



TORRANCE **C**OUNTY
COMMISSION MEETING
AUGUST 8TH, 2018
9:00 A.M.

FOR PUBLIC VIEW, DO NOT REMOVE



Torrance County Commission

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

AGENDA

August 8th, 2018
9:00 A.M.

Please Silence All Electronic Devices

Call Meeting to Order
Pledge of Allegiance
Invocation

Approval of Minutes: July 25th, 2018 Regular Meeting July 31st, 2018 Special Meeting

Approval of Meeting Agenda

Approval of Consent Agenda:

1. *Approval of Checks*
2. *Approval of Indigent Claims*

Public Requests:

At the Discretion of the Commission Chair. For Information Only (**No Action Can Be Taken**). Comments are limited to three (3) minutes per person on any subject.

ACTION ITEMS*:

ITEMS TO BE CONSIDERED AND ACTED UPON

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

*Commission Matters:

1. 2020-2024 Infrastructure Capital Improvements Plan Project Input and Project Ideas
2. Consider and act upon proposed waiver of conflict of interest for Modrall Law Firm to represent Avangid Renewables for Industrial Revenue Bonds

*Public Relations:

3. Around the County Presentation – Annette Ortiz, Deputy County Manager
4. Updates: a. Various County Departments b. Commission c. County Manager d. Other Boards or Land Grants (upon request) e. Forest Service

* Department Requests/Reports:

5. Resolution 2018-40 Participation in Local Government Road Fund Program Cooperative Agreement Project Number CAP-5-19(472) –Leonard Lujan, Road Superintendent
6. Resolution 2018-41 Participation in Local Government Road Fund Program Cooperative Agreement Project Number SP-5-19(186) –Leonard Lujan, Road Superintendent
7. Resolution 2018-42 Participation in Local Government Road Fund Program Cooperative Agreement Project Number SB-7803(105)19–Leonard Lujan, Road Superintendent

*County Manager Requests/Reports:

8. USDA FY19 Work/Financial Plan for Wildlife Services

Public Requests:

At the Discretion of the Commission Chair. For Information Only (**No Action Can Be Taken**). Comments are limited to three (3) minutes per person on any subject.

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) Litigation related to Gonzales v. TCSO, Baca, Section 10-15-1(H)(3)

*Reconvene from Executive Session:

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

- b) Consider and Act upon, if necessary Litigation related to Gonzales v. TCSO, Baca

*Adjourn



Minutes

**DRAFT COPY
TORRANCE COUNTY BOARD OF COMMISSIONERS
REGULAR COMMISSION MEETING
JULY 25th, 2018**

COMMISSIONERS PRESENT: JULIA DUCHARME-CHAIRMAN (by phone)
JAMES FROST-MEMBER
JAVIER SANCHEZ -MEMBER

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

CALL MEETING TO ORDER

Madam Chair DuCharme calls the July 25th, 2018 Regular Commission Meeting to order at 9:03 A.M.

Pledge lead by Commissioner Frost

Invocation lead by Commissioner Sanchez

Commissioner Frost states the Madam Chair DuCharme is not present at the meeting today but will be available by phone.

APPROVAL OF THE JULY 11th, 2018 REGULAR COMMISSION MEETING MINUTES

Commissioner Frost asks for a motion to approve the July 11th, 2018 Regular Commission meeting minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the July 11th, 2018, Commission meeting minutes. Commissioner Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

APPROVAL OF THE JULY 25th, 2018 MEETING AGENDA

Commissioner Frost asks for a motion to approve the July 25th, 2018 meeting agenda. **ACTION TAKEN:** Commissioner Sanchez makes a motion to approve the July 25th, 2018 meeting agenda. Commissioner Frost seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

APPROVAL OF CONSENT AGENDA

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

Commissioner Frost asks for a motion to approve the Consent Agenda, Approval of Checks, Indigent Claim(s). **ACTION TAKEN:** Commissioner Sanchez makes a motion to approve the Consent Agenda, approval of checks and indigent claims. Commissioner Frost seconds

the motion. **Madam Chair DuCharme** asks what the payment from Capital Outlay in the amount of \$128,000.00 is for. **Leonard Lujan** and **Belinda Garland** state that this is for the payment for the Blade that was purchased by the Road Department. No further discussion, all Commissioners in favor. **MOTION CARRIED**

ACTION ITEMS*:
ITEMS TO BE CONSIDERED AND ACTED UPON

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

****Commissioner Matters***

1.) Consider to Make Legal Opinion of “Right to Work” Public Information

Belinda Garland states that she and the Commissioners were given a legal opinion by their legal counsel, Mr. Dennis Wallin. In order to make the legal opinion public information it would need to be voted on and approved by the commission. Therefore, Ms. Garland has brought this to the commission to see if they want to make it public or to leave it as is.

Dennis Wallin would like to add that legal advice to a client is generally privileged. The privilege lies with the client, not the lawyer. The privilege belongs to the Commission, so it is up to you to determine whether or not to waive that privilege. This may seem easy, but there are ramifications. The most concerning is, if the governmental entity fails to abide by a legal opinion that it has been given, it could be evidence in a court case if one was to be brought forth. There could be a possible civil rights claim brought forth by an individual union member from the county, but is remotely possible. It is the privilege of the Commission and you all can decide how you want to proceed.

Madam Chair DuCharme states that there has been 4 other counties that have adopted the Ordinance for Right to Work, did those commissions disregard their legal opinions?

Mr. Wallin replies that he cannot answer what other counties did. What he can say is that he did read 3-4 different legal opinions in regards to this. Every lawyer that receives a legal question is not always going to agree on what the decision is. Every group will have their own legal opinion. Mr. Wallin has read the legal opinions from Sierra County Attorney, the Sandoval County Attorney, and have spoken with several other colleagues in other counties that are working on opinions for this topic, and the opinions are all over the board. Without getting into his legal opinion he asks if the county does have the authority to engage in legislation that will affect the rights of individuals to bargain for their employment.

Commissioner Frost asks if Commissioner Sanchez has anything to say on this topic. Commissioner Frost would like to ask if there is a motion to consider to make the legal opinion for the Right to Work Public.

Madam Chair DuCharme asks Mr. Wallin if the ramifications will come after the ordinance has been approved and/or after the commission decides to make the legal opinion public information.

Mr. Wallin replies, there would not be a potential law suit until after you decide to adopt or not to adopt the ordinance for the Right to Work. What you need to understand is that with making the legal opinion public, which is your decision as the board, and subsequently are sued as a result of your actions on the ordinance, your decision with regards to the legal opinion may be used for whatever evidentiary value it has in a court of law.

Madam Chair DuCharme states that the Attorney General's office also provided their legal opinion on this matter, did they receive any ramifications on the opinion?

Mr. Wallin replies, no, they did not as they are not passing an ordinance. Their opinion was that Counties who do not have non home rule do not have the authority to pass a right to work ordinance.

No further discussion or motion. **NO ACTION TAKEN**

2.) Transportation Committee

Commissioner Sanchez states that he needs to visit with the City of Moriarty concerning this, he will be attending their council meeting this evening, and then he will be able to give a full report. Willard, Estancia, Mountainair, and the land grants (Manzano, Torreon, and Tajique) have all expressed interest. Once Moriarty gives their decision, Commissioner Sanchez will be able to give a complete report.

3.) Ratification of Resolution 2018-36 Indigent Burial

Belinda Garland states that at the last meeting she requested that the commissioners sign a resolution for an emergency indigent burial fund. This is a ratification of the resolution that was signed at the last meeting. There was an emergency situation where a body needed to be released. Commissioner Frost asks for a motion to approve the Ratification of Resolution 2018-36 Indigent Burial. **ACTION TAKEN:** Commission Sanchez makes a motion to approve the Ratification of Resolution 2018-36 Indigent Burial. Commissioner Frost seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

***Public Relations:**

4.) Updates: a.) various county departments c.) County Manager d.) Other boards

a.) Various County Departments

Chief Lester Gary, Torrance County Fire Chief states that this month will mark 1 year that Chief Gary has been employed with the county. Back in March there was a 90 day burn ban in place for the county. In June the 90 days were up, at that time the burn ban was placed on a day by day burn ban. As of today the burn ban has been lifted due to the large amounts of rainfall we have had the past few weeks. If people now want to burn they will need to contact the fire department to inform them of the burn and to make sure they are allowed to burn on that day. The fire department will make that decision the prior evening if it will be a burn or no burn day. If there are people that have a planned burn, they can go to the county website, print out

burn permit, fill it out, and return to our office for approval. The office will then inform the resident if their burn has been approved or not.

The fire department has received notice of their approval of the state EMS Funds. In August the department will be receiving a total amount of \$4,500.00 for EMS supplies and equipment and will be split up in the amount of \$1,500.00 between districts 2, 3 & 5 fire departments. The department also received documentation from the state fire marshal's office of the approval of the fire protection fund in the amount of \$240,847.60 for all 6 districts. The money will be split from about \$50,000.00 to \$140,000.00 depending on the size of the district and its ISO rating.

When Chief Gary first arrived he had talked about putting together a fire academy for the volunteers. Starting in October the department will be putting together the first Fire 1 Volunteer Academy. In August there will be an EMT First Responder course, then a Hazardous Material Awareness and Operations Course, and once these two courses are complete we will begin the Firefighter 1 course.

The department has been very busy. The call volume has increased. With the increase in calls it does increase the paper work. There is now a database in place so that we can keep track of what is going on and how many calls are received and what the expenditures are on a monthly basis.

Chief Gary has been talking with the Santa Fe County Fire Department and the county is going to be transferring some of their surplus equipment. We will be receiving a 1994 Chevy Kodiak Tender. It is a 1500 gallon tender, and when we get it in, it will be in the reserve pool and most likely go to the Willard Fire Department. We are also receiving from Santa Fe Fire a rehab unit, which was once a med unit. They are giving Torrance County Fire all the supplies that were in it. Once we receive the rehab unit we can decide to keep it as a rehab unit or return it back to its original state as a med unit, or whatever we decide to use it as.

The Policies and Procedures & SOG's for the Fire Department are now complete. These will be sent to legal for review to see if there are any changes or additions that need to be made. Chief Gary will need legal counsel on the additions of Disciplinary actions and Sexual Harassment portions of the document.

Chief Gary has also created a Fire Code Ordinance (currently the county does not have one) adopting the international fire code of 2009. Once completed, it will have the fire code for commercial businesses and the adoptions of ordinances for fireworks, so that we have more to go with if we create a fireworks ban in the future. This code also establishes a fire prevention bureau which establishes inspections of different commercial occupancies. The department can also institute fee schedules for inspections etc., as to help generate revenue for the fire department.

Due to the growth in the county the Fire Department is currently looking at bringing the PRC license back into the County. The department is currently petitioning the PRC to get the license back. It is currently on lease through Superior. If we can get this license back it will help us to be able to transport people by ambulance straight to Albuquerque instead of having to place them on another ambulance.

On Friday July 27th, the RFB will be published in the local newspaper for the new brush truck for District 4. The bid may be brought to the commission in one of the meetings in August for the new brush truck so that we can get that purchased.

Chief Gary was currently appointed to the EMS Region 1 Board of Directors. This is a new group and will be covering all sorts of items with in EMS. The Board of Directors will conduct meetings every month.

Commissioner Frost asks Chief Gary how many fires were cause by fireworks this season.

Chief Gary replies that they were very minimal. The citizens of the county did very well at trying to keep the fires in control. There were 3 brush fires caused by the fireworks, which was very low in comparison to years past.

Linda Jaramillo Torrance County Clerk states that at the beginning of July the office sent out 420 business registration renewal notices, and so far have received 235 back. Yvonne was in charge of processing those and getting them out. All of the ladies in the office help to process when the payment is received to issue the new registration. A second notice was sent out, so we should be receiving the remainder of the payments soon. We will send out a delinquent notice, and if they still don't come in to pay we will make attempts to get ahold of them either by phone call or letter.

Ms. Jaramillo would also like to state that it is a shame that the employees did not get a raise this year. She does understand that it is because of the jail fund, but our employees are the backbone of this county and she could not run her office without them. I have an excellent staff and she is sure that the other offices have excellent staff as well.

Ms. Jaramillo states that the general election is coming up. She is currently going through the process of getting things ready for the general election. Registration closes October 9th, 2018. If anyone has any questions concerning their registration, please give the office a call. You can call Ms. Jaramillo at (505)544-4368 or the main office at (505)544-4350. If anyone needs to change things or update information please do so as soon as possible before registration closes.

Tracey Master DWI Prevention Program Coordinator states the NMDOT Traffic Safety Bureau has issued a request for an underage drinking grant and Ms. Master is currently working on the application for that grant and should be hearing something within the next few weeks. The grant will be a small amount as there is only \$200,000.00 to split between 33 counties. The local DWI final report is almost complete and awaiting the evaluation report from Mr. Steiner.

At the pool here in Estancia we will be hosting teen night again July 27th, 2018, family night will be August 3, 2018, and on Sunday August 5, 2018 we will be hosting the end of summer splash from noon until 6 pm.

The compassion rocks that were discussed at the last meeting are now completed. There was a total of 46 rocks that were painted and a table is set up in the lobby with the completed rocks.

Ms. Master would like to invite anyone to take a rock and place it somewhere. Once placed if you can take a picture and email it to Ms. Master so she can share it further.

Ms. Master is currently working with Martin Lucero and E-Town Fitness to have a Suicide Prevention 5K run on September 22, 2018. There will be a planning meeting July 31st, 2018 at 5:00 pm in Ms. Master's office at the old hope medical center building.

There will be 2 mental health first aid classes coming up. The first will be September 17-18, 2018 from 9-1 each day and September 24-25, 2018 from 9-1 as well. These classes will be held at the New Mexico National DWI Memorial of Perpetual Tears. If there is anyone interested in attending these classes or having a separate training for their employees please contact Ms. Master at (505)705-0332.

Leonard Lujan Road Department Superintendent has had all of the blades out running. You will see the blades on and off the next couple of days because there is supposed to be a lot of rain within the next few days. Trying to chase complaints and get every road done before school starts. You will see the blades running a lot on the highways because we are having a hard time finding places to park the blades. No matter where they are parked, people are cutting off the headlights or spot lights. Sweetwater Hills is a rough place to park the blades, the keys disappear as well as the lights. We park by Willard and the same thing happens. We are constantly trying to find a safe place to park the blades, we need to figure something out because having to replace lights and keys is getting to be expensive.

The projects that we are getting ready to start on this year are running a little behind. The reason being is because the funding is not available yet. We did zip King Farm Road to get it ready for the project. The Road Department has gotten a few calls on this road, but please be patient, as soon as the funding is available we will begin work on it.

Mr. Lujan, Ms. Garland, and Charmen Padilla have put in some projects through the RTPO for road transportation committee. We worked with Brandon Howell on getting all this done. The requests had to be submitted immediately so they had no time to bring them to the commission for approval, but the roads that were mentioned were roads that were talked about previously. The roads that were submitted were highway 542, highway 42, Highway 55, Riley Road, some lighting on Lexco & Martinez, Lexco and McNabb, as well as some parts of highway 60. These were the roads that we talked about with the stake holders.

Dennis Wallin asks Mr. Lujan what he means by lighting, traffic lights or what?

Leonard Lujan states that they will be putting up street lights in the 4 way stops to light up the area because it is very dark in those areas.

Nick Sedillo Torrance County Risk Manager states that the counter remodel projects are moving along. The Assessor's office and Treasurer's office are now complete, next up will be the Clerk's office, then the Administrative office and then Planning and Zoning. Mr. Sedillo would like to invite anyone that wants to go and view those two offices to see the finished product.

d.) Other Boards, Torrance County Fair Board

Marci Wallin Torrance County Fair Board states that the County Fair is coming up August 7-11, 2018. There are fun things that have been planned for this year's fair. There will be a Snapchat selfie station set up throughout the week, a bingo is planned for Tuesday August 7th and Wednesday August 8th and will be sponsored by farm bureau. A bee keeper demonstration, a Jiu Jitsu demonstration, and Michael Godey's open mic night (at 8:00 pm) will all be held on Thursday August 9th. On August 10th and 11th there will be a horseshoe tournament which is also sponsored by farm bureau.

People can visit the Torrance County Website to get all information regarding the fair as well as view the copy of the Fair Book. Ms. Wallin would also like to encourage everyone to go to Facebook and like and share the Torrance County Fair page. Angela Redondo has been working very hard getting all the information posted to the County Fair Facebook page. There will also be a few rodeos, a horse workshop, and the queen contest. Ms. Danielle Johnston has been working very hard in getting the queen contest together, and if any one has any questions regarding that you can contact her.

Ms. Wallin would like to thank Belinda for being prompt and helping us get things done at the fairgrounds. Carl did some plumbing and it is very much appreciated. Thank you to Leonard in the road department for mowing the weeds and hauling off debris. Thank you to Noah and Kathrine in the finance department for getting our PO's done and getting our new vendors put into the system. Thank you to Chief Gary for coming to supervise the burning of the weeds.

Belinda Garland thanks Ms. Wallin for all of her hard work with the fair.

Marci Wallin states that she has a great team and they all work hard to put on a good event for the county. Things seem to be growing this year in the entertainment side of things and more vendors are coming in. We appreciate all those that come a spectators. If there is anyone that is wanting to volunteer in any of the game or entertainment department let Isabel know as there are still a few openings.

Madam Chair DuCharme asks if all of the plaques and buckles were sponsored this year.

Marci Wallin states that all but one buckle has been sponsored. If there is anyone willing to sponsor that buckle it will be at the cost of \$100.00.

Madam Chair DuCharme asks if Ms. Wallin could advertise the last buckle on the Facebook Page.

Marci Wallin states, yes, we can do that. Angela has been posting all events and information to the Facebook page and the radio station has been advertising about the fair as well. Ms. Wallin is working with someone at the radio station to highlight each day's events during the week of the fair.

Tracey Master DWI Prevention Program Coordinator states that because the Torrance County Fair is an alcohol/drug free family event, the DWI Prevention Program will sponsor that final buckle.

Danielle Johnston would like to make an announcement concerning the queen contest. This is a position for a young lady that will represent Torrance County for 12 months. The emphasis is in representing the county, so we are looking for young ladies that love this county, are great at speaking, represent us in activities, meetings, and all other areas. Anyone interested in running can obtain the applications from the fair book or to contact Ms. Johnston. If anyone knows a young lady that fits this category please encourage them to apply.

Before Ms. Johnston retired from CYFD in the Juvenile Justice Department, she was the education superintendent for the two schools that were in her area. As a part of Juvenile Justice she was able to participate in the mental health first aid classes that Tracey Master spoke about. These are unsung opportunities for those of us that are not aware of indicators that these individuals possess. She would urge people to take these classes they are very helpful and informative.

Michael Godey states that he has fliers for the open mic night at the fair if anyone would like to see them and distribute them if they would like. The involvement in this year's fairs looks great and would be worth going to support it.

Commissioner Frost states that he noticed there are fliers out for Old Timer's Day this coming weekend and would like to know if there is anyone that has information on this.

Linda Jaramillo states that the only information she has is that her mom is the oldest living alumni in Torrance County and will be riding in the Parade which starts at 10 am.

c.) County Manager

Belinda Garland states that on July 11th she met with the Emergency Manager and the Fire Chief to possibly apply for the HMEP Grant funding. At this time the Emergency Manager has applied for 5 different projects and is currently waiting for a response for possible funding. On July 12th Ms. Garland met with Andy Miller at the Solid Waste Authority and an offer was given to her to give to the negotiation team. At this time the offer is being considered and no counter offer has been made.

On Friday July 13th Ms. Garland attended the Attorney General's Appreciation Conference. Ms. Garland gave a brief speech on how the grant funds that were awarded to the county will be spent. On Monday July 16th interviews were conducted for the Financial Analyst position and background checks are now being done on the new hire. Tuesday July 17th a representative from PERA came to give a presentation to the employees. Thursday July 19th Ms. Garland attended the EVSWA meeting and there was discussion on their budget and the county contract and a proposal was given to her to take to the negotiating team and we are working on a counter proposal to take back to their board. On July 24th Ms. Garland attended a special meeting at EVSWA where the Manager Mr. Andy Miller resigned and Mr. Art DuCharme is no the acting manager until the position is filled.

Ms. Garland has been working on some legal matters with Dennis Wallin, personnel matters, Grant Contracts or FY19, and with the Finance Department to begin FY18 audit (the finance and treasures office are also working on finalizing the FY19 budget). Ms. Garland has also been preparing for her trip to Washington DC for the NM Counties Conference and has sent major talk point to Joy Esparen at the AOC to be placed in the book for NM.

***Department Requests/Reports:**

5.) Request Approval to Enroll in the Company Nurse Program-Kristin Oliver, HR Director

Belinda Garland states that she is requesting this item be tabled at this time because they do not have all the information ready to present. **Commissioner Frost** makes a motion to table agenda item #4 requesting approval to enroll in the company nurse program. **ACTION TAKEN: Commissioner Sanchez** makes a motion to table agenda item #4 requesting approval to enroll in the company nurse program. **Commissioner Frost** seconds the motion. No further discussion. **ITEM TABLED**

6.) Ratification of USDA Forest Service Modification of Grant Agreement-Leonard Lujan, Road Superintendent

Leonard Lujan states that this is a ratification to the contract of the service agreement between the road department and the US Forest Service. The forest service gives the road department money to maintain roads A0-13 & A-009 that are near the forest boundaries. The contract came in late so it needed to be signed right away and returned to them.

ACTION TAKEN: Commissioner Sanchez makes a motion to ratify USDA Forest Service Modification of Grant Agreement. **Commissioner Frost** seconds the motion. No further discussion, all Commissioner in favor. **MOTION CARRIED**

7.) Discussion and Approval to Establish two EMT-Firefighter Positions-Lester Gary, Fire Chief

Chief Gary states that he is coming before the commission to request approval for 2 EMT Firefighters positions. They are not going to be hiring right away. This request is just to secure these two positions so that it will give Chief Gary time to work on the job specs, where the salary will come, benefits, and the day to day operations that would go with the two positions. Currently the majority of the calls are coming on the weekdays during the day. With a majority of the firefighters in the county being volunteer, most of them are at work during the day and can't help with the calls. With these two position it would help with that issue.

Chief Gary has several options of where the salary can come from, he just has to decide the salary and make sure those line items can cover it. We cannot use fire protection funds, quarter cent, or the EMS fund.

Commissioner Frost asks for a motion to approve establishing 2 EMT/Firefighter positions. **ACTION TAKEN:** Commissioner Sanchez makes a motion to approve establishing 2 EMT/Firefighter positions. Commissioner Frost seconds the motion. Madam Chair DuCharme states that these positions are needed very badly by the county. She was informed by Mayor Hart that the southern part of the county does not have good EMS/Firefighter protection, and if something happens in that part of the county Moriarty has to cover. We need to make our fire department a priority people's lives matter. She states she is in full support of these two positions. No further discussion, all Commissioners in favor. **MOTION CARRIED**

8.) Resolution 2018-37 Adopting the Proposed 2018-2019 Fiscal Year Budget-Amanda Tenorio, Finance Director

Belinda Garland is requesting that this item be tabled as Ms. Tenorio is having issues with the new program being used with DFA. Ms. Garland would like to have a special meeting on Tuesday July 31st, 2018 to approve this. The budget has to be submitted to DFA by days end on the 31st. Commissioner Frost asks for a motion to approve to table agenda item #8 Resolution 2018-37 adopting the proposed 2018-19 Fiscal Year Budget. **ACTION TAKEN:** Commissioner Sanchez makes a motion to approve to table agenda item #8 Resolution 2018-37 adopting the proposed 2018-19 Fiscal Year Budget. Commissioner Frost seconds the motion. Commissioner Frost asks if the meeting on the 31st can start at 2:30 pm. Ms. Garland replies, yes it can. No further discussion, all Commissioners in favor. **ITEM TABLED**

9.) Resolution 2018-38 Fourth Quarter Report for Fiscal Year 2017-2018-Amanda Tenorio, Finance Director

Belinda Garland is requesting that this item be tabled as well for the same reason as stated in agenda item #8. Commissioner Frost asks for a motion to approve to table agenda item #8 Resolution 2018-38 Fourth Quarter Report for Fiscal Year 2017-2018. **ACTION TAKEN:** Commissioner Sanchez makes a motion to table agenda item #8 Resolution 2018-38 Fourth Quarter Report for Fiscal Year 2017-2018. Commissioner Frost seconds the motion. No further discussion, all Commissioners in favor. **ITEM TABLED**

10.) Assessor Request for Approval of a Loan in Accordance with NMSA 7-35-3-Betty Cabber, Assessor

Betty Cabber apologizes that this information is not in the packet. She was waiting on some information from the state. Ms. Cabber states that in accordance with State Statute 7-35-3 the Torrance County Assessor is requesting Property Tax Division to help in securing a loan for a mandatory upgrade to their CAMA Software. The request is required to be signed by all 3 commissioners. Also included is a breakdown of the cost of upgrading the software.

We currently have the fund in the 610 reappraisal fund, but rather than pay for it out right, we are requesting a loan so that we can make payments for the upgrade, and we need approval from the commission to do so.

Commissioner Frost asks for a motion to approve the request for approval of a loan in accordance with NMSA 7-35-3 to upgrade software in the Assessor's office. **ACTION**

TAKEN: Commissioner Sanchez makes a motion to approve the request for approval of a loan in accordance with NMSA 7-35-3 to upgrade software in the Assessor's office. Commissioner Frost seconds the motion. Madam Chair DuCharme asks Ms. Cabber what the amount of the loan is. Ms. Cabber states that the loan amount is \$70,000.00 and the payment will be spread out over 3 years. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

***County Manager Requests/Reports:**

11.) FY19 Professional Services Contract Between Torrance County and Presbyterian Medical Services

Belinda Garland states that she is requesting to have this item tabled. She apologizes to Ms. Coburn and Mr. Gonzales for not having everything completed.

Commissioner Frost asks for a motion to table agenda item #11 FY19 Professional Services Contract between Torrance County and Presbyterian Medical Services. **ACTION TAKEN:** Commissioner Sanchez makes a motion to table agenda item #11 FY19 Professional Services Contract between Torrance County and Presbyterian Medical Services. Commissioner Frost seconds the motion. No further discussion, all Commissioners in favor. **ITEM TABLED**

Rick Gonzales with PMS Torrance County Senior services states that he would like to give a report on the meals and transportation units that were done during the FY17-18 year. The goal from the state for our congregate meals from Mountainair, Estancia, & Moriarty was 13,500, and we surpassed that by serving 14,234 hot meals. The home delivery goal was 19,624 and we surpassed that as well with 20,067 along with 1,544 provided by United Way, and 1,404 that were given to the homebound citizens for inclement weather that may not have been able to leave their home. We were targeted with 2,486 transportation units and we didn't quite meet our goal, we fell short with a total of 2,403. It was a good year for Torrance Senior Services and would also like to thank the Commissioners for all of their support.

12.) Ratification of Location Use Agreement between Torrance County and Old Story Pictures, LLC

Belinda Garland states she is requesting ratification of an agreement she had to sign between Old Story Pictures, LLC and Torrance County for some filming that took place a few weeks ago. Old Story Pictures, LLC was in need of a quick agreement to film at the judicial complex. Ms. Garland states that she does not have a fully executed copy back, but should be receiving it soon. As of now she just needs the agreement to be ratified.

ACTION TAKEN: Commissioner Sanchez makes a motion to approve the ratification of location use agreement between Torrance County and Old Story Pictures, LLC. Commissioner Frost seconds the motion. Madam Chair DuCharme asks Mr. Wallin how this agreement looks to him. Mr. Wallin states it was a rush job, there were a couple of changes he made to it, but it looked good and he approved it. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

13.) Ratification of JJAC Continuum and Compliance Monitoring Agreement between Torrance County and NM CYFD

Belinda Garland states that this is the contract that the county has with CYFD in order to run the Juvenile Justice Program. We sub-contract with Jenea Ortiz in order to administer the contract. Ms. Garland is requesting approval and ratification that she had to sign to get it in place in order for them to begin work on July 1st.

Commissioner Frost asks for a motion to approve the ratification of JJAC Continuum and Compliance Monitoring Agreement between Torrance County and NM CYFD. **ACTION TAKEN: Commissioner Sanchez** makes a motion to approve the ratification of JJAC Continuum and Compliance Monitoring Agreement between Torrance County and NM CYFD. **Commissioner Frost** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

14.) Request Approval Amendment No. 2 to Agreement No. 2016-0378-CORR/TR between Santa Fe County and Torrance County

Belinda Garland states that this is an agreement that with have with Santa Fe County for our detention requirements. The reason for the amendment is because Santa Fe County wanted some extra items added into our base agreement for the housing of the Torrance County inmates. Mr. Wallin has reviewed and approved the amendment so that it could be brought to the commission for approval.

This addresses the initial intake of a detainee, medical assessment requirements of when a detainee is brought in, and medical care for the detainee. **ACTION TAKEN: Commissioner Sanchez** makes a motion to approve Amendment No. 2 to Agreement No. 2016-0378-CORR/TR between Santa Fe County and Torrance County. **Commissioner Frost** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

Public Requests:

At the Discretion of the Commission Chair. For Information Only (**No Action Can Be Taken**). Comments are limited to three (3) minutes per person on any subject

1.) **Yvonne Otero** Administrative Assistant for the Torrance County Clerk states that she is requesting new chairs be bought for those of us that sit at the side tables during the commission meetings. The chairs are old and falling apart and a few are very wobbly. If possible could we get some new chairs or if an office has chairs they are wanting to get rid of that are newer than these it would be greatly appreciated.

2.) **Steve Guetschow** Planning and Zoning states that the East Torrance Soil & water conservation district is sponsoring a rainwater harvesting workshop and will be held at the Crownover's residence located at 50 La Miga Canyon Rd just north of Tajique. The Crownover's have their water harvesting system on display and will have it available for public display.

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.) Litigation related to Filippi, et al v. Torrance County, Section 10-15-1(H)(3)

Commissioner Frost asks for a motion to approve to enter into executive session.

ACTION TAKEN: Commissioner Frost makes a motion to enter into executive session.

Commissioner Sanchez seconds the motion. Roll call vote, District 1-Yes, District 2-Yes, and District 3-Yes. All Commissioners in favor. **MOTION CARRIED**

EXECUTIVE SESSION ENTERED INTO AT 10:24 am.

***Reconvene from Executive Session:**

Commissioner Frost asks for a motion to reconvene from executive session. **ACTION**

TAKEN: Commissioner Frost makes a motion to reconvene from Executive Session.

Commissioner Sanchez seconds the motion. All Commissioners in favor. **MOTION CARRIED**

RECONVENE FROM EXECUTIVE SESSION 10:32 am

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 Filippi, et al v. Torrance County.

Commissioner Frost states that they discussed possible litigation related to the Filippi v. Torrance County case and no action will be taken at this time.

***Adjourn**

Commissioner Frost asks for a motion to adjourn the July 25th, 2018 Regular Commission Meeting. **ACTION TAKEN: Commissioner Frost** makes a motion to adjourn the July 25th, 2018 Regular Commission Meeting. **Commissioner Sanchez** seconds the motion. No further discussion, all Commissioners in favor, **MOTION CARRIED**

MEETING ADJOURNED AT 10:34 am

Commissioner Jim Frost

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.

DRAFT COPY
Torrance County Board of Commissioners
Special Commission Meeting
July 31st 2018
2:30 PM

Commissioners Present:

JAVIER SANCHEZ – MEMBER
JAMES FROST – MEMBER

Others Present:

BELINDA GARLAND – COUNTY MANAGER
ANNETTE ORTIZ – DEPUTY COUNTY MANAGER
GENELL MORRIS – ADMIN ASSISTANT

Call Meeting to order

Commissioner Frost: Calls the July 31st 2018 Special Commission Meeting to order at 2:35 PM

Pledge lead by Commissioner Frost

Invocation lead by Annette Ortiz

Approval of Meeting Agenda

Commissioner Sanchez: Moves to approve meeting agenda

Commissioner Frost: Seconds the motion

All in favor: MOTION CARRIED

*ACTION ITEMS

ITEMS TO BE CONSIDERED AND ACTED UPON

Public Requests

1. Resolution 2018-39 Budget Increase

Amanda Tenorio – Finance Director: Requests approval Resolution 2018-39 Budget Increase. This increase is to satisfy the auditors for the NMFA Bond and loan proceeds to be listed on the general ledger. This was not budgeted in the FY 17-18 budget.

Belinda Garland – County Manager: Last year is was part of several of the findings, we didn't have the GO Bond money in the general ledger funds. We were using it as a loan.

Commissioner Sanchez: Moves to approve Resolution 2018-39 Budget Increase

Commissioner Frost: Seconds the motion

All in favor: MOTION CARRIED

2. Resolution 2018-38 Fourth Quarter Report for Fiscal Year 2017-2018

Amanda Tenorio – Finance Director: Your approval is requested by DFA for Resolution 2018-38 Fourth Quarter Report for Fiscal Year 2017-2018

Commissioner Sanchez: Moves to approve Resolution 2018-38 Fourth Quarter Report for Fiscal Year 2017-2018

Commissioner Frost: Seconds the motion

All in favor: MOTION CARRIED

3. Resolution 2018-37 Adopting the Proposed 2018-2019 Fiscal Year Budget

Amanda Tenorio – Finance Director: Requests approval Resolution 2018-37 Adopting the Proposed 2018-2019 Fiscal Year Budget. The request that was discussed and approved at the Budget Hearing held May 23rd is budgeted. FY 18-19 operating budget satisfies the local reserve requirements, 312 general fund requirement and 112 road requirement. Your approval is requested to submit this budget to DFA.

Commissioner Sanchez: Moves to approve Resolution 2018-37 Adopting the Proposed 2018-2019 Fiscal Year Budget.

Commissioner Frost: Seconds the motion

All in favor: MOTION CARRIED

4. FY19 Professional Services Contract between Torrance County and Presbyterian Medical Services

Belinda Garland – County Manager: This is the operating agreement for the RIFCA funds. This is the same agreement that has been in place for many years. The funding for this year did not change from last year. The total grant funding for the RIFCA \$80,700 and Torrance County admin fees is \$7,600, total contract amount with PMS in order to oversee the grant RIFCA funding is \$73,100. County Attorney did approve the contract.

Commissioner Sanchez: Motion to approve FY19 Professional Services Contract between Torrance County and Presbyterian Medical Services

Commissioner Frost: Seconds the motion

All in favor: MOTION CARRIED

5. Memorandum of Agreement between Torrance County and Presbyterian Medical Services of Cleaning Expenses

Belinda Garland – County Manager: This was approved last year, we gave them \$10,000 in order to do the cleaning throughout the week instead of having Arely having to clean on overtime. County Attorney did review.

Commissioner Sanchez: Moves to approve Memorandum of Agreement between Torrance County and Presbyterian Medical Services of Cleaning Expenses

Commissioner Frost: Seconds the motion

All in favor: MOTION CARRIED

Steve Guetschow – Planning and Zoning Director: On July 26th Melody Cain submitted an application to appeal the July 2nd Planning & Zoning Board decision to deny her application for a Commercial Kennel. The County has to hear the appeal within 30 days of the appeal and the commission has to be notified in writing. A public hearing will be held August 22 at the regular commission meeting.

**Adjourn*

Commissioner Sanchez: Motion to adjourn Special Commission Meeting.

Commissioner Frost: Seconds the motion.

All in favor: MOTION CARRIED

Meeting adjourned at 2:45 PM

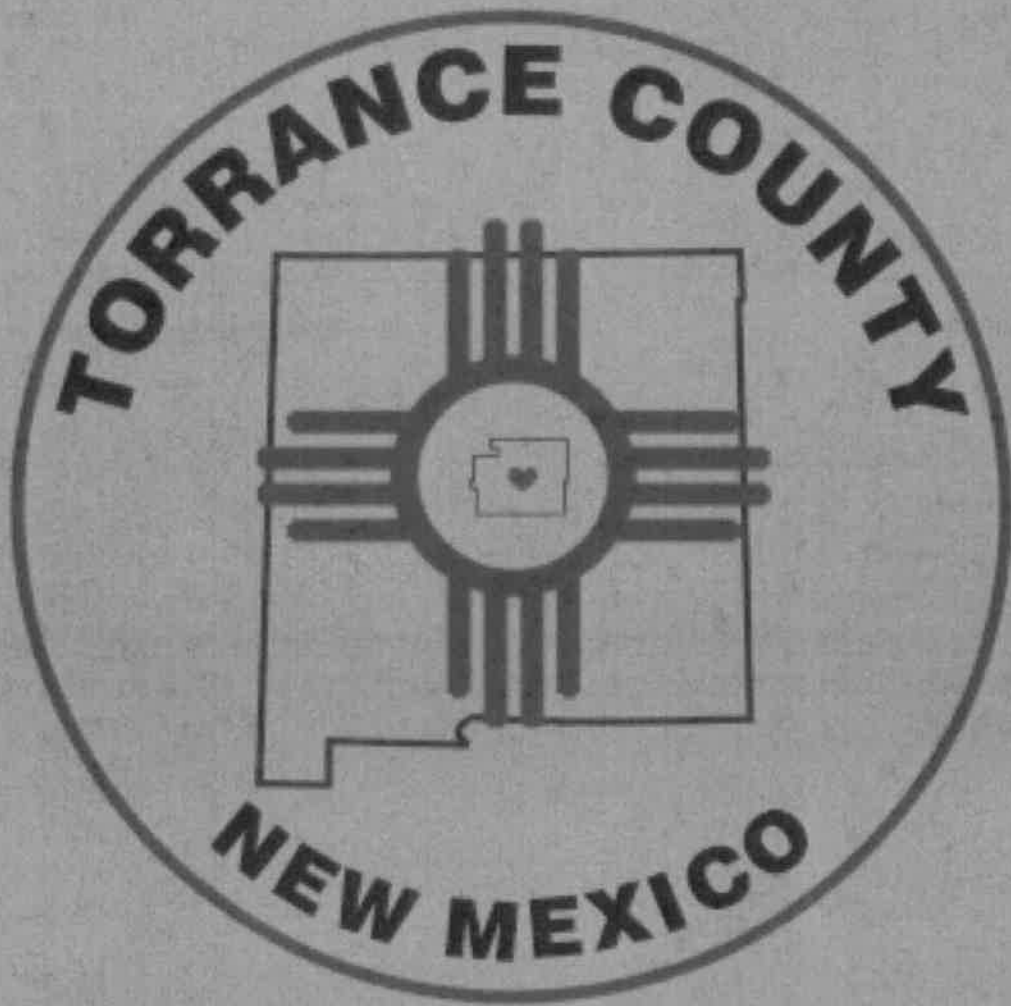
Belinda Garland – County Manager: Thanks the Commissioner for coming in for the special meeting.

Jim Frost – Commissioner

Genell Morris – 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 out local radio station KXNM.



Consent Agenda



*Agenda Item
No. 1*

Infrastructure Capital Improvement Plan FY 2020-2024

**Torrance County
Project Summary**

ID	Year	Rank	Project Title	Category	Funded to date						Total Project Cost	Amount Not Yet Funded	Phases?
						2020	2021	2022	2023	2024			
25657	2019	001	4x4 Sheriff Patrol Vehicles	Public Safety Vehicles	0	90,000	50,133	50,133	50,133	50,133	290,532	290,532	Yes
11048	2019	002	Fire Station Renovations	Fire	0	70,000	0	0	0	0	70,000	70,000	No
31503	2019	003	Senior Center Vehicles	Senior Facilities	0	80,000	0	0	0	0	80,000	80,000	No
33493	2019	004	Torreon Acequia Improvements	Acequias	0	70,000	0	0	0	0	70,000	70,000	No
26803	2019	005	Road Department Equipment	Public Safety Equipment/Bldgs	0	100,000	100,000	100,000	0	0	300,000	300,000	No
34003	2019	006	Fire Station Well	Water Supply	0	20,000	0	0	0	0	20,000	20,000	No
32761	2019	007	McIntosh Drinking Water Dispensing Station	Water Supply	0	899,244	0	0	0	0	899,244	899,244	No
28448	2019	008	Duran Water System Improvements	Water Supply	0	25,000	0	0	0	0	25,000	25,000	Yes
10565	2019	009	Volunteer Fire Dept Equipment	Fire	0	520,000	125,000	125,000	125,000	0	895,000	895,000	Yes
14072	2019	010	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
26827	2019	011	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	012	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
14143	2020	004	Road Equipment & Vehicles	Public Safety Vehicles	0	0	500,000	250,000	250,000	250,000	1,250,000	1,250,000	Yes

Infrastructure Capital Improvement Plan FY 2020-2024

33491	2020	005	Manzano Community Center	Convention Facilities	0	0	100,000	85,000	0	0	185,000	185,000	Yes
33492	2020	006	Punta de Agua Multipurpose Center	Convention Facilities	0	0	40,000	145,000	0	0	185,000	185,000	Yes
33996	2020	007	Mountainair Senior Center Entrance	Senior Facilities	0	0	15,000	0	0	0	15,000	15,000	Yes
34014	2020	008	County Jail	Public Safety Equipment/Bldgs	0	0	140,000	0	0	0	140,000	140,000	Yes
30246	2020	009	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
10012	2021	006	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	0	140,000	35,000	175,000	175,000	Yes
20624	2022	003	New County Government Offices	Adm/Service Facilities (local)	0	0	0	0	1,050,000	0	1,050,000	1,050,000	Yes
28449	2023	001	New Senior Center Facility	Senior Facilities	0	0	0	0	0	600,000	600,000	600,000	Yes
20626	2023	002	New Road Department Yard / Shop	Adm/Service Facilities (local)	0	0	0	0	0	650,500	650,500	650,500	Yes
31504	2023	003	Moriarty Senior Center Equipment	Senior Facilities	0	0	0	0	0	5,000	5,000	5,000	No

Number of projects: 33

	Funded to date:	Year 1:	Year 2:	Year 3:	Year 4:	Year 5:	Total Project Cost:	Total Not Yet Funded:
Grand Totals	0	2,954,244	2,709,133	4,008,633	3,022,133	2,670,633	15,364,776	15,364,776

Wednesday, August 1, 2018

Torrance County/ICIP 22000



*Agenda Item
No. 2*



MODRALL SPERLING

L A W Y E R S

Katherine McKinney Creagan
505.848.1814
Fax: 505.848.9710
Katherine.mckinney.creagan@modrall.com

June 21, 2018

VIA EMAIL dkw@whmlawfirm.com
VIA EMAIL toan.nguyen@avangrid.com

Torrance County, New Mexico
Attn: Dennis K. Wallin, County Attorney
205 S. Ninth Street
Estancia, New Mexico 87016

Avangrid Renewables, LLC
Attn: Toan Nguyen, Deputy General Counsel
229 Stetson Drive
Cheyenne, Wyoming 82009

**Re: *Representation by Modrall Sperling (the "Firm") of Avangrid
Renewables, LLC in connection with the Torrance County,
New Mexico Industrial Revenue Bonds (La Joya Project)
Series 2018 (the "Bonds")***

Dear Mr. Wallin and Mr. Nguyen:

Modrall Sperling periodically represents Torrance County ("County") in public finance matters as bond counsel to the County. Although we do not currently have any transactions that we are working on with the County, we are obligated under Rule 16-107 of the New Mexico Rules of Professional Conduct to advise the County if we undertake matters for other clients that might be directly or substantially adverse to the County. This letter describes an industrial revenue bond transaction (the "IRB") through the County in which we will be representing Avangrid Renewables, LLC ("Avangrid") to assist with the issuance of industrial revenue bonds referenced above. We do not perceive our work on the IRB to be directly or substantially adverse to the County, and we seek a waiver of the potential conflict.

Our work for the Avangrid for the issuance of the Bonds by the County will consist of advice concerning the structure of the IRB, requirements of the laws and regulations applicable to the IRB, compliance with procedures required by the County and preparation of the IRB documents. Peter Franklin

Modrall Sperling
Roehl Harris & Sisk P.A.

500 Fourth Street NW
Suite 1000
Albuquerque,
New Mexico 87102

PO Box 2168
Albuquerque,
New Mexico 87103-2168

Tel: 505.848.1800
www.modrall.com

and I will draft the ordinance, lease agreement and indenture to be considered and executed by the County for the approval of the IRB. Our work on the IRB is separate and distinct from any other projects the County is considering. We do not expect to be involved to any significant extent in negotiations concerning payments in lieu of taxes to be made by Avangrid for the benefit of the County and the school district in which the La Joya Project will be located. We will not otherwise advocate for the substantive interests of either Avangrid or the County in the IRB, and our representation of Avangrid on the IRB will not otherwise interfere with any other unrelated work that we may do for the County. We understand that the County will have Dennis Wallin, as County Attorney, review the ordinance and IRB documentation on behalf of the County or may engage separate review counsel for the transaction. Either the County Attorney or separate review counsel will be responsible for addressing material questions that the County may have about the IRB documents or negotiating changes on behalf of the County.

Modrall Sperling requests that, subject to the conditions and limitations set forth below, the County and Avangrid waive any conflict with respect to the Firm's representation of Avangrid now or in the future in matters related to the Bonds and Avangrid consent to the firm's representation of the County now and in the future in matters unrelated to the IRB. These consents do not extend to any litigation, bankruptcy or other adversary proceeding between Avangrid and the County. In the event of a dispute between Avangrid and the County that either party determines is adversarial, the Firm shall not represent either party in such dispute.

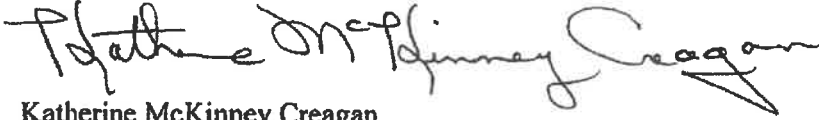
These consents are granted on the condition that the Firm has not disclosed and will not disclose to the County any information concerning Avangrid which is confidential or otherwise covered by the attorney-client or work-product privileges, nor will the firm disclose to Avangrid any information concerning the County which is confidential or otherwise covered by attorney client or work product privileges. All information, policies, and documents obtained by the Firm during any representation of Avangrid or the County are protected by the attorney-client and work-product privileges to the extent permitted by applicable law.

If Avangrid and the County are willing to waive the potential conflict of interest relating to the Bonds please so indicate by having this letter signed below and returning a signed copy of this letter to me.

Torrance County, New Mexico
Avangrid Renewables, LLC
June 21, 2018
Page 3

Thank you for your consideration.

Sincerely,



Katherine McKinney Creagan

The County hereby acknowledges the terms of this letter and consents to the Firm's representation of Avangrid with respect to the Bonds.


Torrance County, New Mexico.

By _____
Name _____
Title _____

Avangrid hereby acknowledges the terms of this letter and consents to the Firm's representation of the County with respect to matters unrelated to the Bonds.


Avangrid Renewables, LLC

LEGAL
IN



By _____
Name W. Benjamin Lackey
Title Authorized Representative

Y:\dext\client\83910\0005\GENERAL\W3217025.DOCX



By _____
Name: Paul Dixon
Title: Authorized Representative



*Agenda Item
No. 3*



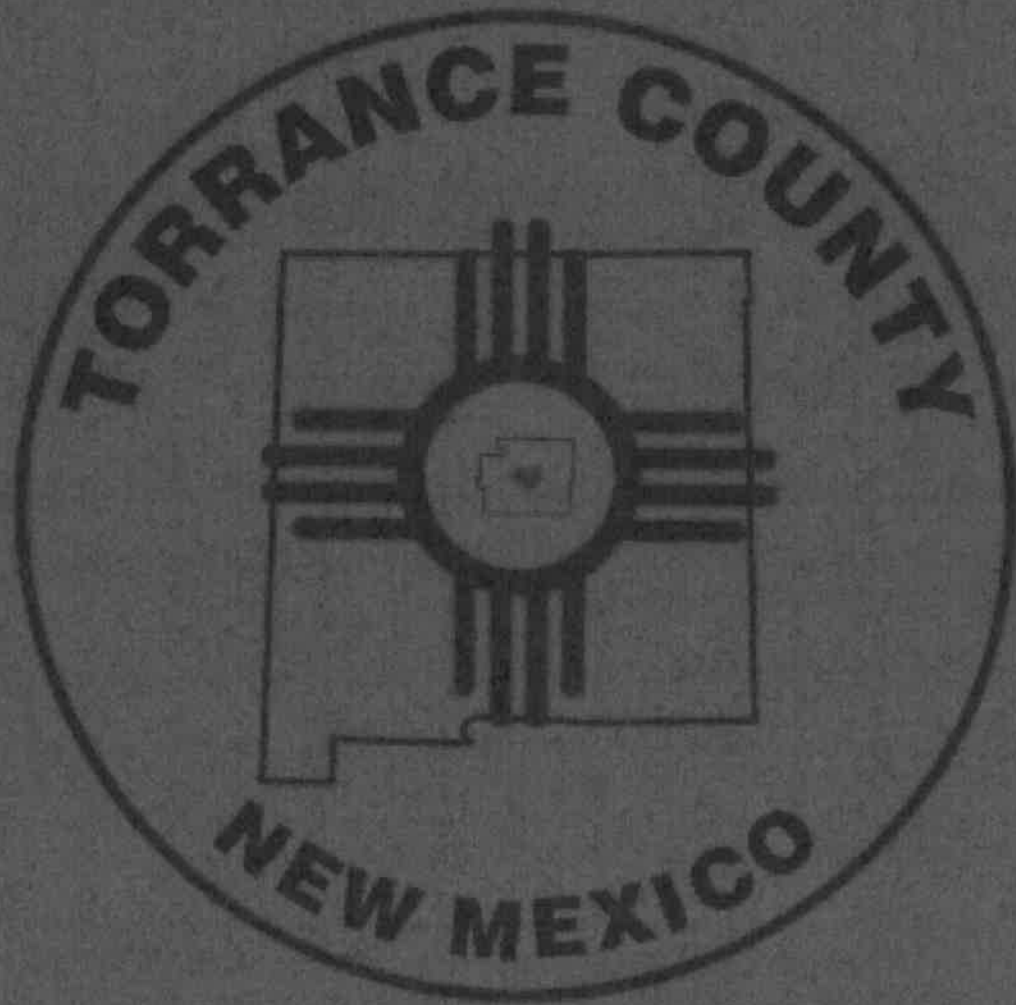
*Agenda Item
No. 4*



UPDATES

✓

- Various County Departments
- Commission
- County Manager
- Other Boards, Land Grants
- Forest Service



*Agenda Item
No. 5*

RESOLUTION

Torrance County

**PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM
ADMINISTERED
BY NEW MEXICO DEPARTMENT OF TRANSPORTATION**

WHEREAS, the Torrance County and the New Mexico Department of Transportation have entered into a joint and coordinated effort.

WHEREAS, the total cost of the project will be \$463652.00 to be funded in proportional share by the parties hereto as follows:

New Mexico Department of Transportation's share shall be 75% or \$347,739.00
and

Torrance County's proportional matching share shall be 25% or \$115,913.00

Torrance County shall pay all costs, which exceed the total amount of \$463652.00

Now therefore, be it resolved in official session that Torrance County determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on December 31, 2019 and the County of Torrance incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW therefore, be it resolved by the Torrance County to enter into Cooperative Agreement Project Number CAP-5-19(472), Control Number L500313 with the New Mexico Department of Transportation for LGRF Project for year 2018-2019 to within the control of Torrance County in Estancia, New Mexico.

(Signatures of Torrance County Commission)

TORRANCE COUNTY COMMISSION

Attest:

James "Jim" Frost, District 1

County Clerk

Julia DuCharme, District 2

Javier E. Sanchez, District 3



Agenda Item
No. 6

RESOLUTION

Torrance County

**PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM
ADMINISTERED
BY NEW MEXICO DEPARTMENT OF TRANSPORTATION**

WHEREAS, the **Torrance County** and the New Mexico Department of Transportation have entered into a joint and coordinated effort.

WHEREAS, the total cost of the project will be **\$194,801.00** to be funded in proportional share by the parties hereto as follows:

New Mexico Department of Transportation's share shall be 75% or **\$146,101.00**
and
Torrance County's proportional matching share shall be 25% or **\$48,700.00**

Torrance County shall pay all costs, which exceed the total amount of **\$194,801.00**

Now therefore, be it resolved in official session that **Torrance County** determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on December 31, 2019 and the **County of Torrance** incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW therefore, be it resolved by the **Torrance County** to enter into Cooperative Agreement Project Number **SP-5-19(186)**, Control Number **L500325** with the New Mexico Department of Transportation for LGRF Project for year 20018-20019 to within the control of **Torrance County** in **Estancia**, New Mexico.

(Signatures of Torrance County Commission)

TORRANCE COUNTY COMMISSION

James "Jim" Frost, District 1

Julia DuCharme, District 2

Javier E. Sanchez, District 3

Attest:

County Clerk



Agenda Item

No. 7

RESOLUTION

Torrance County

**PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM
ADMINISTERED
BY NEW MEXICO DEPARTMENT OF TRANSPORTATION**

WHEREAS, the **Torrance County** and the New Mexico Department of Transportation have entered into a joint and coordinated effort.

WHEREAS, the total cost of the project will be **\$185,588.00** to be funded in proportional share by the parties hereto as follows:

New Mexico Department of Transportation's share shall be 75% or **\$139,191.00**
and
Torrance County's proportional matching share shall be 25% or **\$46,397.00**

Torrance County shall pay all costs, which exceed the total amount of **\$185,588.00**

Now therefore, be it resolved in official session that **Torrance County** determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on December 31, 2019 and the **County of Torrance** incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW therefore, be it resolved by the **Torrance County** to enter into Cooperative Agreement Project Number **SB-7803(105)19**, Control Number **L500319** with the New Mexico Department of Transportation for LGRF Project for year 20018-20019 to within the control of **Torrance County** in **Estancia**, New Mexico.

(Signatures of Torrance County Commission)

TORRANCE COUNTY COMMISSION

Attest:

James "Jim" Frost, District 1

County Clerk

Julia DuCharme, District 2

Javier E. Sanchez, District 3



*Agenda Item
No. 8*



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Wildlife Services

Albuquerque
District Office

8441 Washington
NE
Albuquerque, NM
87113

(505) 346-2640

Board of County Commissioners
Torrance County Courthouse
P.O. Box 48
Estancia, New Mexico 87016

Dear Ms. DuCharme:

Attached are three copies of the FY19 Work/Financial Plan for Wildlife Services. Please sign and return the three originals to your county Wildlife Specialist, Justin Hendricks, or directly to me at:

USDA/APHIS/Wildlife Services
Attn: Jon Grant
8441 Washington Street, NE
Albuquerque, NM 87113

A fully executed original will be returned to you for your records. Thank you for your continued support of our cooperative wildlife damage management program.

Sincerely,

Jon Grant
District Supervisor
USDA/APHIS/WS



Safeguarding American Agriculture

APHIS is an agency of USDA's Marketing and Regulatory Programs
An Equal Opportunity Provider and Employer

Federal Relay Service
(Voice/TTY/ASCII/Spanish)
1-800-877-8339

WORK AND FINANCIAL PLAN
between
TORRANCE COUNTY
and
UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
WILDLIFE SERVICES (APHIS-WS)
for
July 1, 2018 through June 30, 2019

Pursuant to Cooperative Service Agreement No. 14-73-35-2521-RA between the County of Torrance and APHIS-WS, this Work Plan defines the objectives, plan of action, resources and budget for the maintenance of an Integrated Wildlife Damage Management (IWDM) program to protect residents, property, livestock, crops, and natural resources from damage caused by predators and other nuisance wildlife to be conducted from July 1, 2018 through June 30, 2019.

APHIS-WS is a federal agency with a broad mission that includes carrying out wildlife damage management activities. In recent years, USDA-APHIS has maintained an effective IWDM program to resolve conflicts with wildlife throughout the County. APHIS-WS is available and qualified to conduct the wildlife damage management services necessary to accomplish the County's goals.

I. OBJECTIVES/GOALS

Wildlife Services' overall goal is to maintain a biologically-sound IWDM program to assist property owners, businesses, private citizens, and governmental agencies in resolving wildlife damage problems and conduct control activities in accordance with applicable Federal, State and local laws and regulations. Assistance may be in the form of providing technical assistance or direct control activities. Recommendations and control activities will emphasize long term solutions and incorporate the Integrated Wildlife Damage Management approach.

The scope of this program is limited only by the financial resources allocated by the cooperator and APHIS-WS. Although successful elimination of any specific threat is not guaranteed, all reasonable efforts will be made to resolve or mitigate human-wildlife conflicts within financial and regulatory constraints.

II. PLAN OF ACTION

To accomplish this goal, the following general field services will be provided: (1) technical assistance through demonstration and instruction of wildlife damage prevention and/or control techniques; (2) predator identification and removal when livestock, crop or natural resource damage

is verified; (3) nuisance wildlife removal when property damage is identified; (4) removal of wildlife displaying aggressive behavior or causing actual injury to county residents. To provide these basic services, APHIS-WS will:

1. Assign one Wildlife Specialist(s) for 12 staff-months averaging 40 hours per week distributed among direct control activities, technical assistance, APHIS-required administrative tasks and annual leave.
2. Procure and maintain a vehicle, tools, supplies, and other specialized equipment as deemed necessary by the State Director to accomplish the objectives identified in this plan.
3. Safely & professionally utilize approved wildlife damage management tools/equipment including firearms (including high-pressure air rifles), advanced optics, assorted snaring devices, trailing hounds, all-terrain vehicles, foot-hold traps for the protection of endangered species and public safety, cage-type & other specialized traps, deterrent methods/devices (including pyrotechnics), Environmental Protection Agency approved toxicants (including euthanasia drugs), night vision equipment and electronic calling devices.
 - a. Field Specialists will ensure that the most effective, efficient, and humane tools will be utilized and will conduct direct control operations in a safe manner.
 - b. Equipment will be maintained in good working order to help prevent accidents and/or hazardous situations.
4. Conduct all control activities with trained USDA-WS employees and volunteers.
 - a. Technical Assistance may be in the form of recommendations for implementing various non-lethal techniques. Official USDA pamphlets may be used to convey this information to the public.
 - b. Direct Control activities may include, but are not limited to the monitoring, trapping, dispersal, and shooting of known and potential predators or nuisance wildlife.

The District Supervisor in the WS District Office will supervise this project. This project will be monitored by the State Director and administrative staff in Albuquerque. The Cooperator will be kept advised on the status of this project on a regular basis.

APHIS-WS will cooperate with the New Mexico Department of Game and Fish, the U.S. Fish and Wildlife Service, County and local city governments, and other entities to ensure compliance with applicable Federal, State, and local laws and regulations.

III. PROCUREMENT

Purchase of supplies, equipment and miscellaneous needs including salaries will be made by APHIS-WS. All expenditures will be processed through APHIS's Financial Management Modernization Initiative (FMMI) system and charged to the Cooperator as described in the Financial Plan.

The distribution of the budget from this Financial Plan may vary as necessary to accomplish the purpose of this agreement, but may not exceed: **\$32,500.00**

In accordance with the Debt Collection Improvement Act (DCIA) of 1996, bills issued by WS are due and payable within 30 days of receipt. The DCIA requires that all debts older than 120 days be forwarded to debt collection centers or commercial collection agencies for more aggressive action. Debtors have the option to verify, challenge and compromise claims, and have access to administrative appeals procedures which are both reasonable and protect the interests of the United States.

The financial point of contact for this Work Plan/Financial Plan is Patsy Baca, Budget Analyst (505) 346-2640. This plan has been approved by the USDA APHIS WS Western Regional Office for use in the State of New Mexico for cost-share agreements. Copies of this approval are available upon request.

TORRANCE COUNTY BOARD OF COMISSIONERS
Tax Identification Number: 85-6000257

Chair

Date

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
WILDLIFE SERVICES
Albuquerque, NM
Tax Identification Number: 41-0696271

State Director, New Mexico

Date

Director, Western Region

Date

