of Elections oversees a flawless election, a grateful non-partisan national voter's rights organization based in Washington D.C. declares her their Election Official of the Year and sends her a jeweled gold victory cup worth \$400. The gold cup is a gift whose value exceeds \$250. But since the donor organization has no interest that may be affected by the official actions of the director, it is not a "restricted donor" under the Gift Act. The gift may therefore be accepted.

2. Soliciting Gifts to Charities

The Law: Sections 10-16B-3(C)

A state officer or employee shall not solicit gifts for a charity from a business or corporation regulated by the state agency for which the state officer or employee works and shall not otherwise solicit donations for a charity in such a manner that it appears that the purpose of the donor in making the gift is to influence the state officer or employee in the performance of an official duty.

Commentary

In addition to limiting gifts that may be perceived by the public (whether correctly or not) as bribes to public officials, the Gift Act bars state government officers and employees from requesting that businesses their agencies regulate make donations to charitable organizations. A state officer or employee also is generally prohibited from soliciting donations for a charity in a way that would suggest that the donor's purpose is to influence how the officer or employee performs an official duty.

Example 1:

An attorney for a company walks into the hearing room of the commission that regulates the company to present the company's argument for its proposed rates. Conspicuously posted in the hearing room is a banner proclaiming: "The employees of this agency give 100% support to Feed and Clothe our Children, Inc." While the decision is still pending a few days later, the regulated company sends a \$1000 donation to that charity. The agency's decision to post the banner in its hearing room, where regulated companies asking for rate relief will inevitably see it, creates an appearance that a company donating to that charity may receive favorable treatment from the regulators. Accordingly, it may violate the Gift Act as a solicitation.

Example 2:

A town mayor meets with a Health Department official over increasing funding in the Department's existing contract for a not-for-profit clinic operating in his community. The official notes that the agency is leaning towards the requested contract funding increase, and suggests that the mayor might help close the deal if he and other prominent

citizens put together a donation of private funds to support the purchase of some medical equipment for the clinic. Although the Health Department official may be trying to support a good cause, the suggestion that a private charitable donation could influence the official's decision to fund the clinic violates the Gift Act.

B. ADDENDUM TO PART V: STATE CONSTITUTIONAL LIMITS

1. Honoraria

The Law - Article XX, Section 9 of the New Mexico Constitution

No officer of the state who receives a salary, shall accept or receive to his own use any compensation, fees, allowance or emoluments for or on account of his office, in any form whatever, except the salary provided by law.

Commentary

The New Mexico Constitution limits the payment state officers may accept for performing their public duties to their salary only. While the GCA permits acceptance of honoraria up to \$100 in value, the constitutional prohibition seems to bar payment in any amount. State officers should seek legal advice on how to handle any given circumstance, but would be well advised to follow the stricter constitutional prohibition and refuse honoraria in any amount.

2. Conflicts in Quasi-Judicial Proceedings

The governing bodies of state agencies, local governments and local government agencies frequently have dual roles. When it formulates policy and engages in rulemaking, a governing body acts in a legislative capacity. A governing body acts in an adju-

dicative or quasi-judicial capacity when it determines facts and applies law and legal standards it administers to decide the rights and obligations of individual parties.

When a governing body acts in a quasi-judicial capacity, the governing body's members are required to be impartial. New Mexico courts consistently have held that a member of a governing body who has a bias for or against a party in an adjudicatory proceeding that prevents the member from making an objective or impartial decision is disqualified from participating in the proceeding.

The courts have strictly applied the right to an impartial tribunal in quasi-judicial proceedings. Most recently, the Court of Appeals addressed a board of county commissioners' 3-2 decision to approve an application for a zoning change, where one of the commissioners who voted in favor of the change was a first cousin of the applicant. See Los Chavez Community Ass'n v. Valencia County, 2012-NMCA-44, 277 P.3d 475. The Court of Appeals not only evaluated the commissioner's participation in the matter under the state constitution's guarantee of due process, but also applied Article VI, Section 18 of the constitution, which absolutely prohibits a judge from hearing a case in which a party is "related to [the judge] by affinity or consanguinity, within the degree of first cousin," unless all the parties consent. The court held that this constitutional "presumption of bias" automatically disqualified the commissioner from participating in the zoning matter involving her first cousin and reversed the board's decision.

The Court of Appeals' rationale extends beyond the local zoning proceeding it considered. Consequently, we believe that the kinship-based disqualification requirements of Article VI, Section 18 apply to the members

of any state or local public body when it acts in a quasi-judicial or administrative adjudicatory capacity. Absent the consent of all parties, a member of a quasi-judicial body must be disqualified from participating in a matter if the member is related to one of the parties by marriage or blood, within the degree of first cousin. Of course, due process principles generally require members of a quasi-judicial body to consider any interest or bias that would prevent them from acting impartially in a particular matter and to recuse themselves if necessary.

C. ADDENDUM TO PART VI: POLITICAL ACTIVITY

1. The State Personnel Act

a. Protection of classified state employees from coerced political activity

The Law - Section 10-9-21

A. No employer shall dismiss an employee for failure or refusal to pay or promise to pay any assessment, subscription or contribution to any political organization or candidate; however, nothing contained in this section shall prevent voluntary contributions to political organizations.

E. No person shall be refused the right of taking an examination, from appointment to a position, from promotion or from holding a position because of political or religious opinions or affiliation or because of race or color.

Commentary

In addition to the GCA's protections for all employees of state or local government, classified state employees are protected by the Personnel Act from being pressured into political activity. Classified state employees

are those whose jobs and status are protected against the whims of political change. In contrast, non-classified (exempt) employees and officials, whose positions are not covered by the Personnel Act, may be hired and removed at the discretion of elected officials (except when the personnel action is motivated by unlawful discrimination or violation of constitutional rights).

The Personnel Act starts with a basic rule that prohibits a state employer from dismissing a classified employee for failing or refusing to make a contribution to a political candidate or organization. As with the GCA, this includes partisan or non-partisan candidates; and political organizations include not only political parties, but also other organizations with a political purpose, like political action committees.

The Personnel Act also prohibits denying appointments to state positions or promotions because of political opinions or affiliation. State Personnel Board Rules reinforce these protections. See Personnel Board Rule 1.7.6.10 and 1.7.6.11 NMAC.

b. Running for office

The Law - Section 10-9-21

B. No person in the personnel office or employee in the service shall hold political office except for a non-partisan county or municipal office or be an officer of a political organization during his employment. For the purposes of the Personnel Act, being a local school board member or an elected board member of any post-secondary educational institution shall not be construed to be holding political office, and being an election official shall not be construed to be either holding political office or being an officer of a political organization.

C. Any employee who becomes a candidate for public office shall, upon filing or accepting the nomination and during the campaign, take a leave of absence.

Commentary

The Personnel Act forbids classified state employees from holding partisan office. Although they cannot hold partisan office, state employees may run for partisan political office if they are authorized an unpaid leave of absence once they have either filed for or accepted the nomination. See also Personnel Board Rule 1.7.6.11 NMAC. State employees are not prohibited from running for or holding non-partisan elected offices, such as municipal government or school board positions. But they are prohibited from serving as officers in political organizations, such as being elected to their state party's central committee or as county chair of a party.

Example 1:

An employee of the State Corrections Department runs for election to the board of the local community college. Since state employees are not barred from seeking election to boards of post-secondary institutions, this is allowable. If elected, however, the employee should be mindful of potential conflicts of interest that might arise while serving on the school board.

Example 2:

The deputy secretary of a state agency, who is exempt from the State Personnel Act, runs in a partisan election for probate judge in her hometown. Because this court only holds session to act on occasional uncontested probate cases one afternoon a week, and the state official is allowed to work on a flextime schedule, she does not serve as judge during her working hours for the state agency. The

arrangement is allowable because of this scheduling that separates her work for state government from her work as a judge. Nevertheless, the employee should consult her supervisor to make sure she is not creating any other conflict of interest for the agency. A classified employee would be barred from seeking this office because it is partisan.

c. Using public assets for political purposes

The Law - Section 10-9-21

F. No employee or probationer shall engage in partisan political activity while on duty.

Commentary

This provision of the Personnel Act explicitly prohibits on-the-job partisan political activity by classified state employees.

Example 1:

The county party chair asks a state classified employee who volunteers for the party to make phone calls to get people to the polls. The employee uses her personal cell phone to make calls during her off-work hours, but leaves a lot of voice mail messages. Voters start calling her back on her cell phone throughout the workday. This partisan activity during state government working hours violates the State Personnel Act.

2. The Procurement Code

The Law - Section 13-1-191.1

B. A prospective contractor subject to this section shall disclose all campaign contributions given by a prospective contractor or a family member or representative of the prospective contractor to an applicable public official of the state or local pub-

lic body during the two years prior to the date on which a proposal is submitted or, in the case of a sole source or small purchase contract, the two years prior to the date on which the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor or a family member or representative of the prospective contractor to the public official exceeds two hundred fifty dollars (\$250) over the two year period.

Commentary

This section of the Procurement Code, which applies to expenditures by state agencies and local public bodies for the procurement of goods and services, seeks to create transparency in the public contracting process. It requires prospective contractors in a procurement involving competitive sealed proposals, a sole source contract or a small purchase contract to publicly disclose campaign contributions they or their family members made to an “applicable public official.” An “applicable public official” is an elected official who has authority to: (1) award or influence the award of the contract for which the potential contractor is submitting a proposal or (2) negotiate a sole source or small purchase contract. See Section 13-1-191.1(G)(1). The disclosure requirement applies to campaign contribution(s) to the official cumulatively exceeding \$250 over a two-year period.

A disclosure form must be submitted to the applicable state agency or local public body with a proposal as part of the response to the request for proposals. The procuring state agency or local public body is required to indicate on the form the name or names of every applicable public official for which disclosure is required. See Section 13-1-191.1(C).

In addition to the requirement for disclosing campaign contributions, potential contractors and their family members are prohibited from giving campaign contributions to an applicable public official while the procurement process or negotiations for a sole source or small purchase contract are pending. See Section 13-1-191.1(E).

Example 1:

A successful candidate for statewide office announces that he will accept campaign contributions to retire his campaign debt after he assumes office. Six months after the candidate is elected, the office issues a request for proposals. A former campaign donor contributed \$500 to the candidate on election eve, but does not respond to the officeholder’s new appeal for donations. He submits a timely proposal in response to the RFP. Since the campaign contribution was made within the two years prior to the date the proposal was submitted and the campaign contribution exceeded \$250, the disclosure requirement of the Procurement Code applies. The prospective contractor must disclose his contribution. As head of the office, the newly elected officer is an “applicable public official” because he has authority to influence the award of the contract, even if he never in fact uses that authority.

3. The Hatch Act,

5 U.S.C. Sections 1501 to 1508

The federal Hatch Act restricts political activity by certain federally funded officials and employees of state and local government. Specifically, the Hatch Act applies, with certain exceptions, to government employees “whose principal employment is in connection with an activity which is financed in whole or in part” by federal loans or grants. These federal rules prevent cov-

ered employees from “interfering with or affecting” the result of an election by using their official authority or influence; soliciting political contributions from public employees; or running for office.

a. Political interference

The Law - 5 U.S.C. Section 1502(a)

A State or local officer or employee may not...

(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.

Commentary

State and local government officials and employees “whose principal employment is in connection with an activity which is financed in whole or in part” with federal loans or grants are required to comply both with state law and with the federal Hatch Act. See Section 1501(4). Public employees covered by this Act are prohibited from “interfering with or affecting” the result of an election by using their official authority or influence. This applies to any election, partisan or not. Officials should not be misled into thinking that only crimes such as vote tampering are prohibited. Any attempt by a covered state or local government officer or employee to affect the result of an election is illegal.

Example 1:

A state environmental official is working late on a federally funded Superfund project that is being used to support half his salary. His paycheck comes from the state agency that employs him, however. A friend and big supporter of his agency, who is running for city council, rushes in. He is on his way to a

candidate forum but has almost run out of campaign flyers to distribute. He asks to use the office copier machine to run off more flyers, which the official permits. This conduct—using office paper and copier services to aid his friend’s campaign -- may violate the federal Hatch Act. It also violates the GCA’s prohibition against using property belonging to the state agency for other than authorized purposes. See Part VI.C, above.

Example 2:

The director of the department overseeing building code enforcement for a city is told by the mayor’s secretary to ask the local building industry for campaign contributions. The city has a sizable grant from the U.S. Department of Housing and Urban Development to strengthen its code enforcement capacities, but the official’s own salary is paid entirely from City funds. Nevertheless, if the director’s principal employment is in connection with the federally financed code enforcement program, the director’s solicitation of campaign donations would likely violate the Hatch Act.

Example 3:

An officer in the food inspection section within the same department described in the previous example leaves flyers supporting the mayor’s reelection at each restaurant he inspects. Unlike the department’s code enforcement section, the food inspection section receives no federal funding. The officer’s actions during business hours are questionable, but they do not violate the federal Hatch Act. The employee is not covered by the Act because he exercises no functions in connection with the federally funded project, even though he works for a department that receives federal funds.

b. Political contributions

The Law – 5 U.S.C. Section 1502(a)

A State or local officer or employee may not...

(2) directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

Commentary

This section of the federal Hatch Act prohibits essentially the same conduct, coercing public employees to support political causes, as the GCA [see Part VI, above]. The more severe federal penalties of the Hatch Act could be imposed against employees who work on federally funded programs and are covered by the Hatch Act.

c. Running for office

The Law – 5 U.S.C. Section 1502(a)

A State or local officer or employee may not...

(3) be a candidate for elective office.

Commentary

This section of the federal law prohibits covered state and local government employees from running for partisan political office. It does not bar state or local government employees from running for non-partisan offices. See Section 1503. Also, the

federal Hatch Act does not prevent officials already holding elective office from running for any elected office, regardless of any federal funding to support their salaries or programs. See Section 1502(c).

APPENDIX II

STATE AND FEDERAL LAWS RELATED TO ETHICS

The following is a partial listing of laws that govern the conduct and ethical responsibilities of government officials and employees in New Mexico.

New Mexico Laws

Open Meetings Act: §§ 10-15-1 to -4

Requires public bodies to conduct open meetings, noticed in advance to the public.

▪\$1000 per year (from lobbyists, their employers, or contractors)

Inspection of Public Records Act: §§14-2-1to-12

Requires public bodies to make public records available to the public for inspection and copying.

State officer or employee may not solicit donations for charities from regulated entities or where purpose is to influence their official acts.

Governmental Conduct Act: §§ 10-16-1 to -18

Provides restraints and obligations on public officers and employees concerning:

- Private benefits, § 10-16-3(A)(4)
- Bribes/consideration/honest services, § 10-16-3(D)
- Conflicting financial interests, §§ 10-16-3(C), 10-16-4
- Disclosures, §§ 10-16-3(C), 10-16-4.2, 10-16-7(A), (B)
- Honoraria, § 10-16-4.1
- Confidential information, § 10-16-6
- Contracts with current or former public employees/families, §§ 10-16-7, 10-16-8
- Sales to supervised employees or regulated entities, § 10-16-13.2
- Political activity prohibitions, § 10-16-3.1
- Legislator and family conflicts of interest, § 10-16-9
- Due diligence responsibilities of contract negotiators, § 10-16-7(C)

Financial Disclosure Act: §§ 10-16A-1 to -8

Requires disclosure of financial interests by state officials and employees, particularly when they may influence official actions.

Whistleblower Protection Act: §§ 10-16C-1 to -6

Protects public employees who disclose improper conduct by state or local government agencies against retaliation.

Fraud Against Taxpayers Act: §§ 44-9-1 to -14

Empowers citizens or the Attorney General to file qui tam action for damages and restitution against anyone filing false claims with the state. Protects whistleblowers, both from within and outside state government, from retaliation.

Procurement Code: §§ 13-1-28 to -199

Governs purchases of goods, services and construction by state and local agencies, including provisions prohibiting participation by interested employees or their family members, campaign contributions to public officials involved in a purchase, contingent fees, contemporaneous employment by contractors, and use of confidential information.

Gift Act: §§ 10-16B-1 to -4

Limits gifts to any state employee, candidates, or family member to:

- \$250 per gift (from “restricted donors”)

Personnel Act: § 10-9-21 (“Little Hatch Act”)

Applies to state employees in the classified service:

- Prevents public employees from seeking partisan political office
- Prevents supervisors from requiring political contributions
- No partisan political activity while on duty
- Pre-empted by federal Hatch Act where applicable

Criminal Statutes:

- Bribery: § 30-24-2
- Concealing campaign funds: § 1-19-34.3
- Demanding illegal fees: § 30-23-1
- Embezzlement: § 30-16-8
- Extortion: § 30-16-9
- RICO: § 30-42-4
- Soliciting or receiving illegal kickbacks: § 30-41-1
- Tampering with public records: § 30-26-1
- Unlawful interest in a public contract: § 30-23-6

Federal Criminal Laws

- RICO: 18 U.S.C. §§ 1961, 1962
- Extortion: 18 U.S.C. § 1951
- Mail fraud: 18 U.S.C. § 1341
- Using fictitious name: 18 U.S.C. § 1342
- Wire fraud: 18 U.S.C. § 1343
- Tax evasion: 26 U.S.C. § 720

PROVIDED BY THE OFFICE OF THE NEW MEXICO ATTORNEY GENERAL



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Las Cruces, NM 88001
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Agenda Item
No. 3



UPDATES

- ✓ Various County Departments
- ✓ Other Boards
- ✓ Forest Service
- ✓ Commission



*Agenda Item
No. 4*



Resolution # 2017-052.

**RESOLUTION FINDING BUILDINGS, STRUCTURES,
RUINS, RUBBISH, WRECKAGE OR DEBRIS ON A LOT OFF
OF LOMA PARDA SUBDIVISION MOUNTAINAIR TO BE A
MENACE TO PUBLIC COMFORT, HEALTH, PEACE OR
SAFETY AND REQUIRING REMOVAL**

WHEREAS, Lot numbered fifteen (15), of Loma Parda Subdivision -is within the jurisdiction of Torrance County and Tommy Small is the record owners of said property and;

WHEREAS, the above described property constitute a single illegal dump site (the "Site"); and;

WHEREAS, scrap tires, ruins, rubbish, wreckage, debris, and other types of solid waste (hereinafter collectively referred to as "Debris") are strewn across the Properties constituting the Site, as shown by the photographs attached to this Resolution as Exhibits P&Z 1 through 5; and;

WHEREAS, the Debris threatens the public comfort, health, peace or safety in Torrance County by creating a breeding ground for diseases, vectors and vermin, posing a fire danger, posing a danger to human health, and depressing property values; and;

WHEREAS, Torrance County has received a grant from the State of New Mexico to remove illegal -dump sites such as those found on the Properties; and;

WHEREAS, it is in the interest of the citizens of Torrance County to maximize the County's limited resources to remove the illegal tire dump sites and illegal debris simultaneously; and;

WHEREAS, Torrance County has the authority, pursuant to NMSA 1978, § 3-18-5, to require the removal of such unhealthful Debris;

NOW, THEREFORE, BE IT RESOLVED, that the Torrance County Commission hereby:

1. **FINDS** that the Property described as Lot numbered Fifteen (15) of Loma Parda Subdivision have upon them a building, structure, ruins, rubbish, wreckage or debris which is a menace to the public comfort, health, peace or safety; and,

2. **ORDERS**, Tommy Small -other owner(s), occupant(s) or agent(s) in charge of Lot numbered Fifteen (15) , of Loma Parda Subdivision to remove the Debris from said properties; and,

3. **AUTHORIZES** the Torrance County Manager to cause the removal of the Debris and to file a lien against each of the above described properties for the cost of removing the Debris, if the owner, occupant or agent in charge of a respective property fails to commence removal of the Debris on their property or fails to file a written objection to this Resolution within ten (10) days of the receipt or posting of this Resolution as specified in NMSA 1978, § 3-18-5.

DONE at Estancia, New Mexico, Torrance County this 25TH day October of 2017.

TORRANCE COUNTY COMMISSION

Javier Sanchez , Chair

Jim Frost

County Clerk

Julia DuCharme

Exhibit 1

Torrance County
Code Enforcement
Notice of Violation

Date: 1/21/17

Case #: 17-007

To: Tommy Small
PO 1713
Liberty, TX 77575

Location: Loma Parda tract 15

An inspection of the above property reveals an apparent violation of one or more of the Torrance County Ordinances: the County Zoning Ordinance, the Subdivision Ordinance, or the Solid Waste Ordinance.

Ordinance# or NMSA#: 94-12-5-A,B,C,D,E ; NMSA 1978 30-81

Type of violations: illegally dumped tires solid waste ; public nuisance

Corrective Action Required: remove all illegally dumped tires and debris from property

This will be your **ONLY NOTICE** on this matter. Please take the necessary corrective action on this matter by 1/21/17. If this compliance date doesn't allow you sufficient time to correct the problem, please contact me upon the receipt of this letter. If you believe that you have received this Notice in error, or you would like to discuss your options, contact me within ten (10) days of receipt of this letter to avoid any court actions. I can be reached at (505) 544-4392, by fax at (505) 384-5294, or you may come by the Torrance County Offices in Estancia.

Failure to take the required action may subject you to civil or criminal proceedings and penalties. Pursuant to Section 27 of the Zoning Ordinance, each violation is punishable by a fine up to \$300 and/or up to 90 days in jail. Additionally, state law authorizes injunctive remedies for violations of the Zoning Ordinance (NMSA 1978 & 3-21-10). Pursuant to section 16 of the Solid Waste Ordinance, depending on the type of violation, each separate offence is punishable by a fine up to \$300/90 days in jail or a fine up to \$1000. For public nuisances, state law provides a fine up to \$500 and/or up to 6 months in jail (NMSA 1978, 30-8-1 and 31-19-1). Pursuant to Section 11 of the Subdivision Ordinance, violations are punishable by a fine up to \$300 and/or up to 90 days in jail. Additionally, the New Mexico Subdivision Act authorizes injunctive remedies (NMSA 1978, 47-6-26). Pursuant to (NMSA 1978, 47-6-27), a first offence for violating the New Mexico Subdivision Act is punishable by a fine up to \$10,000 and/or up to one year in prison.

Sincerely,

Daniel De Costa
Code Enforcement Officer
Phone: (505) 544-4392
E-mail: ddecosta@tcnm.us

Certified mail#: 70150920000018362882

Exhibit 2



R003358201

R002933401

R002933501

R002933601

R002934101

R002934001

R002933901

R003793301

STATE LAND

R003631101

R003558901

R002934201

LOMAPARDA RD

Exhibit 3

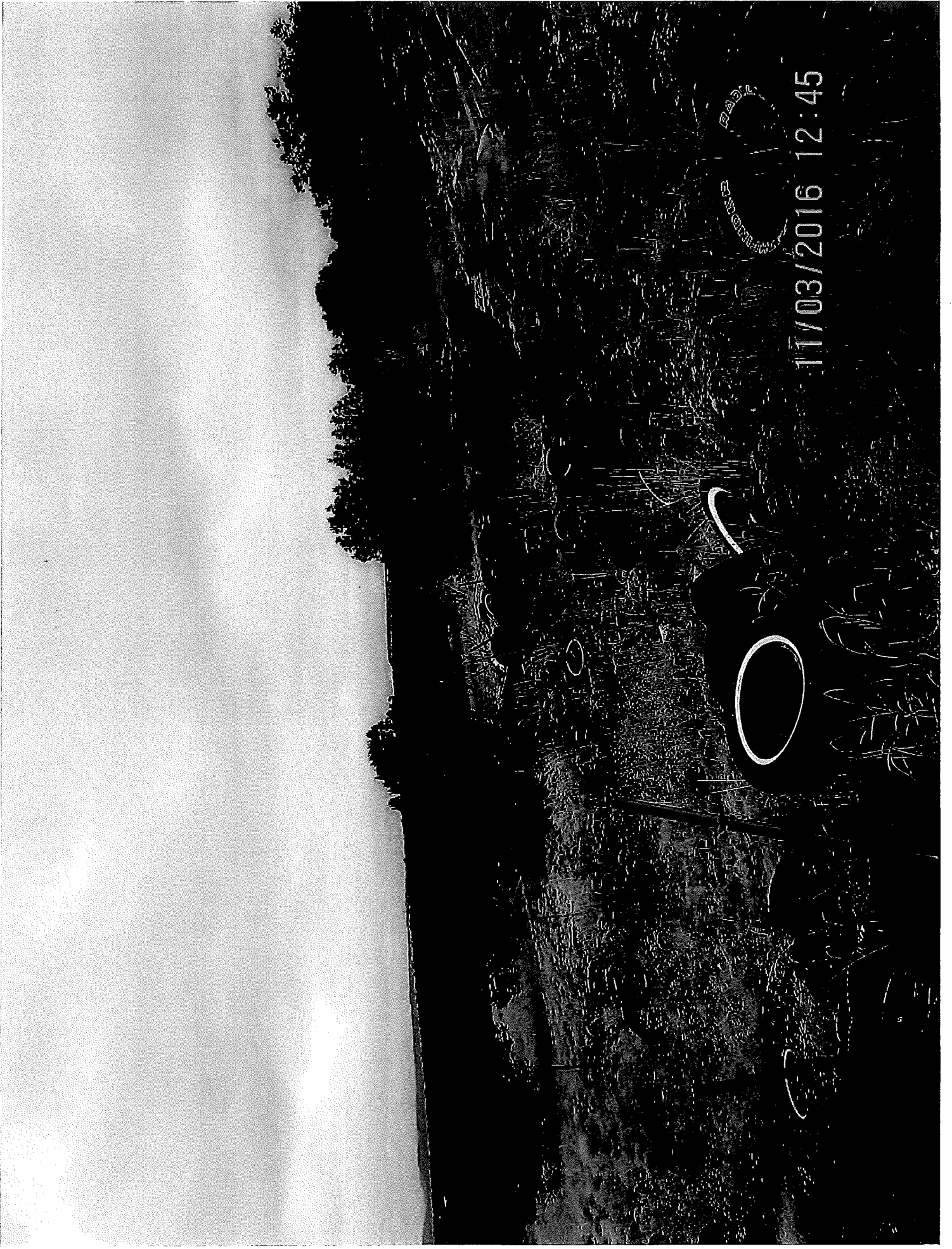


Exhibit 4



01/09/2017 12:54

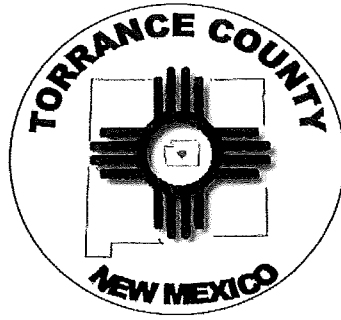
Exhibit 5.



11/03/2016 12:45



Agenda Item
No. 5



Resolution # 2017-053 .

**RESOLUTION FINDING BUILDINGS, STRUCTURES,
RUINS, RUBBISH, WRECKAGE OR DEBRIS ON A LOT OFF
OF LOMA PARDA SUBDIVISION MOUNTAINAIR TO BE A
MENACE TO PUBLIC COMFORT, HEALTH, PEACE OR
SAFETY AND REQUIRING REMOVAL**

WHEREAS, Lot numbered fifteen (15), of Loma Parda Subdivision -is within the jurisdiction of Torrance County and Tommy Small is the record owners of said property and;

WHEREAS, the above described property constitute a single illegal dump site (the "Site"); and;

WHEREAS, scrap tires, ruins, rubbish, wreckage, debris, and other types of solid waste (hereinafter collectively referred to as "Debris") are strewn across the Properties constituting the Site, as shown by the photographs attached to this Resolution as Exhibits P&Z 1 through 5; and;

WHEREAS, the Debris threatens the public comfort, health, peace or safety in Torrance County by creating a breeding ground for diseases, vectors and vermin, posing a fire danger, posing a danger to human health, and depressing property values; and;

WHEREAS, Torrance County has received a grant from the State of New Mexico to remove illegal -dump sites such as those found on the Properties; and;

WHEREAS, it is in the interest of the citizens of Torrance County to maximize the County's limited resources to remove the illegal tire dump sites and illegal debris simultaneously; and;

WHEREAS, Torrance County has the authority, pursuant to NMSA 1978, § 3-18-5, to require the removal of such unhealthful Debris;

NOW, THEREFORE, BE IT RESOLVED, that the Torrance County Commission hereby:

1. **FINDS** that the Property described as Lot numbered Fifteen (15) of Loma Parda Subdivision have upon them a building, structure, ruins, rubbish, wreckage or debris which is a menace to the public comfort, health, peace or safety; and,

2. **ORDERS**, Tommy Small -other owner(s), occupant(s) or agent(s) in charge of Lot numbered Fifteen (15) , of Loma Parda Subdivision to remove the Debris from said properties; and,

3. **AUTHORIZES** the Torrance County Manager to cause the removal of the Debris and to file a lien against each of the above described properties for the cost of removing the Debris, if the owner, occupant or agent in charge of a respective property fails to commence removal of the Debris on their property or fails to file a written objection to this Resolution within ten (10) days of the receipt or posting of this Resolution as specified in NMSA 1978, § 3-18-5.

DONE at Estancia, New Mexico, Torrance County this 25TH day October of 2017.

TORRANCE COUNTY COMMISSION

Javier Sanchez , Chair

Attest:

Jim Frost

County Clerk

Julia DuCharme

Exhibit 1

Torrance County
Code Enforcement
Notice of Violation

Date: 1/21/17

Case #: 17-007

To: Tommy Small
PO 1713
Liberty, TX 77575

Location: Loma Parda tract 15

An inspection of the above property reveals an apparent violation of one or more of the Torrance County Ordinances: the County Zoning Ordinance, the Subdivision Ordinance, or the Solid Waste Ordinance.

Ordinance# or NMSA#: 94-12-5-A,B,C,D,E ; NMSA 1978 30-81

Type of violations: illegally dumped tires solid waste ; public nuisance

Corrective Action Required: remove all illegally dumped tires and debris from property

This will be your ONLY NOTICE on this matter. Please take the necessary corrective action on this matter by 1/21/17. If this compliance date doesn't allow you sufficient time to correct the problem, please contact me upon the receipt of this letter. If you believe that you have received this Notice in error, or you would like to discuss your options, contact me within ten (10) days of receipt of this letter to avoid any court actions. I can be reached at (505) 544-4392, by fax at (505) 384-5294, or you may come by the Torrance County Offices in Estancia.

Failure to take the required action may subject you to civil or criminal proceedings and penalties. Pursuant to Section 27 of the Zoning Ordinance, each violation is punishable by a fine up to \$300 and/or up to 90 days in jail. Additionally, state law authorizes injunctive remedies for violations of the Zoning Ordinance (NMSA 1978 & 3-21-10). Pursuant to section 16 of the Solid Waste Ordinance, depending on the type of violation, each separate offence is punishable by a fine up to \$300/90 days in jail or a fine up to \$1000. For public nuisances, state law provides a fine up to \$500 and/or up to 6 months in jail (NMSA 1978, 30-8-1 and 31-19-1). Pursuant to Section 11 of the Subdivision Ordinance, violations are punishable by a fine up to \$300 and/or up to 90 days in jail. Additionally, the New Mexico Subdivision Act authorizes injunctive remedies (NMSA 1978, 47-6-26). Pursuant to (NMSA 1978, 47-6-27), a first offence for violating the New Mexico Subdivision Act is punishable by a fine up to \$10,000 and/or up to one year in prison.

Sincerely,

Daniel De Costa
Code Enforcement Officer
Phone: (505) 544-4392
E-mail: ddecosta@tcnm.us

Certified mail#: 70150920000018362882

Exhibit 2



R002933601

R002933501

R002933401

R003358201

R002933901

R002934001

R002934101

R003793301

R002934201

R003558901

R003631101

STATE LAND

LOMAPARD RD

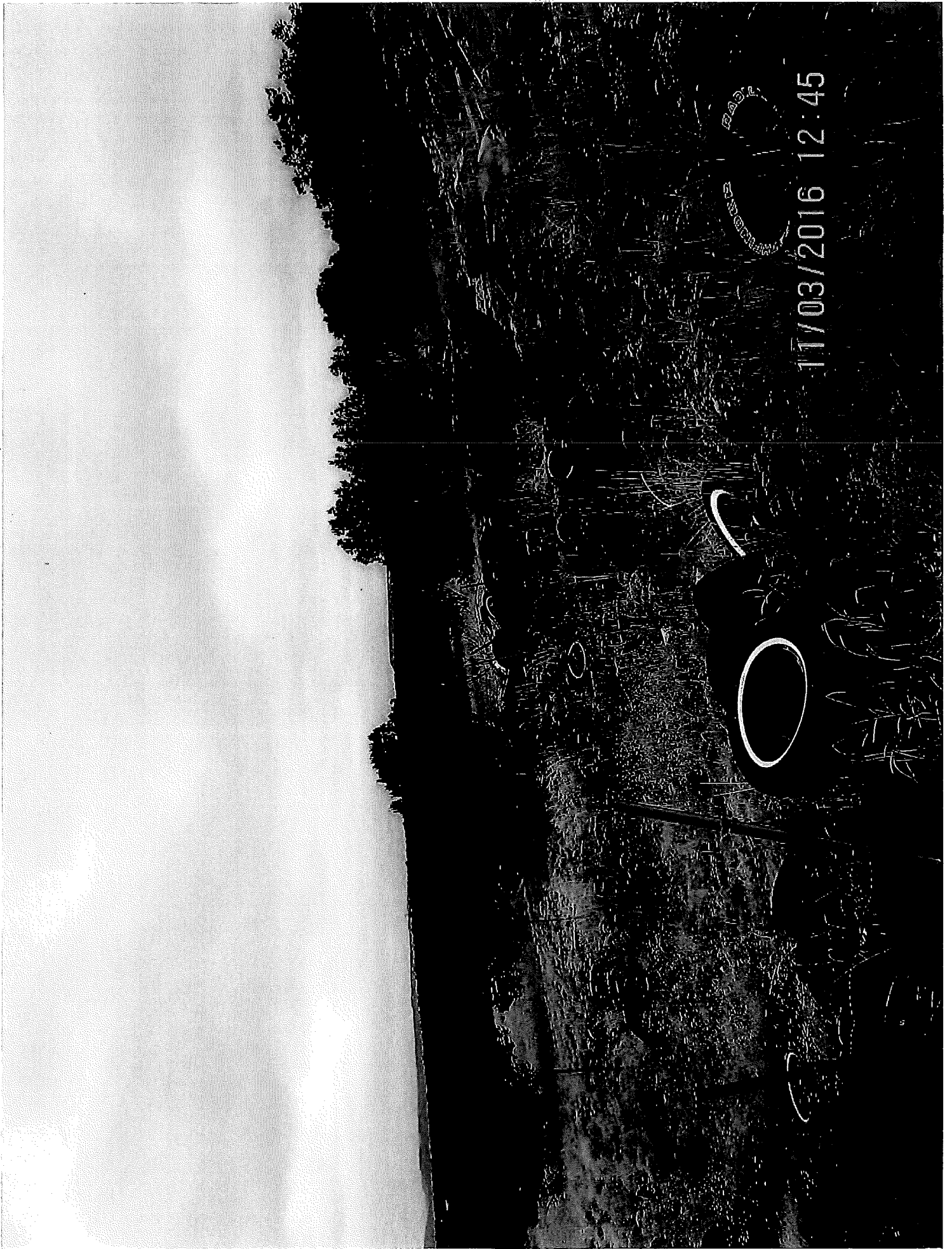
Exhibit 3



Exhibit 4



Exhibit 5.





Agenda Item
No. 6

David Belford LLC
David Belford, LISW, IMH-E* (IV), Manager
PO Box 6091
Albuquerque, New Mexico 87197
(505) 750-1006 • david@davidbelford.org

Consultation Agreement

Torrance County New Mexico ("Torrance County") and David Belford LLC, a New Mexico limited liability company ("Consultant"), agree:

Consultant's Services

Consultant shall provide two hours of onsite reflective consultation per month to the Torrance County Home Visiting Program home visitors ("Participants") in support of Participants' program ("Consultant's Services") as requested or directed by Participants' program manager.

Consideration

Torrance County shall pay Consultant \$291/month (figure includes New Mexico gross receipts tax) for Consultant's Services.

Limitations

Consultant's Services that are provided by Consultant are not intended to replace either administrative or clinical supervision that is provided by Participants' employing or contracting agency. Responsibility and liability for the Participants' professional work remains unchanged by this Consultation Agreement and is not assumed by Consultant.

Service/treatment-related decisions will be made by the Participants in keeping with established agency policy and practice standards specific to the Participants' role, professional discipline(s) and/or professional licensure. Any content or process discussion engaged in with the Consultant that seems to be inconsistent with agency policy, professional practice standards, licensing requirements, State or Federal regulations will be discussed with the Participants' employing or contracting agency before taking action.

Confidentiality

Personally identifiable client information shall not be shared during consultation sessions without written consent of the client(s) served by Participants or Participants' employing or contracting agency. All client-related information that is shared will be done so in a way that protects the client's identity as much as possible and respects client confidentiality.

Consultant shall maintain confidentiality about Participants' process, such as exploring the relationship between one's own feelings and the work one is doing and other personal information that might be part of the Consultation Services.



Signatures

Accepted by:

Bertha Espinosa-Moore
Participant's Program Manager Signature

Bertha Espinosa-Moore

Name

Home Visiting Program Manager

Title

Torrance County Home Visiting Program

Program/Agency

10-2-2017
Date Signed

Accepted by:

Belinda Garland
Participant's Employing or Contracting Program/Agency Authorized Signature

Belinda Garland
Name

Torrance County Manager
Title

Torrance County
Program/Agency

October 12, 2017
Date Signed

Accepted by:

Authorized Consultant's Signature

David Belford

Name

Manager

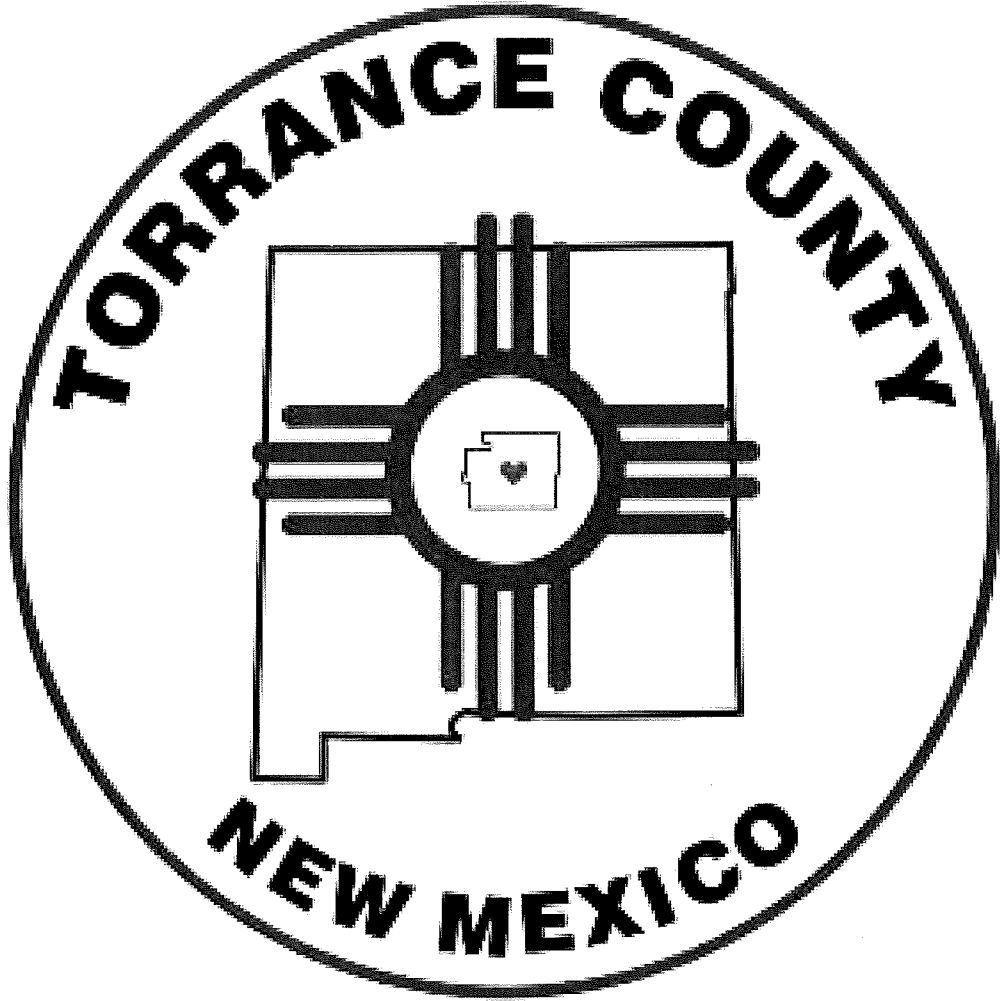
Title

David Belford LLC

Program/Agency

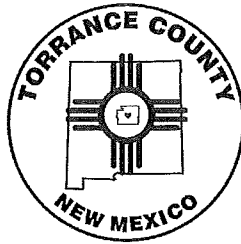
Date Signed

Please return a signed copy of this Agreement by email or by postal mail to the address above.



Agenda Item
No. 7

PO Box 48
205 9th Street
Estancia, NM 87016
(505) 544-4700 Main Line (505) 384-5294 Fax
www.torrancecountynm.org



County Commission
Commissioner James "Jim" Frost, District 1
Commissioner Julia DuCharme, District 2
Commissioner Javier E. Sanchez, District 3
County Manager
Belinda Garland
Deputy County Manager
Annette Ortiz

**REQUEST TO BE PLACED ON THE TORRANCE COUNTY
COMMISSION AGENDA**
This form must be returned to the County Manager's Office **ONLY!**

Deadline for inclusion of an item is WEDNESDAY, NOON prior to the subsequent meeting.
All fields must be filled out for consideration.

Name: Jane Ortiz Continuum Coordinator
First Last Department / Company / Organization Name

Today's Date: Oct 12, 2017 Mailing Address: 45 Robert Dr Estancia Nm
(Departments/employees of Torrance County need not include their address) 87016

Telephone number/Extension: 288-9209 Fax Number: _____
Would you like this Agenda Faxed to you? Yes No

Email Address: jane14@hotmail.com

Is this request for the next Commission meeting? YES NO If no, date of Commission Meeting: Oct. 25th

Brief explanation of business to be discussed:
Approval to submit grant application to
CYFD for F419

Is this a Resolution, Contract, Agreement, Grant Application, Other? yes

Has this been reviewed by Grant Committee? YES NO If yes, corresponding paperwork must be attached.

Has this been reviewed by the County Attorney? YES NO

If this is a contract, MOU, or Joint Powers Agreement there must be a signature line for the County Attorney on the original contract.

Has this been reviewed by the Finance Dept? YES NO Comptroller Initials: _____

- No Impact
- Change in current fund
- Raise Budget (allow 45 days after Commission approval)
- Change in funds (allow 45 days after Commission approval)
- Reduction
- Transfer funds (allow 45 days after Commission approval)

Other: _____



Agenda Item
No. 8

Contract No. _____

STATE OF NEW MEXICO
TORRANCE COUNTY
AUDIT CONTRACT AMENDMENT No. 17-5030

THIS AGREEMENT is made and entered into by and between, Torrance County, hereinafter referred to as the "Agency," and

Hinkle + Landers, PC hereinafter referred to as the "Contractor". hereinafter referred to as the "Contractor," agree:

1. RECITALS.

Agency and Contractor are parties to that certain Audit Contract dated **August 30, 2017** (the "Contract"), which they wish to amend pursuant to this Audit Contract Amendment (the "Amendment")

2. AMENDMENTS.

The parties wish to amend Section 3C to the Contract, as follows:

Torrance County has requested additional non-attest services such as cash to accrual conversion, update of capital assets, maintenance of the depreciation schedules, and preparation of GASB 68 pension accruals.

A. Section 3C is deleted in its entirety and the following is substituted in its place:

Total Compensation will consist of the following:

SERVICES	AMOUNTS
(1) Financial statement audit	22,500
(2) Federal single audit	0
(3) Financial statement preparation	12,000
(4) Other nonaudit services, such as depreciation schedule updates	20,000
(5) Other (i.e., foundations or other component units, specifically identified)	0

Total Compensation= \$54,500.00 plus applicable gross receipts tax

3. MISCELLANEOUS

All provisions of the Contract not expressly amended in this Amendment remain unchanged.

SIGNATURE PAGE

This Amendment is effective as of the date of the signature of the Office of the State Auditor.

AGENCY

NAME: _____
BY: _____
TITLE: _____
DATE: _____

CONTRACTOR

NAME: _____
BY: _____
TITLE: _____
DATE: _____

This Amendment has been approved by:

OFFICE OF THE STATE AUDITOR

BY: _____
TITLE: DEPUTY STATE AUDITOR
DATE: _____

STATE AUDITOR CONTRACT NO. _____

The Amendment to the original audit contract will provide Torrance County with the following list of services.

Provide assistance with:

- Add accruals (payables, receivables and accrued liabilities to trial balance period 13
- reconciliation of all grant revenue and expenses in order to identify all receivables, including unbilled receivables
- set up of debt schedules
- reconciliation of fund balances that agree with the prior year audit's ending fund balances
- Preparation of Pension Plan GASB 68 accruals
- Review of trial balance for reasonableness to identify other needed adjustments or accruals
- Reconciliation of capital assets and depreciation expense
- Anything else on the audit assistance list that we can help to get ready



Agenda Item
No. 9

Belinda Garland

From: Talia Storch <tstorch@nmcounties.org>
Sent: Tuesday, October 17, 2017 3:36 PM
To: Commissioners Affiliate Bernalillo - Luna; Commissioners Affiliate: McKinley - Valencia; Managers Affiliate
Subject: NMAC 2018 Legislative Conference - Registration Now Open!



Dear County Members and Collaborative Partners,

Registration is now open for the New Mexico Association of Counties Legislative Conference! The New Mexico Association of Counties (NMAC) is delighted to welcome our county members and collaborative partners to the 2018 Legislative Conference, scheduled for January 15th – 18th in Santa Fe, New Mexico. The NMAC Legislative Conference provides an ideal opportunity for our members to work on legislative initiatives, network with their peers on important issues facing New Mexico's county governments, share best practices, and participate in professional development training.

To access the event website and online registration system, click on the link here:

[County Member and Government Agency Registration](#) (*Business Partner, Sponsor & Exhibitor Website Coming Soon!*)

This year's conference includes a workshop block with repeating sessions so that you do not miss an opportunity to participate in more than one session. Our goal is to address issues that are relevant for many areas of county government. The session topics include:

- Legislative Issues & Process (tax, elections, health care, etc.)
- Pooling the Risk - The Best Deal for Counties!
- Capital Outlay: Spotting The Landmines Before You Get Blown Up!
- Raising Your County's Credibility Through An Ethical Culture

NMAC has negotiated with several area hotels to provide special rates to conference participants. The specific codes are only available for registered participants and can be located on the lodging tab during the registration process.

We look forward to seeing you in January!

Sincerely,

Steve Kopelman
Executive Director

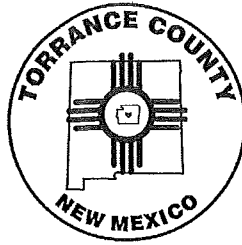
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You received this message because you are subscribed to the Google Groups "Managers Affiliate" group. To unsubscribe from this group and stop receiving emails from it, send an email to Managers.Affiliate+unsubscribe@nmcounties.org.



*Agenda Item
No. 10*

PO Box 48
205 9th Street
Estancia, NM 87016
(505) 544-4700 Main Line (505) 384-5294 Fax
www.torrancecountynm.org



County Commission
Commissioner James "Jim" Frost, District 1
Commissioner Julia DuCharme, District 2
Commissioner Javier E. Sanchez, District 3
County Manager
Belinda Garland
Deputy County Manager
Annette Ortiz

**REQUEST TO BE PLACED ON THE TORRANCE COUNTY
COMMISSION AGENDA**

This form must be returned to the County Manager's Office **ONLY!**

Deadline for inclusion of an item is WEDNESDAY, NOON prior to the subsequent meeting.
All fields must be filled out for consideration.

Name: Leslie Olivas Purchasing
First Last Department / Company / Organization Name

Today's Date: 9/21/2017 Mailing Address: _____
(Departments/employees of Torrance County need not include their address)

Telephone number/Extension: 4730 Fax Number: _____
Would you like this Agenda Faxed to you? Yes No

Email Address: lolivas@tenm.us

Is this request for the next Commission meeting? YES NO If no, date of Commission Meeting: _____

Brief explanation of business to be discussed:
Final Option Year Renewal for Legal Services Agreement

Is this a Resolution, Contract, Agreement, Grant Application, Other? _____

Has this been reviewed by Grant Committee? YES NO If yes, corresponding paperwork must be attached.

Has this been reviewed by the County Attorney? YES NO

If this is a contract, MOU, or Joint Powers Agreement there must be a signature line for the County Attorney on the original contract.

Has this been reviewed by the Finance Dept? YES NO Comptroller Initials: _____
No Impact
Change in current fund
Raise Budget (allow 45 days after Commission approval)
Change in funds (allow 45 days after Commission approval)
Reduction
Transfer funds (allow 45 days after Commission approval)

Other: _____

EXTENSION OF PROFESSIONAL SERVICES AGREEMENT
(LEGAL SERVICES)

WHEREAS on October 22, 2014 Torrance County, New Mexico ("County") and Wallin, Huss & Associates, LLC ("Contractor") entered into an agreement for legal services; and

WHEREAS the third year of said agreement will terminate on or about October 21, 2017; and

WHEREAS said agreement provided for one year extensions on an annual basis for up to four successive years; and

WHEREAS the parties desire to extend in writing said agreement until October 21, 2018.

NOW THEREFORE it is **agreed** by the parties that the term of the Professional Services Agreement for legal services shall be and is hereby extended until October 21, 2018.

IT IS FURTHER AGREED that all terms and conditions of the agreement shall remain the same as if fully set out herein.

In Witness Whereof, the County and Contractor have executed this Agreement on this 11th day of October, 2017.

TORANCE COUNTY

The Wallin Law Firm

(Signature)

(Signature)

(Printed Name)

(Printed Name)

ATTEST:

Torrance County Clerk

Belinda Garland

From: Julia Ducharme
Sent: Tuesday, October 03, 2017 5:43 PM
To: Belinda Garland
Subject: Information Request

Hello Belinda,

I think, we will need the following information for our discussion of the RFP for legal services at the next commission meeting:

1. A list of all current law suits against the county;
2. The cost of law suit settlements for the past 5 years or longer;
3. The cost of insurance (multi-line and for the sheriff's office) the county pays each year to NMAC. I would like to see the numbers for the past 5 years.
4. The cost of Mr. Wallin's Law Firm legal services to the county for the fiscal years: 2012-2013, 2013-2014 and July-December of 2014. I already have the numbers for 2015-2016, 2016-2017, and January-June 2015. This way, we can compare and see the trend.
5. I also would like to see the 2014 RFP for legal services: what was requested and what was proposed.

Belinda, could you, please, provide me with this information before the next commission meeting? Thank you.

Julia DuCharme

NM Association of Counties
Torrance County
Open ML and LE Claims
As of 9/30/17

Line of Coverage	Insured	Policy Yr	Claim Number	Claimant Name	Type
LE	Torrance County	2012	LE-10029	Rogers, Paul	LE Use of Force
LE	Torrance County	2015	LE-0011148	Gonzales, Jessica C.	LE Due Process
ML	Torrance County	2017	CR-26311	Trumbull, Jason	CR Employment
ML	Torrance County	2016	GL-25911	Caldera-Quezada, Estate of Pablo	GL Both BI and PD
ML	Torrance County	2017	CR-26735	Frazier, James	CR Constitutional
ML	Torrance County	2017	GL-26500	Fillippi, Linda J.	GL IPRA
ML	Torrance County	2017	AU-26662	2012 Ford F150; LIC# G ; VIN# V57402	AU 1st Party
ML	Torrance County	2014	GL-24725	McSwain, Malcolm	GL Property
ML	Torrance County	2017	IJ-26516	Carmickle, Christopher	IJ Injunctive Relief
ML	Torrance County	2017	GL-26744	Reed, Trevor	GL Errors and
ML	Torrance County	2017	GL-26642	Hughes, Sharon	GL Property
ML	Torrance County	2016	CR-26002	Ricketts, Kristopher S.	CR Employment

Reported Date	Incident Date	Status	Open Reserve	Paid	Collection	Incurred	Net Incurred
4/10/2012	1/7/2012	Re-Open	230,354.83	159,645.17	7,384.33	390,000.00	382,615.67
7/8/2015	4/8/2015	Open	59,600.89	10,399.11	0	70,000.00	70,000.00
1/9/2017	1/5/2017	Open	0	0	0	0	0
5/2/2016	1/23/2016	Re-Open	129,913.67	5,086.33	5,086.33	135,000.00	129,913.67
9/20/2017	7/8/2017	Open	2,500.00	0	0	2,500.00	2,500.00
7/31/2015	4/24/2017	Open	23,137.19	6,862.81	0	30,000.00	30,000.00
8/14/2017	8/3/2017	Open	1,500.00	2,281.47	0	3,781.47	3,781.47
9/10/2014	8/17/2014	Re-Open	4,713.82	5,786.18	0	10,500.00	10,500.00
5/15/2017	12/19/2013	Open	8,181.43	1,818.57	0	10,000.00	10,000.00
9/28/2017	7/15/2017	Open	0	0	0	0	0
7/31/2017	7/21/2017	Open	0	0	0	0	0
6/30/2016	6/11/2014	Open	104,996.98	82,387.10	0	187,384.08	187,384.08

NM Association of Counties Law Enforcement Pool

Payment Detail Total

Torrance Co. Law Enforcement Settlement Payments
01/01/2012-09/30/2017

Processed	Check Date	Check Num	Claim Number	Claimant Name	Incident	Transaction Type	Payee	Payee Tax Id	Method	Amount
02/01/2016	02/01/2016	9771	LE-0010989	Miller, Matthew	02/24/2014	Lump Sum	The Law Office of	800270293	Check	24,000.00
08/05/2013	08/05/2013	7245	LE-9254	Brown, Estate of Richard	09/25/2007	Lump Sum	Jaramillo Touchet	454747447	Check	160,000.00
03/11/2014	03/11/2014	7789	LE-9311	Stout, Greta A.	06/24/2009	Lump Sum	The Fine Law Firm	850285599	Check	50,000.00
Grand Total: 3										234,000.00

NM Association of Counties Multi-Line Pool

Payment Detail Total

Torrance Co. Multi-Line Settlement Payments
01/01/2012-09/30/2017

Processed	Check Date	Check Num	Claim Number	Claimant Name	Incident	Transaction Type	Payee	Payee Tax Id	Method	Amount
08/18/2014	08/18/2014	13967	AU-24652	Protective Insurance	06/20/2013	Auto Physical	Protective		Check	7,906.72
03/01/2016	03/01/2016	15978	AU-25750	Hamilton, Aaron	12/28/2015	Auto Physical	Aaron Hamilton		Check	3,448.77
09/26/2017	09/26/2017	17786	AU-26662	Thomas, Jaiju	08/03/2017	Full & Final	Jaiju Thomas		Check	2,185.00
06/03/2013	06/03/2013	12282	CR-23299	Hammond, Christine	10/01/2011	Reimbursement-	Torrance County	856000257	Check	6,000.00
08/08/2017	08/08/2017	17626	CR-25719	Cullin, George R. III	12/01/2015	Lump Sum Taxable	Cadigan Law Firm	850483877	Check	100,000.00
06/28/2013	06/28/2013	12440	GL-23369	GEICO As Subrogee of	06/04/2012	Full & Final	Richard Johnson		Check	946.55
07/26/2013	07/26/2013	12501	GL-23369	GEICO As Subrogee of	06/04/2012	Full & Final	Geico Direct		Check	946.55
09/20/2012	09/20/2012	11509	GL-23417	Sanchez, Crystal R	07/16/2012	Full & Final	Crystal Sanchez		Check	203.30
06/05/2013	06/05/2013	12306	GL-23839	Brewer, Kelly	04/02/2013	Full & Final	Kelly Brewer		Check	785.44
09/28/2012	09/28/2012	11527	PR-22901	Torrance County Fire	08/20/2011	First Party	Torrance County	856000257	Check	37,804.37
05/13/2015	05/13/2015	14904	PR-25107	Torrance County Fair	01/19/2015	First Party	Torrance County	856000257	Check	1,994.98
07/15/2015	07/15/2015	15121	PR-25107	Torrance County Fair	01/19/2015	First Party	Torrance County	856000257	Check	11,542.73
Grand Total: 12										173,764.41

Torrance County Contributions

Year	Multi-Line	Law Enforcement
2013	\$112,588.08	\$78,545.00
2014	\$123,978.48	\$78,545.00
2015	\$135,314.00	\$84,043.00
2016	\$145,901.00	\$124,092.00
2017	\$158,709.00	\$138,983.00

WALLIN LAW FIRM, THE
 DENNIS K. WALLIN
 P O BOX 696
 MORIARTY NM 87035
 1053 505-832-2206

Bank	CK#	Amount	Brief Description	Date
01	81558	7302.51	LEGAL SERVICES	07/16/2012
01	81944	11653.21	LEGAL SERVICES	08/27/2012
01	82540	9672.27	LEGAL SERVICES	10/15/2012
01	82954	8647.64	LEGAL SERVICES	11/19/2012
01	83249	7271.37	LEGAL SERVICES	12/17/2012
01	83486	3251.06	LEGAL SERVICES	01/14/2013
01	83756	4365.72	LEGAL SERVICES	02/11/2013
01	84032	6881.91	LEGAL SERVICES	03/11/2013
01	84393	11945.98	LEGAL SERVICES	04/15/2013
01	84656	12076.86	LEGAL SERVICES	05/13/2013
01	85019	6097.08	LEGAL SERVICE FOR	06/17/2013
	TOTAL	89165.61	Reported From-07/01/2012	Thru-06/30/2013

WALLIN LAW FIRM, THE
 DENNIS K. WALLIN
 P O BOX 696
 MORIARTY

1053

505-832-2206

NM 87035

Bank	CK#	Amount	Brief Description	Date
01	85282	10244.17	LEGAL SERVICES	07/15/2013
01	85643	17239.28	IRB BUSINESS RELATED TO	08/19/2013
01	85937	5009.27	LEGAL SERVICES	09/19/2013
01	86146	18735.21	LEGAL SERVICES RELATING TO THE	10/07/2013
01	86255	10298.05	LEGAL SERVICES	10/15/2013
01	86256	749.38	LEGAL SERVICES RELATING TO THE	10/15/2013
01	86521	8280.75	LEGAL SERVICES	11/12/2013
01	86522	1426.23	LEGAL SERVICES RELATING TO THE	11/12/2013
01	86874	96.69	LEGAL SERVICES RELATING TO THE	12/09/2013
01	86879	15421.00	LEGAL SERVICES	12/09/2013
01	87299	11173.50	LEGAL SERVICES	01/21/2014
01	87300	1692.14	LEGAL SERVICES RELATING TO THE	01/21/2014
01	87527	13536.05	LEGAL SERVICES RELATING TO THE	02/10/2014
01	87854	12435.81	LEGAL SERVICES	03/11/2014
01	87855	193.39	LEGAL SERVICES	03/11/2014
01	88128	13076.08	GENERAL BUSINESS/LEGAL	04/07/2014
01	88129	1063.63	LEGAL SERVICES RELATING TO THE	04/07/2014
01	88554	9966.99	LEGAL SERVICES	05/12/2014
01	88555	2465.69	LEGAL SRVS RELATING TO THE IRB	05/12/2014
01	88971	3650.19	LEGAL SERVICES RELATING TO THE	06/11/2014
01	88972	11687.84	LEGAL SERVICES	06/11/2014
01	TOTAL	168441.34	Reported From-07/01/2013	Thru-06/30/2014

WALLIN LAW FIRM THE
 DENNIS K. WALLIN
 P O BOX 696
 MORIARTY

1053 505-832-2206

NM 87035

Bank	CK#	Amount	Brief Description	Date
01	89351	8126.04	LEGAL SERVICES	07/14/2014
01	89616	11686.80	LEGAL SERVICES	08/11/2014
01	90024	15015.16	LEGAL SERVICES RELATING TO THE	09/16/2014
01	90368	8821.69	LEGAL SERVICES	10/20/2014
01	90813	11445.32	LEGAL SERVICES	11/24/2014
01	91081	10277.47	LEGAL SERVICES	12/22/2014
01	91315	96.69	LEGAL SERVICES RELATING TO THE	01/20/2015
01	91316	5482.54	LEGAL SERVICES	01/20/2015
01	91555	11100.44	LEGAL SERVICES	02/17/2015
01	91556	72.52	LEGAL SERVICES RELATING TO THE	02/17/2015
01	91798	5778.53	LEGAL SERVICES/FEB 2015	03/16/2015
01	92037	15059.64	LEGAL FEES/MARCH 2015	04/13/2015
01	92302	11222.92	LEGAL SERVICES/APRIL 2015	05/11/2015
01	92375	483.47	LEGAL SERVICE RELATING TO THE	05/18/2015
01	92697	8974.59	LEGAL SERVICES	06/15/2015
	TOTAL	547755.51	Reported From-07/01/2014	Thru-06/30/2015

WALLIN LAW FIRM, THE
 DENNIS K. WALLIN
 P O BOX 696
 MORIARTY

1053

505-832-2206

NM 87035

Bank	CK#	Amount	Brief Description	Date
01	93019	12369.07	LEGAL SERVICES	07/20/2015
01	93286	13749.00	LEGAL SERVICES	08/17/2015
01	93616	7487.51	LEGAL SERVICES/GRT	09/15/2015
01	93923	13187.96	LEGAL SERVICES	10/19/2015
01	94225	9142.60	LEGAL SERVICES OCTOBER-15	11/16/2015
01	94466	10067.15	INV# 636/IBERDROLA	12/14/2015
01	94770	2544.12	LEGAL SERVICES	01/19/2016
01	94771	5906.96	LEGAL SERVICES	01/19/2016
01	95101	9593.96	INV#689 ACCT# 226	02/16/2016
01	95356	339.22	LEGAL SERVICES	03/14/2016
01	95357	9292.12	LEGAL SERVICES	03/14/2016
01	95704	12006.62	LEGAL SERVICES	04/18/2016
01	95705	411.90	LEGAL SERVICES	04/18/2016
01	96029	969.19	LEGAL SERVICES	05/16/2016
01	96030	10571.51	LEGAL SERVICES RELATED TO THE	05/16/2016
01	96432	411.90	LEGAL SERVICES RELATED TO	06/13/2016
01	96433	6874.60	LEGAL SERVICES RELATED TO	06/13/2016
	TOTAL	424111.69	Reported From-07/01/2015	Thru-06/30/2016

WALLIN LAW FIRM, THE
 DENNIS K. WALLIN
 P O BOX 696
 MORIARTY

NM 87035

1053

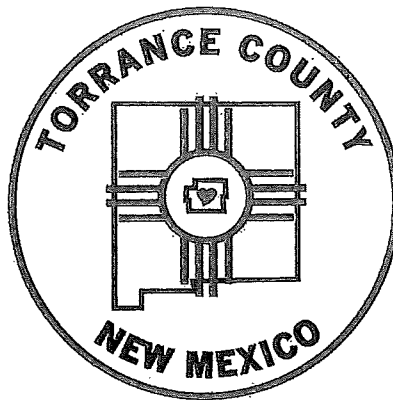
505-832-2206

Bank	CK#	Amount	Brief Description	Date
01	96798	13718.37	CONTRACT ATTORNEY FEES	07/11/2016
01	96799	314.99	IBR LEGAL SERVICES	07/11/2016
01	97342	7314.61	LEGAL PROFESSIONAL SERVICES	08/29/2016
01	97478	13863.58	LEGAL SERVICES	09/12/2016
01	97817	10894.17	PROFESSIONAL SERVICES	10/17/2016
01	98263	8933.22	LEGAL SERVICES	11/17/2016
01	98409	2321.42	LEGAL SERVICES - FILIPPI	12/05/2016
01	98471	10164.08	REFERENCE TO TORRANCE COUNTY	12/12/2016
01	98849	9365.04	PROFESSIONAL SERVICES	01/05/2017
01	99171	15116.43	IBERDROLA MONTH OF JANUARY	02/13/2017
01	99624	11588.80	LEGAL SERVICES-FEBRUARY	03/23/2017
01	99722	13134.42	GENERAL BUSINESS	04/04/2017
01	100059	9889.19	LEGAL SERVICES - APRIL	05/04/2017
01	100411	13583.61	LEGAL SERVICES -MAY 2017	06/12/2017
01	TOTAL	687957.44	Reported From-07/01/2016	Thru-06/30/2017

Torrance County
State of New Mexico

Request for Proposals

Legal Services for Torrance County



RFP No. 2015-01

Sealed Proposals Submitted to:
Torrance County Manager's Office
Torrance County Administrative Building
205 9th Street, P.O. Box 48
Estancia, NM 87016
ATTN: Leslie Olivas, Purchasing Director

Date Proposals Submitted by:
Thursday, October 2, 2014
3:00 P.M.

Proposals must be submitted in a sealed envelope that is clearly marked

"RFP No. 2015-01 – Do Not Open"

The Board of Commissioners of Torrance County, State of New Mexico is requesting competitive sealed proposals from qualified law firms to provide professional legal services for the County. Five (5) copies of the proposals should be submitted no later Thursday, October 2, 2014 at 3:00 p.m. at the Torrance County Manager's Office located at 205 9th Street, P.O. Box 48, Estancia, NM 87016.

Proposals will be reviewed and ranked by an Evaluation Review Committee. A Recommendation will then be made to the Torrance County Commission for award to the firm whose proposal is determined to be the most advantageous to the County based on the specific evaluation criteria. It is possible that the Torrance County Commission will request an oral presentation of your proposal.

A. CONTRACT PERIOD AND RENEWAL OPTIONS

The term of the contract will be from July 1, 2014 through June 30, 2015. At the end of that time, and for a period of three years until June 30, 2018, the County shall have the yearly option of renewing the existing contract, by mutual agreement, with approval by the Board of Commissioners, or requesting new proposals for services. A breach of any terms of the contract shall be grounds for immediate termination of the contract. Either party may terminate the contract for any reason upon written notice to the other party, made at least thirty days in advance of the termination date.

B. SCOPE OF WORK

The County desires to enter into a non-exclusive contractual relationship with a practicing attorney to provide legal counsel to the County of Torrance, including but not limited to the following:

1. Attend all Board of Commissioners regular meetings, study sessions, special meetings and hearings, and executive sessions, as requested by the Board or County Manager.
2. Attend any special board or commission meetings, as requested by the Board of Commissioners or the County Manager.
3. Provide written legal opinions, as requested by the Board of Commissioners or the County Manager.
4. Advise any elected official or department head, as to the legal conduct of his/her office, upon approval by the Board of Commissioners or the County Manager.
5. Draft and pass upon the legality of all ordinances, resolutions, contracts, bonds, and other instruments affecting the interests of Torrance County.
6. Conduct all research, as required by the scope of the contract and provide all clerical and secretarial work associated with such research.
7. Represent the County in civil court proceedings.

8. **Submit a monthly invoice to the County Manager's office.** The invoice must detail who performed the service, the time involved and the specific question or matter addressed.

Legal services provided to unauthorized employees will not be considered part of this contract.

C. PROPOSAL CONTENT

Submit the following information as a part of the proposal, as follows:

1. **QUALIFICATIONS AND NUMBER ASSIGNED PERSONNEL ALONG WITH EXPERTISE IN COUNTY LAW, RESOURCES AND INSURANCE OF THE FIRM.** Submit complete resumes of the attorney(s) who will provide the work. Be sure to include all States in which the attorney(s) are licensed to practice law. Define your firm's expertise in County Law, and any other special resources of particular use to the County. Give a complete description of the firm's law library and/or resources. Outline your limits of Professional Liability Insurance. State if there are any current suits pending against you or your firm.
2. **ABILITY OF FIRM TO PERFORM WORK ON A TIMELY BASIS.** Give a complete summary of current work load, anticipated work load, and firm's ability to perform work required on a timely basis. Identify and describe fully any areas of possible conflict of interest.
3. **FAMILIARTY WITH TORRANCE COUNTY GOVERNMENT.** Give a complete summary of the firm's familiarity with Torrance County issues.
4. **FEE.** Submit the attached fee proposal sheet for hourly rate **in a separate sealed envelope.** The county reserves the right to select the fee that is most advantageous to the County. Should you or your firm have a paralegal staff, please list your fee at the bottom of the hourly fee proposal sheet and state "Paralegal Services shall be at \$_____ per hour."

Proposals received which do not include all the above listed requirements shall be considered incomplete. Incomplete proposals may not be considered.

D. EVALUATION

Proposals will be evaluated on the basis of the following criteria. Each proposal may be awarded points up to the amount listed below:

Criteria	Maximum possible points
1. List the qualifications of the personnel that would be assigned to the County, the States in which the personnel are licensed, any applicable workshops or seminars attended, and expertise in County Law.	20
2. Describe the ability of the firm to perform services in a timely manner.	20
3. Familiarity with Torrance County.	40
4. Fee Proposal	20

The proposals will be evaluated by a selection committee which may conduct interviews with any or all firms. A recommendation will then be submitted to the Torrance County Board of Commissioners for award of the contract.

E. TRAVEL EXPENSES

The County of Torrance will pay per diem and mileage for out-of-town trips approved by the County Manager according to the County's adopted mileage and per diem rates.

F. NOTICE

The Procurement Code (13-1-28 through 13-1-199 NMSA 1978) imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities, and kick-backs.

G. QUESTIONS

Questions concerning this Request for Proposals should be directed to Leslie Olivas, Purchasing Director at (505) 246-4747.

FEE PROPOSAL BASED UPON HOURLY RATE

I (we), the undersigned, will provide legal services for the County of Torrance, New Mexico, as outlined in the Request for Proposals, at the hourly fee of \$_____ per hour. This fee does not include applicable taxes. Please describe your typical billing practices, e.g. your incremental rate for partial hours or minimum charge and if there are any services that you do not normally charge for:

Paralegal services shall be at \$_____ per hour, if applicable.

Signed _____

Printed Name _____

Title _____

Address _____

Phone _____ Fax _____

Date _____

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to NMSA 1978, 13-1-191.1 (2006), any person seeking to enter into a contract with any state agency or local public body for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body shall void an executed contract or cancel a solicitation or proposed award for a proposed contract if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

THIS FORM MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

"Applicable public official" means a person elected to an office or a person appointed to complete a term of an elected office, which has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

"Campaign Contribution" means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, this is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to either statewide or local office. "Campaign Contribution" included the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or un-reimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

"Family member" means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law.

"Pendency of the procurement process" means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

"Person" means any corporation, partnership, individual, joint venture, association or any other private legal entity.

"Prospective contractor" means a person who is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person qualifies for a sole source or a small purchase contract.

"Representative of a prospective contractor" means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

DISCLOSURE OF CONTRIBUTIONS.

Contribution Made By: _____

Relation to Prospective Contractor: _____

Name of Applicable Public Official: _____

Date Contribution(s) Made: _____

Amount(s) of Contribution(s) _____

Nature of Contribution(s) _____

Purpose of Contribution(s) _____

(Attach extra pages if necessary)

Signature

Date

Title (position)

-OR-

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE to an applicable public official by me, a family member or representative.

Type or Printed Name

Date

Signature

Title (Position)

Company Name

County Commission

Lonnie Freyburger
Commissioner
District 1

Leanne Tapia
Commissioner
District 2

LeRoy Candelaria
Commissioner
District 3



County Manager
Joy Ansley

Deputy County Manager
Annette Ortiz

County Attorney
Dennis Wallin

PO Box 48 ~ 205 Ninth Street
Estancia, NM 87016
(505)246-4752 Main Line (505) 384-5294 Fax
www.tcnm.us

Attachment to Campaign Contribution Disclosure Form
Current Torrance County Elected Officials

Commissioner, District 1 – Lonnie Freyburger

Commissioner, District 2 – Leanne Tapia

Commissioner, District 3 – LeRoy Candelaria

Assessor – Betty Cabber

Clerk – Linda Jaramillo

Probate Judge – Jim Summers

Sheriff – Heath White

Treasurer – Dorothy Sandoval

Large

For Domestic

Visit us at usps.com

INTERNATIONAL
20-POUND WEIGHT
ON INTERNATIONAL

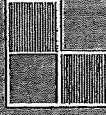
Customs forms
Consult the International
at pe.usps.gov
for details.

RECEIVED
OCT 9 1 2014
BY: *Shelley*

RFP No. 2015-01

Do Not Open

Dennis Wallin
Wallin, Huss, & Associates, LLC
9/29/2014



2014

PROPOSAL TO
PROVIDE LEGAL
SERVICES
TO
TORRANCE COUNTY

Dennis Wallin
Wallin, Huss, & Associates, LLC
9/29/2014



Offeror's name, address, and phone number:

WALLIN, HUSS, & ASSOCIATES, LLC
P.O. BOX 696
1211 US ROUTE 66
MORIARTY, NM 87035
505-832-6363
505-832-4044 (fax)

8205 SPAIN RD NE
SUITE 211
ALBUQUERQUE, NM 87109

Wallin, Huss, & Associates, LLC agrees to provide all the services and to adhere to all of the requirements, specifications, terms, and contract provisions set forth in the request for proposals, specifically, attending all County Commission meetings, Planning and Zoning Meetings, answering questions presented by the County Manager and County Commission, addressing any legal matter that comes before the County, including, but not limited to:

1. Attend all Board of Commissioners regular meetings, study sessions, special meetings and hearings, and executive sessions, as requested by the Board or County Manager.
2. Attend any special board or commission meetings, as requested by the Board of Commissioners or the County Manager.
3. Provide written legal opinions, as requested by the Board of Commissioners or the County Manager.
4. Advise any elected official or department head, as to the legal conduct of his/her office, upon approval by the Board of Commissioners or the County Manager.
5. Draft and pass upon the legality of all ordinances, resolutions, contracts, bonds, and other instruments affecting the interests of Torrance County.
6. Conduct all research, as required by the scope of the contract and provide all clerical and secretarial work associated with such research.
7. Represent the County in civil court proceedings.
8. Submit a monthly invoice to the County Manager's office. The invoice must detail who performed the service, the time involved and the specific question or matter addressed.

Wallin, Huss, & Associates, LLC will remain aware of and be involved in matters of importance to the County.

1. QUALIFICATIONS AND NUMBER OF ASSIGNED PERSONNEL, INCLUDING EXPERTISE IN COUNTY LAW AND RESOURCES AND INSURANCE OF THE FIRM

Wallin, Huss, & Associates, LLC consists of two lawyers and support staff. In general, the members of the firm have 40 years of combined experience in all aspects of legal practice, with an emphasis on representation of governmental entities, both as general counsel and as defense counsel in litigation ranging from civil rights violations to zoning appeals. All attorneys are licensed in New Mexico. Both attorneys will stay informed on issues regarding the County and will perform portions of the work requested. A resume of each of the attorneys is attached hereto. A brief rundown of each attorneys background and experience follows:

Dennis K. Wallin, Esq. - Dennis is a third generation New Mexican, born in Tucumcari and raised in Silver City, New Mexico. While his roots run deeply in the ranching industry, his father and brothers have been in the construction business in the state since 1956. He graduated from the University of New Mexico School of Law in 1977 and was admitted to the New Mexico bar that same year. He practiced as a sole practitioner much of his legal career and has associated with the Spence Law Firm of Jackson Hole, Wyoming on catastrophic injury, wrongful death, including truck/auto collisions and railroad crossing collisions, and other violations of the rights of citizens for over 20 years, and continues to affiliate with them often, while serving as their New Mexico affiliate. Dennis is a nationally known trial lawyer and has affiliated with some of the most renowned lawyers in the country as well as some of the largest law firms in the Southwestern United States on major litigation cases.

Dennis has extensive experience in municipal, county, and state government law. He has been the attorney for Torrance County for the past decade and the attorney for the Village of Willard for the past seven years. He also served as City Attorney for Moriarty, NM for nearly a decade and for the Town of Edgewood during its early months. Dennis is an approved attorney for defense cases for the Association of Counties and currently the firm represents Bernalillo County, Curry County, Valencia County, DeBaca County, Harding County and Torrance County, as well as the officials of those counties in pending litigation. He has also provided legal access to state and federal prisoners including habeas corpus petitions and other post conviction relief for over 15 years. Dennis has handled cases in every State District Court in New Mexico, the Federal District of New Mexico Court, the Federal Bankruptcy Court, and many other jurisdictions.

Dennis has lived in Torrance County for thirty-five years and both of his children as well as every one of his nieces and nephews are graduates of Moriarty High School. He is active in the East Mountain community, having served as president of the Moriarty Rotary Club, a founding member and director of the Estancia Valley Economic Development Association, and a long time youth baseball coach.

Dennis is a founding partner of the Wallin, Huss, & Associates, LLC, which provides a variety of legal services to the community.

He is married to Marcie Wallin, a registered nurse, and they have a son, Justin, and daughter, Nikki, as well as a large extended family.

Brandon Huss, Esq. - After working in local businesses for many years, Brandon earned his Juris Doctorate from the University of New Mexico in 2008 and was admitted to the New Mexico Bar in that same year. During law school, Brandon's graduate paper was on corporate governance of New Mexico closely held corporations. At the same time, Brandon also won the Wall Street Journal award for Corporate Law. Brandon also received a Master's Degree in Business in 2008 from the Anderson School of Management at the University of New Mexico. He maintains strong ties to the business and accounting communities in New Mexico and utilizes his business background to bring a practical approach to business law, transactional work, and litigation. Brandon also earned a Bachelor's Degree in Political Science from the University of New Mexico in 2004.

Brandon joined with Dennis Wallin in 2008 and they have worked together ever since. Together they form one of the most respected litigation teams in the State of New Mexico. Brandon focuses his practice on complex litigation matters, with a primary focus of his practice being defense of local governments. Since joining the firm, Brandon has assisted in litigation planning with an emphasis on aggressive and efficient resolution of litigation matters, including extensive motions practice.

The Firm has successfully defended Torrance County and other governmental entities in many litigation matters including wrongful death litigation, personal injury litigation, civil rights litigation, and zoning issues. The following is a list of matters that Brandon has either handled as lead counsel or worked in conjunction with other members of the firm; included among those are:

- *Luna v Torrance County*, D-0722-CV-2009-170 (personal injury claims against County dismissed at summary judgment)
- *Hammond v. Torrance County*, D-0722-CV-2012-62 (whistleblower protection act claims; settled in the best interest of the County)
- *Juarez et al. v. Torrance County*, D-0722-CV-2011-197 (defense of Rule 74 on zoning appeal; Commission decision upheld by the court)
- *Kayser et al. v. Torrance County et al.*, D-101-CV-2010-03664 (personal injury claim against County dismissed on our motion to dismiss)
- *Stout v Torrance County*, D-0722-CV-2011-115 (personal injury claim settled in the best interest of the County)
- *Van Es v. Torrance County*, D-0722-CV-2013-146 (tax protest; valuation upheld by the courts)
- *CCA Properties of America v. Betty Caber, Torrance County Assessor*, D-0722-CV-2011-9 (tax protest; resolved at mediation)

New Mexico Court of Appeals

- *Thompson v. Torrance County et al.*, COA No. 30,537 (argued immunity issues under NM Tort Claims Act; case settled in best interest of the County)

New Mexico Supreme Court

- *Bustos et al. v. Zia Park et al.*, NMSC 33,653 (argued and prevailed on venue issue before the New Mexico Supreme Court)

U.S. District Court of New Mexico

- *Michell et al. v. Torrance County et al.*, DNM 1:13-CV-00432-MV-KBM (claim dismissed by plaintiff in response to our motion to dismiss)
- *Van Es v. Torrance County et al.*, DNM 1:11-CV-01031-BB-ACT (claim for injunctive relief regarding ability to collect fee for trash disposal dismissed on our motion to dismiss)
- *Molina v Blanton et al.*, DNM 1:12-CV-00424-GBW-WDS (prisoner rights case in Valencia County; obtained summary judgment for defendants on all counts).
- *Ant Bress v. Carr et al.*, DNM 1:10-CV-01250-RB-DJS (Fourth Amendment search and seizure case; case dismissed on our motion to dismiss)
- *Michell v. Torrance County et al.*, DNM 1:12-CV-00316-KBM-GBW (Fourth Amendment claims for search and seizure; summary judgment for defendants on all counts)
- *Wilson v Montano et al.*, DNM 1:11-CV-00658-KG-KBM (arrest procedures case; remains pending however all claims but one have been dismissed on our motion to dismiss)

U.S. 10th Circuit Court of Appeals

- *Borde et al. v. Luna County et al.*, Tenth Circuit 10-2174 (argued absolute and qualified immunity for civil rights claims based on employment contract, case was dismissed on our motion)
- *Borde et al. v. Luna County et al.*, Tenth Circuit 12-2028 (successfully had contracts declared unconstitutional and civil rights claims dismissed)
- *Wilson v Montano et al.*, Tenth Circuit 12-2051 (argued qualified immunity issues on arrest procedures; obtained immunity for one additional defendant)

U.S. Supreme Court

- *Wilson v Montano et al.*, Supreme Court 13-162 (petition for certiorari denied)

The Firm currently is working on the *Rogers* case for the County. The Firm has, and will continue to, work on a number of difficult County Human Resources issues.

Brandon is currently admitted to the New Mexico State Bar, The Federal District of New Mexico, The Tenth Circuit Court of Appeals, and the United States Supreme Court. Brandon is also a member of the American Bar Association, the Federal District of New Mexico Bar Association, and participates in a variety of State Bar groups. Brandon practices in both State and Federal Court.

In addition to business law and business litigation, Brandon enjoys working in the areas of Constitutional Rights, Wrongful Death, Personal Injury, and Employment Law.

- a. **INSURANCE:** The Firm carries full insurance for its practice, including Professional Liability coverage. A copy of the declarations page is attached hereto.
- b. **LIBRARY:** The Firm carries a complete subscription to Westlaw and Westlaw Next and has access to the statutes and common law of every state in the country as well as all Federal statutes and case law. In addition, the Firm's subscription includes pleading and practice and legal forms. Mr. Wallin has practiced in New Mexico for 37 years and has an extensive in-house forms file as well.
- c. **PENDING LAWSUITS AGAINST INDIVIDUALS OR FIRM:** There are no pending lawsuits against Wallin, Huss & Associates, LLC or its predecessor firm, Wallin, Huss & Mendez, LLC. There are no pending lawsuits against the individual members of the law firm.

2. ABILITY OF FIRM TO PERFORM WORK ON A TIMELY BASIS

Wallin, Huss, & Associates, LLC has performed legal work on a timely basis for Torrance County for over a decade and foresees no impediment to completing future work on a timely basis. While we do have a busy practice, a relatively large portion of our existing work is work for Torrance County. We anticipate no long term permanent changes in our workload and will remain dedicated to timely completing all work assigned by Torrance County. In eleven years of representing the County, timeliness and conflicts have rarely been an issue. As the firm does represent a number of clients in Torrance County, there is the possibility that a conflict could arise, although we would avoid situations in which a conflict could arise and work to minimize the effect any such conflict could have on the County.

3. FAMILIARITY WITH TORRANCE COUNTY GOVERNMENT

The members of Wallin, Huss, & Associates, LLC have nearly 30 years of combined experience representing governmental entities. This experience includes drafting and reviewing contracts; drafting ordinances and ensuring compliance with existing law; drafting and interpreting planning and zoning regulations; representation of planning and zoning departments on appeals to District Court; drafting administrative regulations for State of New Mexico agencies; reviewing the purchases of services and good for compliance with the Procurement Code; advising on human resource matters; litigation defense and prosecution of municipal and county ordinances.

Both of the members of the firm are approved defense attorneys for the Association of Counties providing litigation defense for claims made against county governments. The firm currently represents various counties around the state in on-going litigation. In addition, Dennis K. Wallin has represented what was then the NM State Highway Department and the New Mexico State Police as a state risk management approved defense attorney. Dennis provided legal advice to Torrance County in the issuance of over \$150,000,000.00 of revenue bonds for the High Lonesome Wind Project near Willard, New Mexico and the proposed Iberdrola wind farm near Encino, New Mexico. He also represented the ranchers in negotiations and eventual contract agreements with the New Mexico Spaceport Authority and New Mexico State Land Office for the construction of the spaceport near T or C, New Mexico. He continues to represent those ranchers in issues as they arise, including environmental impacts of this development.

The Wallin family has lived in Torrance County for over 30 years and Dennis' immediate family owns and operates several business interests within the County. As a result, Dennis is intimately aware of the interests of the Estancia Valley and Torrance County government.

Brandon Huss has provided services to Torrance County in the areas of human resources, litigation, planning and zoning issues, contract drafting and interpretation, and ordinance drafting. Brandon, along with Dennis Wallin, currently represents Bernalillo, DeBaca, and Valencia County and various county officials before the U.S. Court of Appeals for the 10th Circuit on issues related to various immunities for elected officials and their designees.

As referenced above, Dennis Wallin has been the County Attorney for the past eleven years. For the last seven years, Brandon Huss has both assisted Mr. Wallin in his role as County Attorney and taken on individual projects for the County Manager and County Commission.

Dennis Wallin has been instrumental in the development and implementation of such Torrance County ordinances as the Planning & Zoning Ordinance; the Personnel Policy; and the Animal Control Ordinance. In addition, as mentioned above, his family has been involved in the business community and economic development of Torrance County for over thirty years and has worked closely with city and county government in all aspects of planning and development.

Wallin, Huss, & Associates, LLC maintains a permanent office in Moriarty, New Mexico. Both Dennis and Brandon staff the office during the week. We believe that a physical presence in the County allows us to have a better understanding of important County issues and react more quickly to urgent matters as they arise.

Names and resumes of key personnel to be assigned to this contract: (resumes attached)

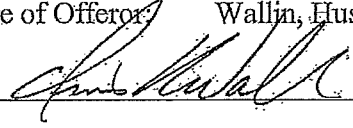
- a. Dennis K. Wallin
- b. Brandon Huss

4. FEE SCHEDULE:

Please see attached.

Dated this 30th day of September, 2014.

Name of Offeror: Wallin, Huss, & Associates, LLC

By:  _____

Title: Managing Member

The person whose signature appears is authorized to contractually bind the offeror.

RESUME
OF
DENNIS K. WALLIN

RESUME
OF
DENNIS K. WALLIN

PROFESSIONAL EXPERIENCE

Attorney and Shareholder

Wallin, Huss & Mendez, LLC (now Wallin, Huss & Associates, LLC); August, 2010 to present.

Attorney and Shareholder

Wallin & Briones Law Firm, LLC; Jan. 2008 to present

Dennis and Thomas Briones started this firm in 2008. The law firm is heavily involved in governmental law representing Torrance County, New Mexico; Willard, New Mexico; NM Association of Counties; NM Public Schools Insurance Authority. Representation includes drafting and ensuring compliance with ordinances; drafting and reviewing contracts; human resources; litigation and litigation assistance; attending Commission and Trustee meetings; advising regarding Planning & Zoning matters; and advising all department heads regarding matters of concern.

Law Offices of Dennis K. Wallin, P.C.; 1984 to 1993; 1995 to December 2007

This office provided legal representation to the City of Moriarty, Town of Edgewood, and Torrance County in all areas of governmental law. In addition, the firm was recognized as one of the leading litigation law firms in the State of New Mexico often being asked to associate with large, nationally recognized law firms on complex litigation matters.

Walz, Wallin & Associates, P.C.; 1993 to 1995

This firm was the go-to law firm for NM Risk Management. The firm specialized in complex litigation cases and represented the NM State Police, the NM Highway Department, the Bernalillo County Sheriff's Department; and other state and local governmental entities in cases involving allegations of police misconduct; improper roadway maintenance and repair; civil rights claims, among others.

AREAS OF PRACTICE

Civil practice representing plaintiffs and defendants, including risk management defense work for the State of New Mexico; Municipal law for City of Moriarty; Town of Edgewood; Town of Estancia; Village of Willard; Town of Mountainair; and Torrance County, New Mexico.

Corporate and commercial law; water law; real property law; misdemeanor criminal law; and, construction law.

TRIAL EXPERIENCE

Over 35 jury trials in New Mexico state district courts and Federal district court.
Over 150 bench trials in New Mexico state district courts and Federal district court.

EDUCATION

High School: Silver High School, Silver City, New Mexico, 1968

Undergraduate: Western New Mexico University (mathematics, physics), 1972

Graduate: University of New Mexico; Juris Doctor degree; 1977

REFERENCES

- Roy A. Jacobson, Jr.,
Partner, The Spence Law Firm
Jackson, Wyoming
1-800-967-2271
- Jerry Walz
Walz & Associates
505/281-3414
- Joy Ansley
Torrance County Manager
505/246-4754

- Howard Calkins
Former Mayor, Town of Edgewood
505/ 281-4326
- Honorable Steve Jones
Torrance County Magistrate
505/ 832-4476
- Honorable Kevin R. Sweazea
Seventh Judicial District Court Judge
505/ 384-2274

RESUME
OF
BRANDON HUSS

Brandon Huss

PO Box 1286, Corrales, NM 87048

505-980-4927

bh@whmlawfirm.com

**Experience
Summary**

- I have successfully represented a variety of governmental entities in both state and federal court on a variety of claims including many types of civil rights claims, Tort Claims Act claims, and administrative law claims.
- I have significant appellate experience including both written and oral arguments before the New Mexico Court of Appeals, the New Mexico Supreme Court, and the United States Court of Appeals for the Tenth Circuit; I have also filed a petition for certiorari with the United States Supreme Court.
- I have a strong research and writing background using all of the current research methods and tools including the District of New Mexico document retrieval system.
- I have led teams of up to 50 people and have always excelled at time management and project organization.

Education

Juris Doctorate, University of New Mexico	2008
Master of Business Administration, University of New Mexico	2008
B.A., Political Science, University of New Mexico	2004

**Professional
Experience**

Wallin, Huss, and Associates, LLC

Attorney/Partner

6/2012 – Present

- Full-time partner practicing in the areas of appeals, civil rights, torts, and governmental law.
- Representative work includes:

New Mexico State District Court

- *Luna v Torrance County*, D-0722-CV-2009-170 (personal injury claims against County dismissed at summary judgment)
- *Hammond v Torrance County*, D-0722-CV-2012-62 (whistleblower protection act claims; settled in the best interest of the County)
- *Inarez et al. v Torrance County*, D-0722-CV-2011-197 (defense of Rule 74 on zoning appeal; Commission decision upheld by the court)
- *Kaiser et al. v Torrance County et al.*, D-101-CV-2010-03664 (personal injury claim against County dismissed by motion to dismiss)
- *Stout v Torrance County*, D-0722-CV-2011-115 (personal injury claim settled in the best interest of the County)
- *Van Es v Torrance County*, D-0722-CV-2013-146 (tax protest; valuation upheld by the courts)
- *CCA Properties of America v Betty Caber, Torrance County Assessor*, D-0722-CV-2011-9 (tax protest; resolved at mediation)

New Mexico Court of Appeals

- *Thompson v Torrance County et al.*, COA No. 30,537 (argued immunity issues under NM Tort Claims Act; case settled in best interest of the County)

New Mexico Supreme Court

- *Bustos et al. v. Zia Park et al.*, NMSC 33,653 (argued and prevailed on venue issue before the New Mexico Supreme Court)

U.S. District Court of New Mexico

- *Michell et al. v. Torrance County et al.*, DNM 1:13-CV-00432-MV-KBM (claim dismissed by motion to dismiss)
- *Molina v Blanton et al.*, DNM 1:12-CV-00424-GBW-WDS (prisoner rights case in Valencia County; obtained summary judgment for defendants on all counts).
- *Ana Bress v. Cair et al.*, DNM 1:10-CV-01250-RB-DJS (Fourth Amendment search and seizure case; case dismissed by motion to dismiss)
- *Michell v. Torrance County et al.*, DNM 1:12-CV-00316-KBM-GBW (Fourth Amendment claims for search and seizure; summary judgment for defendants on all counts)
- *Wilson v Montano et al.*, DNM 1:11-CV-00658-KG-KBM (arrest procedures case; remains pending however all claims but one have been dismissed on our motion to dismiss)

U.S. 10th Circuit Court of Appeals

- *Borde et al. v. Luna County et al.*, Tenth Circuit 10-2174 (argued absolute and qualified immunity for civil rights claims based on employment contract)
- *Borde et al. v. Luna County et al.*, Tenth Circuit 12-2028 (successfully had contracts declared unconstitutional and civil rights claims dismissed)
- *Wilson v Montano et al.*, Tenth Circuit 12-2051 (argued qualified immunity issues on arrest procedures; obtained immunity for one additional defendant)

U.S. Supreme Court

- *Wilson v Montano et al.*, Supreme Court 13-162 (petition for certiorari denied)

Wallin and Briones Law Firm **Law Clerk / Attorney**

2008-2012

- Worked as a law clerk until bar passage, then as an attorney.
- Work included:
 - Defending governmental entities in complex constitutional law cases;
 - Successfully represented local governments in land use appeals to district court.
 - Successfully represented local schools in Procurement Code cases in district court;
 - Contract drafting under the Procurement Code;
 - Governmental human resource consultations;
 - Motion drafting in a variety of case types.

Computer Skills Microsoft Office, including Word • Westlaw • Lexis • Adobe Pro

Community Service and Interests

- Volunteer time mentoring law students and the University of New Mexico Law School.
- Serve on a variety of pro bono and volunteer legal service groups.
- Active bicyclist and mountain-climber.

CAMPAIGN CONTRIBUTION
DISCLOSURE FORM
OF
DENNIS K. WALLIN

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to NMSA 1978, 13-1-191,1 (2006), any person seeking to enter into a contract with any state agency or local public body for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body shall void an executed contract or cancel a solicitation or proposed award for a proposed contract if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

THIS FORM MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

"Applicable public official" means a person elected to an office or a person appointed to complete a term of an elected office, which has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

"Campaign Contribution" means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, this is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to either statewide or local office. "Campaign Contribution" included the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or un-reimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

"Family member" means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law.

"Pendency of the procurement process" means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

"Person" means any corporation, partnership, individual, joint venture, association or any other private legal entity.

"Prospective contractor" means a person who is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person qualifies for a sole source or a small purchase contract.

"Representative of a prospective contractor" means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

DISCLOSURE OF CONTRIBUTIONS.

Contribution Made By: _____
Relation to Prospective Contractor: _____
Name of Applicable Public Official: _____
Date Contribution(s) Made: _____
Amount(s) of Contribution(s) _____
Nature of Contribution(s) _____
Purpose of Contribution(s) _____

(Attach extra pages if necessary)

Signature Date

Title (position)

-OR-

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE to an applicable public official by me, a family member or representative.

Dennis K. Wallin _____
Type or Printed Name Date

[Signature]
Signature

Managing Member
Title (Position)

Wallin, Huss & Assoc., LLC
Company Name

CAMPAIGN CONTRIBUTION
DISCLOSURE FORM
OF
BRANDON HUSS

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to NMSA 1978, 13-1-191.1 (2006), any person seeking to enter into a contract with any state agency or local public body for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body shall void an executed contract or cancel a solicitation or proposed award for a proposed contract if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

THIS FORM MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

"Applicable public official" means a person elected to an office or a person appointed to complete a term of an elected office, which has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

"Campaign Contribution" means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, this is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to either statewide or local office. "Campaign Contribution" included the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

"Family member" means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law.

"Pendency of the procurement process" means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

"Person" means any corporation, partnership, individual, joint venture, association or any other private legal entity.

"Prospective contractor" means a person who is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person qualifies for a sole source or a small purchase contract.

"Representative of a prospective contractor" means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

DISCLOSURE OF CONTRIBUTIONS.

Contribution Made By: _____
Relation to Prospective Contractor: _____
Name of Applicable Public Official: _____
Date Contribution(s) Made: _____
Amount(s) of Contribution(s) _____
Nature of Contribution(s) _____
Purpose of Contribution(s) _____

(Attach extra pages if necessary)

Signature _____ Date _____

Title (position)

-OR-

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE to an applicable public official by me, a family member or representative.

Brandon Huss
Type or Printed Name

10/1/14
Date

[Signature]
Signature

member
Title (Position)

Wallin, Huss, and Assoc, LLC
Company Name



ALLIED WORLD INSURANCE COMPANY
1690 New Britain Avenue, Suite 101, Farmington, CT 06032
Tel. (860) 284-1300 Fax (860) 284-1301

**ALLIED WORLD LPL ASSURE
LAWYERS PROFESSIONAL LIABILITY INSURANCE POLICY**

POLICY NUMBER: 0304-7592

RENEWAL OF: 0304-7592

THIS IS A CLAIMS MADE POLICY WHICH APPLIES ONLY TO CLAIMS FIRST MADE DURING THE POLICY PERIOD OR ANY EXTENDED REPORTING PERIOD, AND REPORTED IN ACCORDANCE WITH SECTION V.E. OF THE POLICY, THE LIMIT OF LIABILITY AVAILABLE TO PAY DAMAGES WILL BE REDUCED AND MAY BE EXHAUSTED BY CLAIMS EXPENSES AND CLAIMS EXPENSES WILL BE APPLIED AGAINST THE RETENTION AMOUNT. IN NO EVENT WILL THE INSURER BE LIABLE FOR CLAIMS EXPENSES OR DAMAGES IN EXCESS OF THE APPLICABLE LIMIT OF LIABILITY. PLEASE READ THE ENTIRE POLICY CAREFULLY.

DECLARATIONS

Item 1. Name and Mailing Address of Named Insured:

Wallin, Huss & Mendez, L.L.C.
1211 US Route 66
Moriarty, NM 87035

Item 2. Policy Period:

(a) Inception Date: June 30, 2014

(b) Expiration Date: June 30, 2015

At 12:01 a.m. Standard Time at the Mailing Address Shown Above

Item 3. Limits of Liability:

I. Limits of Liability for Insuring Agreements

(a) \$2,000,000 Limit of Liability for each and every Claim under Insuring Agreement I.

(b) \$2,000,000 Limit of Liability for all Claims under Insuring Agreement I.

II. Limits of Liability for Additional Coverages

(a) \$25,000 Shared Aggregate Limit of Liability for all amounts payable under Additional Coverage A., Supplemental Privacy Coverage.

(b) \$500,000 Limit of Liability for each and every Claim under Additional Coverage B., Non-Profit Directors & Officers Coverage.

\$500,000 Limit of Liability for all Claims under Additional Coverage B,
Non-Profit Directors & Officers Coverage.

(c) \$30,000 Limit of Liability for all personal earnings, under Additional
Coverage C; provided that this Limit of Liability is further limited as
follows:

(i) \$500 for personal earnings lost each day

(ii) \$15,000 for personal earnings per Claim

(d) \$20,000 Limit of Liability for all fees, costs and expenses incurred from
each and every Disciplinary Proceeding under Additional Coverage D.

\$60,000 Limit of Liability for all fees, costs and expenses incurred from all
Disciplinary Proceedings under Additional Coverage D.

(e) \$5,000 Limit of Liability for all fees and costs incurred from the Insured
receiving a Subpoena arising out of Legal Services under Additional
Coverage E.

III. Policy Aggregate Limit of Liability

(a) \$2,000,000 Aggregate Limit of Liability for all amounts payable under
Insuring Agreement I. and Additional Coverages A. and B. The Aggregate
Limit of Liability does not apply to the Additional Coverages C., D. and E.

Item 4. Retentions:

- (a) \$5,000 each and every Claim under Insuring Agreement I.
- (b) \$5,000 each and every Material Event; each and every Privacy Wrongful Act;
and each and every Data Breach under Additional Coverage A.
- (c) \$5,000 each and every Claim under Additional Coverage B.

No Retention shall apply to Additional Coverages C., D. and E.

Item 5. Address of Insurer For Notices Under This Policy:

Claim-Related Notices:
noticeoffloss@awac.com

All Other Notices:
1690 New Britain Avenue Farmington, CT 06032

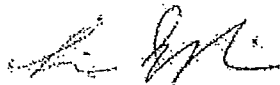
Item 6. Premium:
Total Premium: \$3,594

Item 7. Retroactive Date: None - Prior Acts Coverage Provided

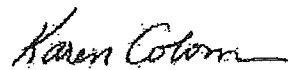
Item 8. Endorsements Attached at Issuance:

1. LPL 00032 30 (11/2013) New Mexico Amendatory
2. LPL 00096 00 (11/2013) Prior Knowledge Date

In Witness Whereof, the **Insurer** has caused this Policy to be executed and attested. This Policy shall not be valid unless countersigned by a duly authorized representative of the **Insurer**.



President



Asst. Secretary



AUTHORIZED REPRESENTATIVE

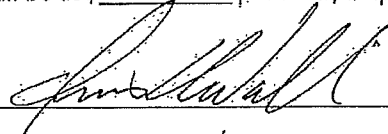
FEE PROPOSAL BASED UPON HOURLY RATE

I (we), the undersigned, will provide legal services for the County of Torrance, New Mexico, as outlined in the Request for Proposals, at the hourly fee of \$ 125.00 per hour. This fee does not include applicable taxes. Please describe your typical billing practices, e.g. your incremental rate for partial hours or minimum charge and if there are any services that you do not normally charge for:

We bill in increments of tenths of an hour (.1 = 6 mins).
We will bill monthly at the end of the month.

Paralegal services shall be at \$ 50.00 per hour, if applicable.

Signed



Printed Name

Dennis K. Wallin

Title

Managing Partner

Address

PO Box 696, Moriarty NM 87035

Phone

(505) 832-6363

Fax

(505) 832-4044

Date

September 29, 2014

SUTIN THAYER & BROWNE
A PROFESSIONAL CORPORATION
LAWYERS

Torrance County Manager's Office
Torrance County Administrative Building
205 9th Street
Estancia, NM 87016
ATTN: Leslie Olivas, Purchasing Director

"RFP No. 2015-01 – DO NOT OPEN"

Due: Thursday, October 2, 2014, by 3:00 P.M.

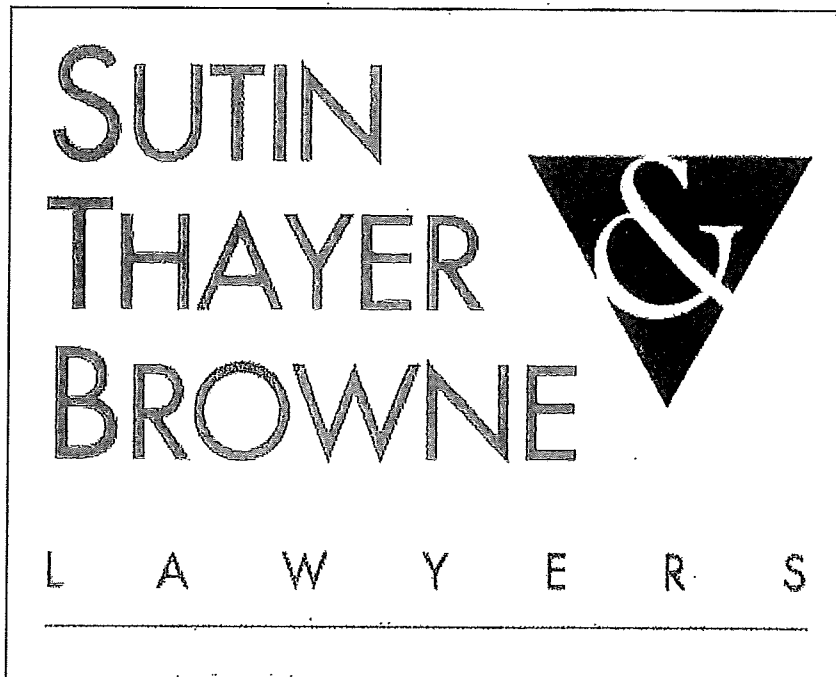
TWO PARK SQUARE • POST OFFICE BOX 1945 • ALBUQUERQUE, NEW MEXICO 87103

RECEIVED
OCT 02 2014

BY: *LD @ 835am*

**PROPOSAL TO PROVIDE
LEGAL SERVICES
TO
TORRANCE COUNTY,
NEW MEXICO**

**RFP No. 2015-01
DUE: THURSDAY, OCTOBER 2, 2014, BY 3 P.M.**



TWO PARK SQUARE, SUITE 1000
6565 AMERICAS PARKWAY NE
ALBUQUERQUE, NEW MEXICO 87110
POST OFFICE BOX 1945 (87103)
P 505.883.2500 | F 505.888.6565

SUTINFIRM.COM
317 PASEO DE PERALTA
SANTA FE, NEW MEXICO 87501
POST OFFICE BOX 2187 (87501)
P 505.988.5521 | F 505.982.5297

SUTIN THAYER & BROWNE

A PROFESSIONAL CORPORATION
LAWYERS

IRWIN S. MOISE (1906-1984)
LEWIS R. SUTIN (1908-1992)
FRANKLIN JONES (1919-1994)
RAYMOND W. SCHOWERS (1948-1995)
GRAHAM BROWNE (1935-2003)

NORMAN S. THAYER (Of Counsel)

BENJAMIN ALLISON
TIMOTHY J. ATEER
ANDREW J. BARANOWSKI
PAUL BARDACKE
SARA M. BONNELL
ANNE P. BROWNE
SUZANNE WOOD BRUCKNER
SUSAN G. CHAPPELL

MARIA MONTOYA CHAVEZ
KATHARINE C. DOWNEY
EDUARDO A. DUFFY
MICHAEL J. GOLDEN
GAIL GOTTLIEB
SUSAN M. HAPKA
ROBERT G. HEYMAN
TRACY L. HOFMANN
CHRISTOPHER A. HOLLAND
BREANNA P. HOUGHTON
HENRY A. KELLY
KERRY KIERNAN
TWILA B. LARKIN
DEREK V. LARSON
CHRISTINA M. LOONEY

STEVAN DOUGLAS LOONEY
KEITH C. MIER
JEAN C. MOORE
LYNN E. MOSTOLLER
MICHELLE K. OSTRYE
CHARLES J. PIECHOTA
JAY D. ROSENBLUM
SANDRA E. ROTRUCK
FRANK C. SALAZAR
JUSTIN R. SAWYER
ANDREW J. SIMONS
MARIPOSA PADILLA SIVAGE
TRAVIS R. STEELE
BENJAMIN E. THOMAS
CHRISTINA S. WEST

TWO PARK SQUARE
6565 AMERICAS PARKWAY, N.E.
ALBUQUERQUE, NEW MEXICO 87110
POST OFFICE BOX 1945
ALBUQUERQUE, NEW MEXICO 87103
505-883-2500
FAX 505-888-6565

317 PASEO DE PERALTA
SANTA FE, NEW MEXICO 87501
POST OFFICE BOX 2187
SANTA FE, NEW MEXICO 87504
505-988-5521
FAX 505-982-5297

WWW.SUTINFIRM.COM

October 1, 2014

Leslie Olivas
Purchasing Manager
Torrance County Manager
Torrance County Administration Office
205 9th Street
Estancia, NM 87016

Request for Proposals No. 2014/15-01
for Attorney and Legal Services

Ladies and Gentlemen,

Sutin Thayer & Browne A Professional Corporation ("the Firm") is pleased to present this proposal to provide legal services for Torrance County ("the County"). This proposal is in response to the County's Request for Proposal No. 2015-01 ("the "RFP"), due by October 2, 2014, at 3 p.m. We enclose five copies of our proposal.

We believe we are fully qualified to meet the County's legal needs. The Firm represents a number of public entities, including counties and other local governments, and has the legal skills and resources to provide timely, high-quality services in a manner that is cost-effective and tailored to the particular needs of the County. We have offices in Albuquerque and Santa Fe from which we offer services, and we are accustomed to serving local governments from some distance.

I am Annie P. Browne, Vice President and CAO of the Firm, and I am authorized to contractually obligate the Firm. Should clarification be needed about our proposal, I may be contacted at 505-883-2500 or APB@sutinfirm.com. Jean C. Moore, a Firm shareholder and our proposed primary attorney for the County, also may be contacted, at 505-883-3447 or JCM@sutinfirm.com.

We are pleased about the possibility of providing legal services to the County. Please contact us if you have any questions about our proposal.

Very truly yours,

SUTIN THAYER & BROWNE
A Professional Corporation

By *Anne P. Browne*
Anne P. Browne
Vice President & CAO

Enclosures

Table of Contents

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Appendix A: Attorney Resumes

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A. INTRODUCTION

1. The Firm

Sutin, Thayer & Browne A Professional Corporation has offices in Albuquerque and Santa Fe, New Mexico. The Firm is engaged in a broad general civil and commercial practice. We hold an AV rating in the Martindale-Hubbell Law Directory, the highest rating available through the directory to a lawyer or a law firm. We are listed in The Bond Buyer's Municipal Marketplace and, as such, are nationally recognized as independent bond counsel. Our lawyers are members of the National Association of Bond Lawyers, Defense Research Institute, Association of Trial Lawyers of America, American Board of Trial Advocates, National Association of College and University Attorneys, American College of Probate Counsel, National Health Lawyers Association, American Academy of Hospital Attorneys, American College of Tax Counsel and many other professional organizations.

We are well qualified to represent public and private clients requiring a full range of legal services. Our practice includes trials and appeals in a broad range of civil matters, creditors' rights, public and private financing, bankruptcy, general corporate, commercial and tax matters, business acquisitions and sales, securities, administrative law, real estate transactions, land use, legislative advocacy, environmental law, construction law, labor law, health law, municipal law, franchise matters, copyright and trademark matters, and regulatory and compliance matters. We represent individuals, financial institutions, retailers, life and casualty insurance companies, publicly held corporations, educational institutions, nonprofit organizations, utilities, hospitals, municipalities, insurers and government entities.

The Firm has extensive experience representing governmental entities with regard to procurement, finance and employment issues, including constitutional issues. The Firm is general counsel to local governments, including counties, as well as to New Mexico universities and colleges, and many other State agencies, and regularly advises governing bodies regarding employment matters. We provide a full range of legal services for labor relations and general employment problems. We routinely handle wage and hour questions involving overtime, vacations, sick pay and shift work, as well as exemption questions and unemployment compensation matters. We prepare employee manuals for clients that are designed to protect the employer in lawsuits claiming denial of due process or a breach of implied contract of employment. We review preemployment and other forms for compliance with state and federal law. When requested, we provide in-service or on-site training for our clients.

2. Proposed Attorneys

Following are brief introductions to the four attorneys whom we propose handle most matters for the County. Full resumes are attached at **Appendix A**.

The Firm proposes that **Jean C. Moore** serve as primary attorney to the County. Ms. Moore earned her J.D. from the University of New Mexico School of Law in 2002 and was admitted to practice law in New Mexico in 2002. She is a member in good standing with the State Bar of New Mexico, License No. 15614.

Ms. Moore has broad experience in legal matters relating specifically to real estate issues arising in the representation of governmental and private entities. She is experienced in financing, acquisitions, condemnation/eminent domain, easements, transfers, sales, exchanges, leasing, zoning and developing commercial, industrial and residential real estate. Her recent land-use transactions include representing the State of New Mexico Office of Military Base Planning in the acquisition of land near Cannon Air Force Base for donation to the Air Force; representing a food distributor in vacating private drainage easements, representing a beverage distributor in vacating public access easements and obtaining zoning variances, representing a retailer in securing a conditional zoning use, representing a waste company in buying public land, and representing a waste company in seeking a special-use permit. She has represented numerous public and private developers in sales and purchases of vacant land and finished lots and preparation of development and construction agreements. In her work for municipalities and universities, Ms. Moore advises in the areas of governmental procurement and intergovernmental relationships, among other areas. Ms. Moore has more than 12 years' experience in assisting public bodies with legal needs.

Christopher A. Holland earned his J.D. from the University of New Mexico School of Law in 1994 and was admitted to practice law in New Mexico in 1994. He is a member in good standing with the State Bar of New Mexico, License No. 7928.

Mr. Holland focuses his practice on public and private employment law, civil litigation, regulatory and administrative law, education law and appeals. He represents public entities and corporate clients in state and federal administrative and court proceedings. He is experienced in all aspects of the litigation process. He is nationally recognized for expertise in public education law. He has assisted public employers with legal expertise for more than 18 years.

Benjamin E. Thomas earned his J.D. from Boston University School of Law in 2003 and was admitted to practice law in New Mexico in 2003. He is a member in good standing with the State Bar of New Mexico, License No. 17884.

Mr. Thomas practices primarily in employment law, law enforcement and corrections litigation, commercial litigation, civil rights and creditors' rights. Mr. Thomas has developed a high level of expertise representing public employers in personnel review board hearings relating to law enforcement discipline as well as in multiple aspects of incarceration matters. He represents businesses and individuals in a broad range of litigation and disputes. He advises private and public entities with respect to employment relations and represents companies and individuals before the Human Rights Commission, the EEOC and in employment discrimination, sexual harassment and civil rights lawsuits. Mr. Thomas presents anti-harassment and anti-discrimination training seminars for public and private employers and prepares policies and employment contracts for businesses. He also represents clients in the prison industry in a wide range of lawsuits. Mr. Thomas has more than 11 years' experience in assisting public employers with legal needs.

Keith C. Mier earned his J.D. from the University of New Mexico School of Law in December 2013 and was admitted to practice law in New Mexico in 2014. He is a member in good standing with the State Bar of New Mexico, License No. 146306. On County matters, he will work closely with lawyers who each have at least 10 years' experience.

Mr. Mier has represented public employers—counties, cities and school boards—in collective bargaining negotiations, including in Torrance County. Before completing law school and joining our Firm, Mr. Mier, as a management consultant, represented counties, municipalities, school boards and other government entities in the areas of human resources, labor relations and collective bargaining negotiations. He has represented employers before the New Mexico Public Employee Labor Relations Board and in grievance and contract arbitrations and other administrative hearings. He assisted public employers in local labor relations board hearings and has worked in legal consulting in the public sector, primarily in labor relations, defense of grievances, EEOC charges, Human Rights Division charges, Department of Labor charges, Department of Justice charges, employment issues, conflict resolution, contract negotiations and administration, and compensation issues, as well as in human resources consulting and collective bargaining issues.

3. Scope of Work

The Firm is fully experienced and prepared to provide legal advice to the County; prepare and examine contracts and other legal documents for the County; develop, amend and work with County employees on policies, including but not limited to policies for the Detention Center and other County Departments; provide legal counsel with respect to personnel matters; draft ordinances and ordinance amendments and resolutions; and generally perform the functions of a County Attorney as may be required by the Board of County Commissioners of Torrance County, including but not limited to the following:

1. Attend all Board of Commissioners regular meetings, study sessions, special meetings and hearings, and executive sessions, as requested by the Board or County Manager.
2. Attend any special board or commission meetings, as requested by the Board of Commissioners or the County Manager.
3. Provide written legal opinions, as requested by the Board of Commissioners or the County Manager.
4. Advise any elected official or department head as to the legal conduct of his/her office, upon approval of the Board of Commissioners or the County Manager.
5. Draft and pass upon the legality of all ordinances, resolutions, contracts, bonds and other instruments affecting the interests of Torrance County.
6. Conduct all research, as required by the scope of the contract and provide all clerical and secretarial work associated with such research.
7. Represent the County in civil court proceedings.
8. Submit a monthly invoice to the County Manager's office. The invoice will detail who performed the service, the time involved and the specific question or matter addressed.

B. EXPERIENCE WITH PUBLIC AGENCIES, INCLUDING COUNTIES

Our state and local government practice includes representing a variety of New Mexico public agencies and local governments, as well as businesses and individuals working with such public agencies. We represent local public agencies in all areas of governance, including board action, the Inspection of Public Records Act, the Open Meetings Act, the Procurement Code, public contracting and public employment. We have represented public agencies in issuing industrial revenue bonds, forming special districts, and in establishing economic development programs under the Local Economic Development Act. We have assisted public clients in drafting legislation and local ordinances and resolutions.

Our experience representing governments provides our lawyers the judgment and insight to represent businesses and individuals in working with such public entities. We have represented business and individuals in procurement matters, government contracting and public employment disputes. We have helped major developers navigate complex systems for obtaining economic development incentives, including establishing projects under the Local Economic Development Act, obtaining industrial revenue bonds and forming special districts. We have also successfully lobbied for legislation to benefit our clients.

The Firm provides a full range of legal services on federal and state tax issues in litigation and non litigation contexts. The Firm's tax division chief performs dual roles as tax attorney and certified public accountant. She and other firm attorneys have substantial experience in all areas of tax law. We regularly advise public and private companies, tax-exempt entities, colleges and universities, partnerships, and individuals concerning federal and state income taxes, federal and state excise taxes, New Mexico gross receipts and compensating taxes, and New Mexico property tax. We assist clients with tax planning, tax analysis of proposed transactions and advise with respect to their federal, state and local tax obligations. We have extensive experience with respect to Internal Revenue Service requirements and obligations.

Our state and local government practice includes representing both public and private entities in various administrative law settings, including rule-makings, adjudicatory hearings and appeals before federal government agencies.

Representational experience includes:

- We serve as outside counsel to several state agencies and as general counsel to a number of New Mexico schools, counties and municipalities.
- We worked with the New Mexico Economic Development Department to develop the standard process for local governments, including counties, to use the Local Economic Development Act.
- We have represented state agencies in several large development projects entailing the preparation of a request for proposals seeking a development team to finance, develop and construct a large public works project; preparation of a personal services contract for an architectural consultant; preparation of a development agreement; negotiation of a lease with an anchor tenant and preparation of general terms and conditions for construction contracts; negotiating financing through a

- separate public issuer; and advice on bond and wage issues, the Subcontractor Fair Practices Act, the New Mexico Procurement Code, and the Public Works Act.
- We regularly represent public agencies in determining their obligations under the Inspection of Public Records Act, the Open Meetings Act, the Procurement Code and laws related to the use of public money.
 - We have represented private clients in administrative appeals before various state regulatory boards.
 - We represented a New Mexico municipality in an administrative hearing conducted by the State Engineer regarding appropriation of groundwater.
 - We successfully defended a public school district in its administrative appeal before the United States Department of Health and Human Services, allowing the school to keep its Head Start program.
 - We represent public employers, including counties, in the defense of complaints of discrimination filed with the Equal Employment Opportunity Commission and New Mexico Human Rights Bureau.
 - We represent public employers, including counties, in defense of civil rights, whistleblower, discrimination and breach of contract lawsuits brought in state and federal courts.
 - We represent public entities, including counties, in defense of lawsuits alleging violation of state statutes and constitutional provisions in state and federal courts.
 - We represented the New Mexico Taxation and Revenue Department as a Special Assistant to the Attorney General in two projects related to oil and natural gas valuation.
 - We crafted legislation relating to the New Mexico Department of Transportation's operation of the Rail Runner.
 - We represented the City of Farmington in the negotiation of a contract with a private buyer of effluent discharge.

Ms. Moore, Mr. Thomas and Mr. Holland have more than 10 years' experience each in assisting public agencies with legal needs. Mr. Thomas has represented cities in personnel review board hearings relating to law enforcement discipline. Mr. Mier recently joined our Firm and will work closely with senior attorneys on County matters. Mr. Mier has represented public employers—counties, cities and school boards—in collective bargaining negotiations. Before completing law school and joining the Firm, Mr. Mier, as a management consultant, represented counties, municipalities, school boards and other government entities in the areas of human resources, labor relations and collective bargaining negotiations. He has represented employers before the New Mexico Public Employee Labor Relations Board and in grievance and contract arbitrations and other administrative hearings. He assisted public employers in local labor relations board hearings and has worked in legal consulting in the public sector, primarily in labor relations, defense of grievances, EEOC charges, Human Rights Division charges, Department of Labor charges, Department of Justice charges, employment issues, conflict resolution, contract negotiations and administration, and compensation issues, as well as in human resources consulting and collective bargaining issues.

1. Experience with the procurement code and the preparation/review of governmental contracts.

Our lawyers have significant experience in advising both public and private entities, including counties and municipalities, with regard to contracting issues including the procurement of goods and services pursuant to the Procurement Code. We routinely provide advice on the requirements for bids and proposals, the use of sole source or other non-competitive procurements, and circumstances under which procurements may be altered or canceled. Recently we won a case before the New Mexico Supreme Court regarding the exhaustion of administrative remedies in action against a state educational institution. We are currently representing another public institution in a bid protest that resulted from the cancellation of a procurement. We have substantial experience in government contracting and procurement, including the preparation/review of governmental contracts, at municipal, county, tribal, state and federal levels, including experience in drafting, reviewing and responding to requests for proposals, compliance with procurement procedures, and the New Mexico Procurement Code, bid protests, and post-award disputes. Ms. Moore, Mr. Holland, Mr. Thomas and other Firm lawyers practice widely in this area.

2. Experience in Incarceration/Law Enforcement issues.

Mr. Thomas and other Firm lawyers have successfully defended incarceration facilities in cases involving claims of sexual assault, challenges to provision of mental health services, and cases challenging use of force, cruel and unusual punishment, conditions of confinement, prison medical treatment/malpractice claims, First Amendment expression and speech, and religious practice and diet claims.

The lawyers' involvement includes investigations into inmate allegations and the defense of litigation filed by inmates, where inmates were represented by counsel or *pro se*, including conducting on-site depositions of inmates and prison employees, securing and using key records in investigation, and working with experts on incarceration practices.

The following are specific areas of experience and expertise developed by Mr. Thomas and other Firm lawyers through their incarceration litigation practice.

Sexual Assault Claims: We have investigated and defended a substantial number of sexual assault claims by inmates. These claims involve primarily allegations against corrections employees relating to alleged sexual relationships or alleged assault of inmates.

Mental Health: We have successfully defended claims by inmates relating to allegations of inadequate or improper treatment of the inmate's mental health and related needs. Our lawyers obtained summary judgment on behalf of a prison and its officials on the claim of deliberate indifference to an inmate's mental health needs in the case of *Giron v. CCA*, 14 F. Supp. 2d 1252 (D.N.M. 1998).

Use of Force: We have investigated and defended multiple claims by inmates relating to the use of force by corrections officers, including claims relating to the proper procedures for documenting and application of the use of force. These cases have also involved use of force with respect to inmate cell transfers and searches.

Eighth Amendment Punishment/Conditions of Confinement Claims: We have extensive experience investigating and defending against claims by inmates relating to their confinement, whether in solitary confinement or a particular housing unit, inmate work assignments, as well as other claims of perceived cruel and unusual punishment by inmates.

Prison Medical Treatment/Malpractice or Wrongful Death Claims: We have successfully investigated and defended several claims by inmates relating to the medical treatment provided in New Mexico prisons. Accordingly, Ms. Gottlieb and Mr. Thomas are experienced with the standard of care applicable to inmate medical treatment.

First Amendment Freedom of Expression and Speech: We have experience investigating and defending claims by inmates relating to their alleged first amendment rights to speech and expression, as well as claims relating to inmates; assertion of rights of privacy.

Religious Practice and Diet: We have obtained multiple defense verdicts through dispositive motions for prisons and prison officials relating to claims by inmates of violations of their rights to individual religious practice and religious dietary restrictions. Through this practice, Mr. Thomas has already become familiar with the religious practice and specific dietary requirements in the prison setting for Rastafarian and Muslim inmates, as well as kosher dietary requirements.

Establishment Clause/ Religious Housing Units: In *Freedom from Religion Foundation, Inc. v. Governor Bill Richardson, et al.*, No. CIV 05-1168 RLP KBM, Mr. Thomas and another Firm lawyer, working closely with the State's Attorney General's Office, successfully defended a claim by New Mexico taxpayers challenging the legality under the Establishment Clause of the use of taxpayer dollars to support or fund religious programming in the New Mexico prison system.

Additionally, we have significant experience representing security companies in litigation relating to claims that security guards failed to adequately protect plaintiffs from physical harm inflicted by other individuals.

3. Experience with the New Mexico Open Meetings Act and the New Mexico Inspection of Public Records Act

We have provided extensive guidance on matters unique to municipal, county and state entities, other public entities and to nonprofit corporations, including the Open Meetings Act, New Mexico Procurement Code, the Inspection of Public Records Act, and compliance with federal and state funding regulations.

4. **Experience in dealing with intergovernmental agreements, memoranda of understanding, and joint powers agreements between New Mexico governmental entities.**

The lawyers we propose for the County have extensive experience in dealing with intergovernmental agreements, memoranda of understanding, and joint powers agreements between New Mexico governmental entities. Ms. Moore in particular, who represents a number of local governments, has significant experience in governmental procurement and intergovernmental relationships.

5. **Other relevant experience**

General Litigation

Our commercial litigators provide a broad range of business litigation services to clients ranging from public bodies, including counties, to individuals and family-owned businesses to large corporations and financial institutions. Mr. Thomas and Mr. Holland have extensive experience in this area. We represent clients in matters involving government contract disputes, securities fraud, lender liability, employment, foreclosure, bankruptcy, intellectual property and bid protest litigation related to construction. Our lawyers appear in tribal, state and federal courts, before numerous administrative agencies and in arbitration, mediation and other similar proceedings. We have extensive experience in managing and coordinating complex litigation involving multiple defendants in both state and federal courts, many involving public officials. Our litigation skills include the willingness and ability to negotiate settlements when it is in the client's best interest.

Real Estate

The Firm represents local, regional and national clients in broad range of real estate matters. These matters include structuring, negotiating, and implementing a wide range of development, construction, sales, purchases, leasing, borrowing and joint venture transactions on behalf of developers, contractors, owners, lessees, institutional lenders and private capital sources, including REITs and government funds. We also handle real estate litigation.

We counsel design professionals, contractors, material suppliers and owners on a wide range of development and construction issues, including design professional liability, construction contract claims, general liability issues and bonding requirements. Our lawyers provide advice throughout the construction process—from the preparation of bid documents to the negotiation and drafting of design, construction and professional service contracts, to response planning for project delays and change orders, to dispute resolution and, if necessary, litigation involving breach of contract, architect malpractice, construction defect claims, mechanics' and materialmen's liens and related matters.

Business Law

We have extensive experience in providing all manner of commercial transactional services to our business, institutional, entrepreneurial and governmental clients, including advisement on corporate governance; analysis of member, director, officer and employee responsibilities; liabilities, and

indemnification; analysis of federal and state trade name, trademark, service mark and corporate name protection; sale and purchase transactions; analysis of banking and lending relationships and documentation; review and preparation of business forms, including invoices, security documents and contracts; preparation of business opinion and advice letters; preparation of all types of business agreements and documents; and all other related business planning services. The Firm for many years has represented both public and private entities in complex commercial transactions. The Firm has negotiated contracts for a variety of public and private entities, including joint powers agreements. The Firm's experience covers the entire spectrum of contract-related matters, including matters involving real estate contracts, procurement contracts, construction contracts, joint venture contracts, insurance contracts, loan contracts, leases of real and personal property, employment and non-competition contracts, sales contracts, and purchase contracts.

Trusts and Estates

The Firm has an active trusts and estates practice group. Our experience includes the preparation of wills, all types of trusts, buy-sell agreements, disclaimers, durable powers of attorney, and advance health care directives. We routinely advise high-net-worth clients with respect to estate, gift and generation-skipping transfer tax issues, marital and charitable deduction planning, as well as family and closely held business succession preparation. The Firm works closely with local and national trust departments in coordinating and balancing the unique fiduciary duties and responsibilities of corporate trustees and personal representatives with the needs of beneficiaries. We represent corporate and personal representatives in initiating probate proceedings, overseeing asset distribution and closing the estate. The Firm also routinely works with estates that hold out-of-state property and conducts ancillary probate proceedings.

Charitable Foundations and Gifts

In addition to extensive estate planning experience, the Firm has particular expertise in the area of public and private charitable foundations, donor-advised funds and supporting organizations. We have prepared gift policies, investments policies, and memorandums of understanding for public charities and private foundations. We have advised our higher education clients in the establishment of, and in relations with, private foundations to raise funds for the institution.

Our representation of foundations and public charities includes initial filings under New Mexico's Nonprofit Corporation Act, applications for tax-exempt status under IRC §501(c), and filings with the attorney general in compliance with the New Mexico Charitable Solicitations Act. Lawyers in the Firm's trusts and estates practice group have inside experience serving organizations such as the New Mexico Community Foundation, the Albuquerque Community Foundation, and the board of directors of the Senior Foundation, Inc., among many others, and are members of the New Mexico, Albuquerque and Santa Fe Estate Planning Councils.

Labor and Employment Law

The Firm has significant experience representing public bodies with regard to general employment and labor issues, including civil rights and discrimination

matters. Mr. Thomas, Mr. Holland and Mr. Mier handle wage and hour questions involving overtime, vacations, sick pay and shift work, as well as exemption questions and unemployment compensation matters. We prepare employee manuals for clients that are designed to protect the employers, including public employers, in lawsuits claiming denial of due process or a breach of implied contract of employment. We review pre-employment and other forms for compliance.

Mr. Thomas focuses his practice on employment law, advising employers on all aspects of employment and human resources issues, as well as litigation of employment disputes. Mr. Thomas routinely conducts anti-harassment training for business and government entities.

Before joining the Firm, Mr. Mier worked in the areas of legal consulting in the public sector, primarily in labor relations, defense of grievances, EEOC charges, Human Rights Division charges, Department of Labor charges, Department of Justice charges, employment issues, conflict resolution, contract negotiations and administration, and compensation issues; human resources consulting; and collective bargaining issues.

We handle employment and labor issues in litigation and non-litigation contexts. We draft employee handbooks, policies and procedures, navigate employee benefits, consult on reductions in force and other terminations, provide training sessions on sexual harassment and discrimination, and defend lawsuits based on employment claims. We advise clients regarding day-to-day operating issues as well as provide longer-range strategic planning services. We offer a comprehensive approach to meet the needs of our business and government clients. The firm is known for its preventive legal work: its willingness and ability to avoid employment litigation on the front end for clients through mediation and dispute resolution.

This includes cases involving allegations of wrongful discharge, sexual harassment and disability discrimination. We also handled cases involving reductions in force, terminations of tenured faculty, denials of tenure, terminations of nontenured employees and institutional administrative proceedings.

We understand that employment disputes are often emotionally charged and may involve accusations against the County. Our approach is to be proactive, to investigate the facts thoroughly, and to develop a defensive strategy early in the case. We regularly advise public employers about their obligations under state and federal laws, including Title VII, the New Mexico Human Rights Act, the Fair Labor Standards Act, ADA, COBRA, HIPAA, FERPA and FMLA. We also advise our clients about the complex interaction between these and other laws.

Union Contract Negotiations

Mr. Thomas, Mr. Mier and Mr. Holland have assisted several public entity clients in fulfilling their obligations under the Public Employee Bargaining Act. Our lawyers have drafted resolutions to establish local labor relations boards; drafted rules and regulations for those boards; addressed board membership issues; and provided advice in responding to representation petitions, filed both with the state

Public Employee Labor Relations Board and with local boards. Before completing law school and joining the Firm, Mr. Mier, as a management consultant, represented counties, municipalities, school boards and other government entities in the areas of human resources, labor relations and collective bargaining negotiations. He has represented employers before the New Mexico Public Employee Labor Relations Board, and in grievance and contract arbitrations and other administrative hearings. Mr. Mier has represented public employers in local labor relations board hearings and has worked in legal consulting in the public sector, primarily in labor relations, defense of grievances, EEOC charges, Human Rights Division charges, Department of Labor charges, Department of Justice charges, employment issues, conflict resolution, contract negotiations and administration, and compensation issues, as well as in human resources consulting and collective bargaining issues.

The Firm has counseled clients through the process of a representation election. We have also advised clients in collective bargaining negotiations and strategy, and determined employer obligations pursuant to collective bargaining agreements.

In addition, our lawyers have experience with litigation arising under collective bargaining agreements. Firm attorneys have defended employers in arbitration proceedings involving collective bargaining agreements, and we have also represented employers in administrative cases before the National Labor Relations Board.

Bond Matters

The Firm is nationally recognized as independent bond counsel and is listed in *The Bond Buyer's Municipal Marketplace*. We serve as bond counsel to the New Mexico Finance Authority, the New Mexico Renewable Energy Transmission Authority, the New Mexico Educational Assistance Foundation and various local issues. We served as bond counsel to the State Board of Finance for a number of years until 2012. We recently worked as disclosure counsel to University of New Mexico and have served in that capacity for the State Treasurer's Office. We have been bond counsel or issuer's counsel on bond issues for almost all our higher education institutions. We have served as bond counsel to numerous counties and municipalities and have participated in industrial revenue bond transactions in New Mexico for more than 30 years.

We have served as bond counsel, underwriter's counsel, trustee's counsel, and corporate counsel for numerous general obligation, utility revenue, gross receipts tax, severance tax, mortgage revenue, student loan, special assessment district, industrial revenue, and metropolitan redevelopment revenue bonds for the cities of Albuquerque and Santa Fe and other New Mexico communities, state agencies, and authorities. The Firm regularly analyzes New Mexico constitutional and statutory provisions concerning the issuance of debt and revenue bonds.

Employee Benefit Plans and Related Tax Issues

The Firm has extensive experience with community colleges, universities, state agencies and institutional non-profit organizations with respect to governmental pension, 403(b) and 457(b) plans and deferred compensation arrangements. We

provide ongoing advice to our clients regarding the operation of their benefit plans, including drafting and reviewing Qualified Domestic Relations Orders, assisting with IRS qualified plan programs, and reviewing compliance issues as they arise. We are familiar with and knowledgeable in the application of ERISA and other federal mandates, such as COBRA and HIPAA, as they apply to group health insurance plans.

We advise employers, including institutions of higher education, on compliance with the Fair Labor Standards Act and New Mexico statutory law concerning the payment of wages, including overtime and on-call time issues. We assist employers in responding to complaints filed with and investigations conducted by the U.S. Department of Labor and the New Mexico Department of Workforce Solutions pertaining to wage issues.

As mentioned previously, our lawyers have substantial experience in all areas of tax law. We regularly advise public and private companies, tax-exempt organizations, colleges and universities, partnerships and individuals concerning federal and state income taxes, federal and state excise taxes, New Mexico gross receipts, governmental gross receipts, compensating taxes, and New Mexico property tax. We assist clients with tax planning, tax analysis of proposed transactions and advise with respect to their federal, state and local tax obligations.

Over the years we have constantly been alert to—and taken the initiative in—finding ways for our clients to reduce costs in commercial tax areas. For example, we advised one of our education clients of the potential tax benefits and savings the client and its employees could enjoy through participation in medical employer reimbursement plans and deferred income plans authorized by federal tax reform but not generally used by public institutions. Our efforts resulted in the client and its employees being among the first state institutions to enjoy these benefits at significant cost savings in taxes.

C. DESCRIPTION OF THE FIRM'S LIBRARY AND/OR RESOURCES

The firm has extensive volumes in its libraries (an estimate of 20,000 books) in the Albuquerque and Santa Fe offices. The Albuquerque office library contains federal and state statutes, cases, digests, regulations and many topical law treatises and journals. The Santa Fe library contains some of these resources in duplicate.

The Firm uses WestLaw, the leading online legal research service, providing a complete up-to-date collection of legal resources, including federal and state statutes, cases, regulations, and administrative rulings. WestLaw also contains databases of secondary sources of law, including law journals, legal texts, current and archived news, and business and public records information. We have negotiated a special contract with WestLaw that provides volume discounts for legal research and we pass these substantially discounted rates on to our clients. The Firm also uses the networked and web versions of New Mexico One Source of Law for research in New Mexico law. Additional online research tools include LexisNexis online services and RIA Checkpoint Pension & Benefits Expert and State & Local Tax Library Expert (web).

Technical resources: The Firm uses a Windows based LAN/WAN. The primary word processing application is Microsoft Word, along with other Microsoft Office applications such as Excel, PowerPoint, Access and Project. The Firm uses Microsoft Exchange as its Intranet/Internet mail system, and has multiple T1s to the Internet for research and email. We regularly transfer documents to clients via the Internet, allowing our clients to integrate documents into their word processing system without the necessity of copy typing or scanning. The Firm website is sutinfirm.com. Our equipment is state-of-the-art, and we are experienced at preparing voluminous documents in a timely manner. The Firm will participate with the County in the exchange of electronic files related to our engagement, and, in fact, all draft document distribution is via email.

D. LIMITS OF PROFESSIONAL LIABILITY INSURANCE. ANY CURRENT SUITS PENDING AGAINST YOUR FIRM?

No current lawsuits are pending against the Firm.

The Firm carries professional liability insurance for each lawyer, paralegal and law clerk. Our insurance policy is issued by Attorneys Liability Protection Society, with an annual limit of \$10,000,000 per claim and \$20,000,000 in the aggregate. The deductible is \$50,000.

E. ABILITY OF THE FIRM TO PERFORM WORK ON A TIMELY BASIS

As mentioned previously, we propose that **Jean C. Moore** act as the primary attorney and initial point of contact with the County. Ms. Moore will assess assigned matters with a view toward controlling costs and will coordinate the proposed team of attorneys with the required necessary experience. She will ensure that the Firm provides the County with prompt, effective, cost-efficient representation and clear communication. She will be responsible for (1) getting to know the County personnel; (2) developing and maintaining an effective relationship with County personnel; (3) understanding the degree of complexity of County projects, and (4) reaching an understanding with the County regarding the desired outcome of each matter and its anticipated expense. Ms. Moore will analyze each matter and will decide how to allocate Firm resources to the County's advantage. She will match County work to the lawyer or lawyers with the combination of skills and experience to handle the job at the most reasonable cost.

Meeting deadlines is a crucial part of how we effectively serve our clients. The Firm's practice is to establish schedules early, distribute timetables and stick to those timetables unless unavoidable, unforeseen circumstances cause delays. Ms. Moore or her designee will be available at all times to give information to the County and receive the County's questions. Regular review of budgets and schedules keep projects on track, and client consultations are part of those reviews. The Firm's expectation is to treat County matters with high priority, keep a full staff available, and perform all services in a timely and efficient manner.

If awarded the contract, the Firm will be available during regular business hours to deal with routine County matters as well as outside regular hours for the occasional urgent and unexpected legal matters that may arise for the County. The Firm will furnish phone and email contact information for the attorneys approved by the County.

Our lawyers are experienced in serving clients some distance from Albuquerque, such as the City of Grants, the City of Lordsburg, the City of Farmington, Eastern New Mexico University and New Mexico State University. We have worked with our clients to develop the right level of in-person and electronic communication to ensure our clients' protection and peace of mind.

The Firm's current workload includes representing a number of local government agencies in New Mexico, higher education clients, matters related to public finance and municipal bonds, general commercial and tax matters, administrative and regulatory law, including lobbying and utilities regulation, securities, real estate, labor law, and litigation of all kinds. The firm represents state agencies and authorities, municipalities, counties, colleges and universities, non-profit organizations, corporations, utilities, hospitals and insurers. With 39 lawyers and approximately 50 non-lawyer staff members in our Albuquerque and Santa Fe offices, our Firm has the resources to efficiently deal with all legal issues, including emergencies. We make it a priority to rapidly respond to client needs. The Firm is fully capable of and qualified to provide the products or services required by this RFP and agrees to perform the Scope of Work as specified in the RFP.

We note that, because we serve as loan counsel to the New Mexico Finance Authority, should the County seek loans from or arrange to sell bonds to the NMFA, we would be unable to represent either party in those transactions.

F. FAMILIARITY WITH TORRANCE COUNTY

The Firm has previously provided legal services to the County over a number of years, including:

We served as bond counsel for the County in the authorization and issuance of industrial revenue bonds issued by the County for the benefit of Foresight Wind Energy, LLC, beginning in 2008.

We also served as bond counsel for the County in the authorization and issuance of industrial revenue bonds issued by the County for the benefit of Western Power, beginning in 2008.

We also served as issuer's counsel for the County during the High Lonesome Mesa , LLC, wind energy project, 2008-2012.

G. CAMPAIGN CONTRIBUTION DISCLOSURE FORM

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to NMSA 1978, 13-1-191.1 (2006), any person seeking to enter into a contract with any state agency or local public body for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body shall void an executed contract or cancel a solicitation or proposed award for a proposed contract if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

THIS FORM MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

"Applicable public official" means a person elected to an office or a person appointed to complete a term of an elected office, which has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

"Campaign Contribution" means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, this is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to either statewide or local office. "Campaign Contribution" included the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or un-reimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

"Family member" means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law.

"Pendency of the procurement process" means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

"Person" means any corporation, partnership, individual, joint venture, association or any other private legal entity.

"Prospective contractor" means a person who is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person qualifies for a sole source or a small purchase contract.

"Representative of a prospective contractor" means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

DISCLOSURE OF CONTRIBUTIONS.

Contribution Made By: _____
Relation to Prospective Contractor: _____
Name of Applicable Public Official: _____
Date Contribution(s) Made: _____
Amount(s) of Contribution(s) _____
Nature of Contribution(s) _____
Purpose of Contribution(s) _____
(Attach extra pages if necessary)

Signature Date

Title (position)

-OR-

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE to an applicable public official by me, a family member or representative.

Anne P. Browne
Type or Printed Name

October 1, 2014
Date

Anne P. Browne
Signature

Vice President & CAO
Title (Position)

Sutin, Thayer & Browne
Company Name

H. FEE PROPOSAL FORM (IN SEALED ENVELOPE, NEXT)

FEE PROPOSAL BASED UPON HOURLY RATE

I (we), the undersigned, will provide legal services for the County of Torrance, New Mexico, as outlined in the Request for Proposals, at the hourly fee of \$ 233.75 per hour. This fee does not include applicable taxes. Please describe your typical billing practices, e.g. your incremental rate for partial hours or minimum charge and if there are any services that you do not normally charge for:

Associate hourly fee: \$140.00. A billable hour is an hour actually spent on productive work for the client, billed in one-tenth-hour increments. The Firm does not bill for time only marginally related, such as time to complete time slips and review billing worksheets. Please see chart below for ancillary expenses.

Paralegal services shall be at \$ 99.00 per hour, if applicable.

Signed *Anne P. Browne*

Printed Name Anne P. Browne

Title Vice President and CAO, Sufin, Thayer & Browne A Professional Corporation

Address 6565 Americas Parkway NE, Suite 1000

Phone 505-883-2500 Fax 505-888-6565

Date October 1, 2014

Service.	Cost
Commercial Messenger/Delivery Service	Actual charge
Phone, faxing, scanning	No charge
Filing Fees, Service, Statutory Fees	As charged by the court, process server or administrative agency
In-house Courier Service	<3 miles: \$3.00/trip plus \$.56/mile; >3 miles: \$7.50/trip plus \$.56/mile
LEXIS, Westlaw, Dialog, NM Legal Net	Actual charge
Photocopies/prints	\$.10/page, black/white copies; \$.10/page for black/white prints more than 50 pages; \$.50/page color copies or prints
Postage	Actual charge for mailings such as special deliveries, or bulky or multiple mailings
Travel, Food and Lodging	We consult with clients in advance. When time permits, travel/lodging are booked at discount rates. Travel time: \$100 per hour; negotiable
Miscellaneous	Actual charge. Examples are seals, minute books, outside reproduction, special supplies

APPENDIX A

ATTORNEY RESUMES

SUTIN
THAYER
BROWNE



L A W Y E E R S

YOUR LEGAL TEAM IN NEW MEXICO

Jean C. Moore

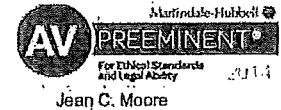


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Fax: (505) 855-9576

Albuquerque Office



JEAN C. MOORE practices primarily in the areas of real estate, including purchases and sales, leases, land use and zoning; commercial lending; construction law; education law; local government law; and general business law.

In her real estate practice, Jean advises public and private clients regarding the acquisition, development, sale and leasing of commercial, governmental and residential properties. Her representation includes review and preparation of purchase, option, brokerage, architect and construction agreements; analysis and negotiation of liability and property insurance; analysis of zoning and easement matters; and analysis of surveys, title insurance commitments, environmental assessments and other due diligence matters. Her business transaction practice involves formation and governance matters and contract preparation and review. A member of the firm's education group, Jean represents New Mexico universities and colleges in her primary areas of practice and also has experience in governmental procurement and intergovernmental relationships. Jean has represented borrowers and lenders in many types of commercial lending transactions, including development and acquisition financings. Before joining

Sutin Thayer & Browné, she was an editor and a reporter for The Albuquerque Tribune and the Winston-Salem (N.C.) Journal.

Admissions

- New Mexico, 2002

Education

- University of New Mexico Law School, 2002, J.D. magna cum laude
- University of North Carolina at Chapel Hill, 1985, B.A.

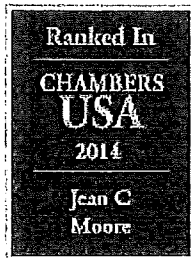
Publications & Speeches

- Presentation, "New Mexico's Homeowner Association Act," Real Property Institute, December 2013.
- Presentation, "Drafting and Enforcing Commercial Leases in New Mexico," Sterling Education Services, November 2007.
- Presentation, "Commercial and Real Estate Loan Documents in New Mexico," Lorman Education Services, December 2006.
- Presentation, "Use of Tenancy-in-Common Agreements in Section 1031 Tax-Free Exchanges," National Association of Industrial and Office Properties, May 2005.
- Article, "What is an estate plan, and why you might need one," New Mexico AIDS Services Newsletter, Spring 2002.
- Note, "At-issue waiver of attorney-client privilege and Public Service Co. of New Mexico v. Lyons: A party must offensively use privileged materials in order to waive the privilege," *New Mexico Law Review*, Vol. 31, December 2001.

Recognitions

- Martindale-Hubbell Rating: AV Preeminent

- Best Lawyers in America, Real Estate
- Chambers USA, Real Estate
- Order of the Coif
- *New Mexico Law Review*, Lead Articles Editor



Professional & Community Involvement

- Committee on State Regulation of Securities, American Bar Association, New Mexico Liaison

Practice Areas

- Real Estate
- State and Local Government
- Business and Corporate
- Commercial Lending
- Environment and Natural Resources

Industry Sectors

- Construction and Real Estate Development
- Banks and Financial Services
- Economic Development
- Education
- Professional Service Firms
- Government Contractors
- Family-Owned and Small Business
- Energy

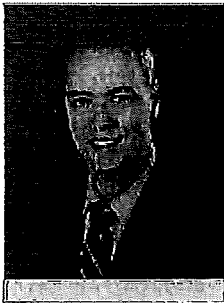
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L A W Y E R S

YOUR LEGAL TEAM IN NEW MEXICO

Benjamin E. Thomas

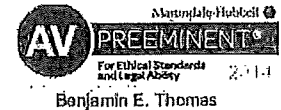


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Albuquerque Office



BENJAMIN E. THOMAS practices primarily in the areas of commercial litigation, corrections litigation, employment law, civil rights and creditors' rights. Ben represents businesses and individuals in a broad range of litigation and disputes.

Ben represents financial institutions and other creditors in foreclosure actions, loan workouts and bankruptcy. With a particular emphasis in commercial loans, Ben assists clients through the entire process of loan default to recover collateral through foreclosure. Ben is the Legal Instructor for the Western States School of Banking, instructing bankers on the basics of banking and foreclosure law. He also teaches seminars to lawyers and creditors on the entire foreclosure process. Ben has specific experience in guiding banks through the purchase of other financial institutions and transfer of loans.

In his employment practice, Ben advises businesses with respect to employment relations and represents companies and individuals before the Human Rights Commission, the EEOC and in employment discrimination, sexual harassment and civil rights lawsuits. Ben presents anti-harassment and anti-discrimination training seminars for employers and prepares policies and employment contracts

for businesses. He also represents businesses in dram-shop-related personal injury litigation and has experience representing clients in the prison industry in a wide range of lawsuits.

Admissions

- New Mexico, 2003
- United States District Court for the District of New Mexico, 2004
- Tenth Circuit Court of Appeals, 2006
- United States Supreme Court, 2007

Education

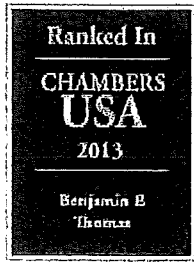
- Boston University, 2003, J.D.
- Vanderbilt University, 1999, B.A.
- Boston University, 2004, M.A.

Publications & Speeches

Ben presents anti-harassment and anti-discrimination training seminars for employers and prepares policies and employment contracts for businesses.

Recognitions

- Martindale-Hubbell Rating: AV Preeminent
- Chambers USA
- Southwest Super Lawyers, Rising Star, Employment & Labor, and Business Litigation
- Benchmark Litigation, Future Star
- Boston University International Law Journal



Professional & Community Involvement

- JCC of Greater Albuquerque, Board Member
- The Storehouse, Board Member
- Albuquerque Bar Association
- Legal Instructor, Western States School of Banking
- Leadership Albuquerque, 2008

Practice Areas

- Commercial Litigation
- Bankruptcy and Creditors' Rights
- Real Estate
- Appeals
- Employment and Labor
- Personal Injury, Product Liability and Professional Malpractice

Industry Sectors

- Family-Owned and Small Business
- Professional Service Firms
- Banks and Financial Services
- Government Contractors
- Construction and Real Estate Development

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THAYER
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L A W Y E E R S

YOUR LEGAL TEAM IN NEW MEXICO

Keith C. Mier



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Albuquerque Office

KEITH C. MIER is a member of the firm's litigation group. He practices primarily in the areas of employment law, healthcare, corrections litigation, Indian law, education law, commercial litigation and creditors' rights.

Before joining the firm, Keith worked in the areas of legal consulting in the public sector, primarily in labor relations, defense of grievances, EEOC charges, Human Rights Division charges, Department of Labor charges, Department of Justice charges, employment issues, conflict resolution, contract negotiations and administration, and compensation issues; human resources consulting; and collective bargaining issues.

Keith served in the United States Navy, retiring in 2007 as a highly decorated lieutenant. He served in Iraq, Afghanistan, Italy, Spain, Japan, and a number of other countries in the Middle East, Asia and West Africa.

Admissions

New Mexico, 2014

Education

- University of New Mexico Law School, 2013, J.D.
- United States Navy Supply Corps School, 2000, (Navy Business School)
- United States Naval Academy, 1999, B.S.

Recognitions

- Tribal Law Journal Editorial Board (2013-2014)
- Dean's List and Honor Roll (UNM Law)
- Varsity Football Letterman (USNA)

Practice Areas

- Employment and Labor
- Indian Law
- Public Finance and Tax Incentives
- Commercial Litigation
- Bankruptcy and Creditors' Rights
- Tax

Industry Sectors

- Healthcare
- Business in Indian Country
- Construction and Real Estate Development
- Government Contractors

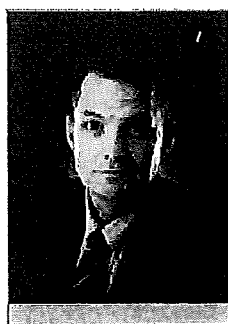
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L A W Y E R S

YOUR LEGAL TEAM IN NEW MEXICO

Christopher A. Holland

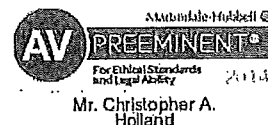


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Albuquerque Office



CHRISTOPHER A. HOLLAND focuses his practice on employment law, civil litigation, regulatory and administrative law, education law and appeals. He represents public entities and corporate clients in state and federal administrative and court proceedings. He is experienced in all aspects of the litigation process. Before joining the Sutin Firm, Chris clerked for two years (1994-1996) for New Mexico Supreme Court Justice Pamela B. Minzner. And while in law school, he served as managing editor of the New Mexico Law Review.

Admissions

- New Mexico, 1994
- Colorado, 1996
- Navajo Nation, 1999
- 10 U.S. Circuit Court of Appeals, 2000

Education

- University of New Mexico, 1994, J.D.
- Eastern New Mexico University, 1982, B.B.A. (with honors)

Publications & Speeches

- Author, *The Supreme Court Speaks Where the Legislature was Silent*, 23 *New Mexico Law Review* 283 (1993)
- Seminar Speaker, *The Fair Debt Collection Practices Act*, June, 2000
- Seminar Speaker, *Indian Tribal Court Jurisdiction Over Non-Indians*, Sept. 2000
- Seminar Speaker, *Update on Employment Law in New Mexico*, New Mexico State Bar, Oct. 2003
- Seminar Speaker, *The Family Medical Leave Act & the USERRA*, Sep. 2005

Published Cases

- *State ex rel. Eastern New Mexico University v. Baca*, 189 P.3d 663 (2008).
- *In re Camino Real Environmental Center, Inc.*, 242 P.3d 343 (2010).

Recognitions

- Martindale-Hubbell Rating: AV Preeminent
- Best Lawyers, Lawyer of the Year 2015 - Education Law, Albuquerque
- Best Lawyers in America, 2010-2015
- Southwest Super Lawyers, Business Litigation, 2012-2014



Christopher A. Holland



Education Law—Albuquerque

Professional & Community Involvement

- Recipient, Duque de Albuquerque Award, from Albuquerque Mayor Martin Chavez, 2005
- Lieutenant Colonel, New Mexico Army National Guard

Practice Areas

- Employment and Labor
- Commercial Litigation
- Appeals
- Environment and Natural Resources

Industry Sectors

- Education
- Banks and Financial Services
- Healthcare
- Government Contractors
- Business in Indian Country

APPENDIX B

LAWYER WORKSHOPS/COURSES AND CONTINUING EDUCATION CREDITS

**Course Attendance Record
2014 Credits Required by 12/31/2014**

Attorney Ms. Jean Constance Moore

2014 Compliance Year ending December 31, 2014

Date	Course Title	Total Credits	Year(s) Credits Posted		Carry Forward to 2015	Aged/Excess Credits
			12/31/2013	12/31/2014		
12/11/2012	Asset Based Finance (Pt 1-2)	2.00G	0.30G			
4/10/2013	Dodd Frank Update	1.50G	1.50G			
8/7/2013	Gross Receipts and Compensating Tax in New Mexico	6.00G	6.00G			
10/29/2013	Conflicts of Interest Nuances that Will Surprise You	2.00E	2.00E			
12/6/2013	Annual Real Property Institute	4.00GT	2.20G	1.80G		
5/2/2014	Public Access to Government: Understanding and Implementing IPRA and OMA	5.00G		5.00G		
5/2/2014	Public Access to Government: Understanding and Implementing IPRA and OMA	1.00E		1.00E		
7/17/2014	Legal and Regulatory Issues in Oil and Gas	6.70G		3.20G		3.50G

2014 Requirements Met or Waived:

N

2014 Credits Still Required:

0.00G 1.00E

Fees Owed: N

Course Attendance Record is not intended to be used as an official transcript. The information displayed is to assist attorneys in tracking credits earned. Official compliance/non-compliance notification is pursuant to NM MCLE Rule 18-301(D).

**Course Attendance Record
2014 Credits Required by 12/31/2014**

Attorney Mr. Christopher A. Holland

2014 Compliance Year ending December 31, 2014

Date	Course Title	Total Credits	Year(s) Credits Posted		Carry Forward to 2015	Aged/Excess Credits
			12/31/2013	12/31/2014		
6/15/2012	Use of Employee Criminal and Other Background Checks	1.00G	0.70G			

9/24/2012	E Discovery, Litigation Holds and Metadata	1.50G	1.50G		
10/18/2012	Foreclosure and Loan Workout Procedures Boot Camp	5.00G	5.00G		
10/18/2012	Foreclosure and Loan Workout Procedures Boot Camp	1.00E	1.00E		
11/6/2012	Everything You Ever Wanted to Know about Legal Malpractice	2.00E	2.00E		
11/8/2012	Disciplinary Process	2.00E	1.80E		0.20E
12/13/2012	Land Use Law: Current Issues in Subdivision and Zoning	6.00G			6.00G
12/28/2012	New Mexico Administrative Law Institute	4.50G			4.50G
12/28/2012	New Mexico Administrative Law Institute	2.00E			2.00E
3/22/2013	Navajo Law Seminar	6.00G		6.00G	
3/22/2013	Navajo Law Seminar	2.00E		2.00E	
6/14/2013	Electronic Discovery	1.00G		1.00G	
6/28/2013	2013 SBNM Annual Meeting	1.90G		1.90G	
10/11/2013	History, Reform and Proposed Expansion of the US Supreme Court	1.00G		1.00G	
1/16/2014	Amazing Time in the Supreme Court	1.00G		0.10G	0.90G
5/16/2014	Best Summary Judgment Practices	2.00G			2.00G

2014 Requirements Met or Waived: Y
2014 Credits Still Required: N

Fees Owed: N

Course Attendance Record is not intended to be used as an official transcript. The information displayed is to assist attorneys in tracking credits earned. Official compliance/non-compliance notification is pursuant to NM MCLE Rule 18-301(D).

**Course Attendance Record
2014 Credits Required by**

Attorney Mr. Keith G. Mier

2014 Compliance Year ending December 31, 2014

No classes found for the above period.

Course Attendance Record is not intended to be used as an official transcript. The information displayed is to assist attorneys in tracking credits earned. Official compliance/non-compliance notification is pursuant to NM MCLE Rule 18-301(D).

Fees Owed: N

NOTE: NEW LAWYER. Enrolled in "Bridge the Gap: 2015 NM Mentor/Mentee Program." Jean C. Moore, Mentor. 02/01/2015 to 02/01/2015. 10.00 General credits and 2.00 Ethics credits expected.

**Course Attendance Record
2014 Credits Required by 12/31/2014**

Attorney Mr. Benjamin Thomas

2014 Compliance Year ending December 31, 2014.

Date	Course Title	Total Credits	Year(s) Credits Posted		Carry Forward to 2015	Aged/Excess Credits
			12/31/2013	12/31/2014		
7/12/2012	Labor and Employment Law	3.00G	2.40G			
11/8/2012	Disciplinary Process	2.00E	0.50E			
11/30/2012	RMD Outside Counsel Seminar and Legal Updates	3.00G	3.00G			
11/30/2012	RMD Outside Counsel Seminar and Legal Updates	1.00E	1.00E			
6/14/2013	Electronic Discovery	1.00G	1.00G			
7/23/2013	Fundamentals of Employment Law	3.80G	3.60G	0.20G		
11/13/2013	Inadvertent Disclosure, an Ethics Challenge	2.00E	0.50E	1.50E		
7/18/2014	2014 SBNM Annual Meeting	2.00G		2.00G		

2014 Requirements Met or Waived:

N

2014 Credits Still Required:

7.80G 0.50E

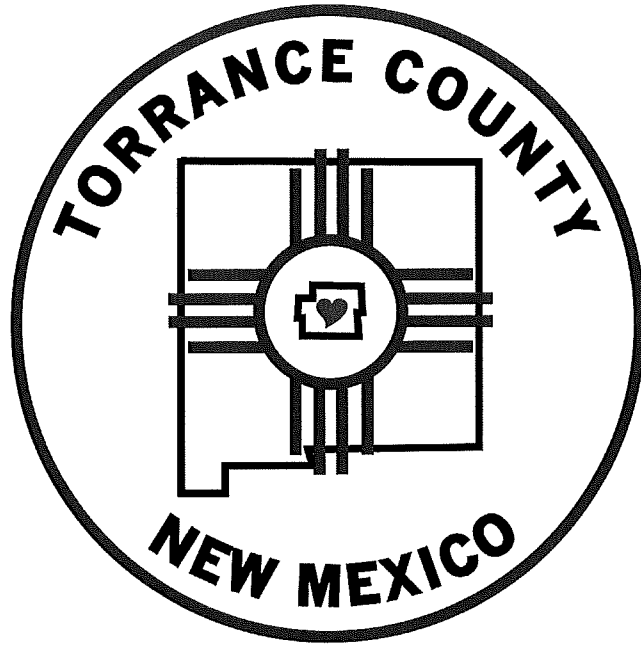
Fees Owed: N

Course Attendance Record is not intended to be used as an official transcript. The information displayed is to assist attorneys in tracking credits earned. Official compliance/non-compliance notification is pursuant to NM MCLE Rule 18-301(D).

NOTE: Enrolled in "Real Estate Foreclosure: A Step-by-Step Workshop." 10/15/2014, National Business Institute. 5.00 General credits and 1.00 Ethics credits expected.



*Agenda Item
No. 11*



COUNTY MANAGER UPDATE

