

Final Copy
Torrance County Board of Commissioners
Commission Meeting
March 25, 2015

Commissioners Present: **LeRoy Candelaria -Chair**
 Julia DuCharme-Member
 James Frost-Member

Others Present: **Joy Ansley-County Manager**
 Annette Ortiz- Deputy County Manager
 Dennis Wallin-County Attorney
 Michelle Jones -Clerical

Call Meeting to Order:

Chairman Candelaria calls the meeting to order at 9:00 am, he welcomes all those present to the meeting and leads us in the pledge. Commissioner Frost leads us in the prayer.

Approval of the Meeting Minutes:

Chairman Candelaria asks for a motion to approve the March 11, 2015 Regular Meeting Minutes. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the March 11, 2015 Regular Meeting Minutes. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Meeting Minutes:

Chairman Candelaria asks for a motion to approve the March 15, 2015 Emergency Meeting Minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the March 15, 2015 Emergency Meeting Minutes. Madam Commissioner DuCharme seconds the motion. Madam Commissioner DuCharme comments that on page two of the minutes it states, ‘Mr. Phil Archuleta, 1st Vice Chair of the Torrance County Republican Party’. Mr. Archuleta is in fact 2nd Vice Chair. (*This correction will be made to the minutes*). No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Meeting Agenda:

Chairman Candelaria asks for a motion to approve today's Meeting Agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve today's Commission Meeting Agenda. Madam Commissioner DuCharme seconds the motion. The Commissioners vote to approve the agenda. All in favor, none opposed. **MOTION CARRIED.**

Approval of the Consent Agenda, approval of warrants, and approval of indigent claims:

Chairman Candelaria asks for a motion to approve the Consent Agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Consent Agenda. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks about a payment to unemployment compensation/FY13 in the amount of \$63,164.00. Ms. Ansley explains that this is not a payment to pay unemployment benefits, but rather unemployment claims that were paid in fiscal year 2013. In the last couple of years, the Commission has had numerous discussions about the changes in unemployment compensation in the State of New Mexico. At one time, unemployment costs for the County were between \$7,000.00 and \$10,000.00 per year; Torrance County paid into a pool. With no notification to the County, the State turned unemployment over to a third party administrator who started billing the actual costs of unemployment to all of the counties. This has created problems for counties throughout the State and our County has fought having to pay this for years. We now have enough budgeted to make this payment for FY13. Madam Commissioner DuCharme now asks about a payment of \$4,500.00 for two pickup trucks. Ms. Ansley explains that the trucks were purchases to add to the fleet for the Road Department. No further discussion. The Commissioners vote; all in favor, none opposed **MOTION CARRIED.**

Action Items

Items to Be Considered and Acted Upon

***Department Requests/Results:**

10. Boy Scouts Request to Use Torrance County Park for Camporee- Lt. John Stocum with the Torrance County Sheriff's Department speaks. The Boy Scouts would like to use the TC Park for their annual Camporee again this year. The

requested dates are from 4/24/15 – 4/26/15; Friday - Sunday. Lt. Stocum informs the Commission that there is a fire plan in place and that the County will be provided with a certificate of insurance from the Boy Scouts of America. 250 Scouts are expected to attend this year. The Scouts will clean up the park, as they do every year. The theme of the Camporee this year will be “TIME TRAVELER”! Their campsites will be set up in everything from Cave Man to Space Odyssey. Chairman Candelaria comments that the Scouts have had their Camporee at the park for many years now and we have never had any problems. They do an excellent job of cleaning up the park, usually leaving it better than they found it. **ACTION TAKEN.** Commissioner Frost makes a motion to approve the Boy Scouts Request to Use the Torrance County Park for the Camporee. Madam Commissioner DuCharme seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

1. Updates:

Javier Sanchez, Emergency Manager, speaks. He informs the Commission of his intention to submit an application for the revision of the Torrance County Community Wildfire Protection Plan. The application deadline is this Friday so Mr. Sanchez intends to submit it on Thursday and the Commission can ratify it at the next Commission meeting. The amount of the grant is \$15,000.00 with an in-kind match of 10%. Our intention is to collaborate with the Soil and Water Conservation District. The plan was created in 2008 and this is a great opportunity for us to bring it up to speed. The process to update it will take about a year; hopefully we can get the funding to do so. The grant will be awarded through the Association of Counties. The Commission will ratify this application at the next Commission meeting.

Joseph Ellis, EVSWA Manager, speaks. We are in the midst of the scrap tire abatement program for the County. This is a grant that the County has with the Solid Waste Bureau of NM Environment Department. This has always been open to County customers. This year, it was opened up to residents that live in the incorporated municipalities. Most of the tires are coming from residents of Moriarty. The program is well advertised but collection has been pretty slow, which is good news. There are not that many scrap tires out there. Residents can bring up to ten tires each drop-off at no charge. This will be our last opportunity to do a tire amnesty here in Torrance County. We have done it for many years and the Environment Dept. has already informed us that there are other communities that

need these amnesties. We don't know yet how long this amnesty will last. Mr. DeCosta and Mr. Ellis are working closely on this project. When the funding is spent, the program will end.

The other project that is underway is the study of the County waste management system; how the ordinance is implemented, how effective it is, etc. Gordon Environmental Engineering is the firm that has been contracted to do the study. In addition to collecting information from the County, they will be manning the collection stations for the next 3-4 weeks to directly get customer input. They have also put a county survey online. The easiest way to access the survey is to go to the EVSWA website, (EVSWA.COM) and click on the link to the survey. After all the data/input has been collected, Gordon Environmental Engineering will have a joint meeting with the EVSWA Board and the County Commission on Wednesday, May 20 to review the findings.

Commissioner Frost informs all that he will conduct his District meeting to discuss the proposed Road Policy on Saturday, April 11th at 9:00 am at the Soil and Water Conservation Office on Rt. 66, one mile west of Moriarty.

Madam Commissioner DuCharme informs all that she will conduct two District meetings to discuss the proposed Road Policy. One on Saturday, April 11th from 2-5 pm at the Moriarty Civic Center and another on Saturday, April 25th from 2-5 pm at the McIntosh Senior Center.

Madam Commissioner DuCharme comments on the public comment statement from Ms. Tracey Master at the last Commission meeting. She states that she saw how passionate Ms. Master was about her community, the Road Department, etc. Madam Commission DuCharme states that she completely agrees with Ms. Master that when people do a good job, they have to be praised and acknowledged for it. She states that she also knows that the majority of people don't like to complain, and when they complain they have a good reason for that. We have to be attentive to those complaints; not make excuses and just brush them off. We need to think about what can be done to satisfy those people. She also agrees with Ms. Master that we need more volunteers in our community. She knows many volunteers in our community and sees many of them here today. She wants to acknowledge and thank them: Michael Godey, Billie Mitchell, Hank Van Es, Brent Myrick, Fred Sanchez, and Edwina Hewett. They volunteer their time and their efforts to keep us on track as a Commission and to make their government work better for their community. Thank you.

Commissioner Candelaria informs all that he will be setting up his District meeting soon. He attended a Senior Citizen meeting in Estancia and was not aware of the amount of help we as a County receive from the United Way. This organization does a great deal to assist our seniors and their efforts are very much appreciated.

2. Request Approval to Apply for Illegal Dumping Grant through NMED- Daniel DeCosta, Code Enforcement Officer Mr. DeCosta speaks. This is a grant that we have been applying for for quite some time. We have been working with the EVSWA as partners on these grants. This grant is for \$16,000.00 to clean up illegal dumping around the County. A large portion of this clean-up will be in the A102 area and there are two properties in the Estancia Ranchettes area. Madam Commissioner DuCharme asks if, because the grant is over \$10,000.00, we have to go out for bid. Ms. Leslie Olivas, Purchasing Director, answers no because this is government to government. Chairman Candelaria comments that people don't really realize how much illegal dumping can cost the County. Commissioner Frost comments that every time our Road Department is cleaning up trash they could be spending that time fixing a road. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve the request to Apply for the Illegal Dumping Grant through NMED. Madam Commissioner DuCharme seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

At this time the Commission takes a short break.

3. Request Approval to Apply for Agricultural Tire Exchange Grant through NMED- Dan DeCosta, Code Enforcement Dan DeCosta speaks. This is a grant from the Environment Department. This one is different from the ones we have done over the years. The application states, in part, the following:

The only occurrences of tire piles remaining in this county are in agricultural applications. Farmers in Torrance County traditionally use whole scrap tires to secure tarps covering silage piles and pits. The goal of this demonstration project is to eliminate the use of problematic scrap tires used in agriculture, and replace them with safe semi tire sidewalls, a recycled-tire product. The County will collect scrap tires from farms, haul them to the Estancia Valley Tire Recycling Facility, and have them shipped to Denver City, Texas to be recycled into materials used for highway construction and other recycled rubber products. The County will then purchase sufficient recycled semi tire

sidewalls to replace the car tires. Farmers participate by loading all scrap tires to be recycled into containers for hauling, paying for delivery of the semi tire sidewalls, and installing the recycled sidewalls into their operations.

Commissioner Frosts asks if the farmers that will be involved have been contacted. Mr. Ellis replies that he has not spoken with all of the farmers on the sites that have been identified in the application. He has received a commitment from the Willard Dairy and has spoken with one of the farmers. He states that he wants to be clear that this is not a legal condemnation of farmers; nobody is going to go out and force anybody to participate in this. There is no legal involvement, no citations or fines. If this grant is approved, then the opportunity will be there for farmers to participate if they chose to. Mr. Ellis states that semi rings are preferable, this is something that the farmers want. Commissioner Frost asks if there will be any cost to the farmer. Mr. Ellis replies that the farmer will participate by either picking up the rings, or paying to have them delivered to their site. The farmer would also agree to load their car tires into containers that would be delivered to their property by the Authority. Mr. DeCosta comments that if this works out well, we would apply for this grant again. He further states that farmers would still be allowed to use car tires if they wished. The deadline for this application is next week, April 3rd. Commissioner Frost states that he would like to know how the farmers feel about this. One local farmer, Mr. Ryan Schwebach speaks. He states that currently his operation does about 70,000 tons in the valley. They have the passenger tires as well as cut truck tires. He states that after speaking with Mr. Ellis, he thinks this is an excellent, excellent program; he doesn't know of an operator that would not take a truck tire vs a sidewall tire. They are easier to handle and more economical and this sounds like a very good way to swap those tires out. Madam DuCharme asks how the farmers listed on the application were chosen. Mr. Ellis states that they just drove around and located farms with tire covered silage. Madam DuCharme asks if other interested farmers have time to apply to participate. Mr. Ellis replies that if, after they have worked with the recommended sites, they have money left over in the grant they could consider other sites. Madam DuCharme asks about the cost estimates listed on the Budget Proposal page of the application. Mr. DeCosta replies that these are estimates only and are based on approximate costs they would receive from the EVSWA. This is just the application; there is no contract yet. Mr. Ellis reiterates that this would be a voluntary program, no farmer will be forced to participate. After further discussion, the Commission votes. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve the application for the Agricultural Tire Exchange Grant through NMED. Chairman Candelaria seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

4. Rural Primary Health Care Act Grant Application for Mountainair Health Clinic- Tracy Sedillo, Comptroller Ms. Sedillo speaks. We are getting ready to apply for the Rural Primary Health Care Act Grant for the Mountainair Health Clinic. The application is not ready to be presented to the Commission as PMS is still compiling the data. This application is resubmitted every four years and the contract is renewed each year. The Acknowledgement of Receipt of RFP and Intent to Submit Form have already been sent to the Department of Health and are included in the file for this meeting, along with a copy of the current contract. We are applying for the same amount that we received last year- \$117,600.00. This money is paid out monthly to PMS for the operation of the Mountainair Health Clinic. This grant has been running since the clinic was built 20 years ago. All the available information for this grant was reviewed by the grant committee and they had no concerns. All documentation hereto attached. **ACTION TAKEN.** Madam Commissioner DuCharme makes a motion to approve the Rural Primary Health Care Act Grant Application for the Mountainair Health Clinic. Commissioner Frost seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

5. Resolution 2015-013 Budget Increase- Tracy Sedillo, Comptroller Ms. Sedillo speaks. This resolution is a budget increase is for the election budget. The State required us to do an election recount. There was also a School Board election. The County was reimbursed for the costs involved to run both elections. The total increase to the budget is \$4,866.27. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve Resolution 2015-013 Budget Increase. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

6. Resolution 2015-014 Line Item Transfers- Tracy Sedillo, Comptroller Ms. Sedillo speaks. There are two Departments requesting line item transfers within their budgets: the Animal Shelter and the Road Department. This does not change their overall budget amounts. All documentation hereto attached. **ACTION TAKEN.** Chairman Candelaria makes a motion to approve Resolution 2015-014 Line Item Transfers. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

7. RMS Services Contract Renewal- Leslie Olivas, Purchasing Director Ms. Olivas speaks. This is an annual option year renewal for our HVAC contract with RMS Services. We have been very satisfied with their service and are exercising our option to renew. We have been working with RMS for about 6 years. Madam Commissioner DuCharme comments that this contract expired in January. Ms. Olivas comments that it is up to the Department head to keep up with their contracts. We noticed this one mid-February. We have a purchase order in place in case of emergencies and we also have a mutual agreement with RMS to keep services going unless we decide to terminate. Madam Commissioner DuCharme asks Mr. Wallin about having a termination clause of 90 days. Mr. Wallin comments that the contract currently has 30 days in the contract and 30 days should be sufficient. Madam Commissioner DuCharme asks if the County could RFP in 30 days. Mr. Wallin replies yes, but if the Commission desires he could looking into changing this to 90 days. No further discussion. All documentation hereto attached. **ACTION TAKEN** Commissioner Frost makes a motion to approve the RMS Services Contract Renewal. Chairman Candelaria seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

8. Proposed County Road Policy- Leonard Lujan & Martin Gutierrez, Road Foreman Leonard Lujan speaks. He is asking about the Commissioner's District meetings to discuss the proposed Road Policy. As listed above, Commissioner Frost's meeting will be at 9:00 am on April 11th and Madam Commissioner DuCharme's first meeting will be that same day at 2:00pm. Madam Commissioner DuCharme's second meeting will be April 25th at 2:00pm and Chairman Candelaria will announce his meeting when he has finalized the date and time. All documentation hereto attached. **NO ACTION, DISCUSSION ONLY**

***Commission Matters:**

9. Coast 2 Coast Rx Card Marketing Agreement This item was tabled from the last Commission meeting because Mr. Wallin, County Attorney, had some concerns about the County endorsing an independent company; he still has those same concerns today. Coast 2 Coast Rx had requested that Torrance County allow our County Seal to be printed on their Rx cards. Mr. Wallin states that of course Coast 2 Coast is more than welcome to come into the community, obviously we would encourage that, but he recommends that the County not endorse one independent company over any others. All documentation hereto attached.

ACTION TAKEN Commissioner Frost makes a motion not to endorse Coast 2 Coast Rx Card Marketing. Madam Commissioner DuCharme seconds the motion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

11. Elect Vice-Chair of Commission ACTION TAKEN: Chairman Candelaria makes a motion to elect Commissioner Frost as Vice-Chair. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. Two in Favor, Madam Commissioner DuCharme abstains. **MOTION CARRIED**

***County Manager Requests/Reports:**

12. Update Ms. Ansley has no update today.

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.

Betty Cabber, TC Assessor, speaks. A reminder to the public, the Torrance County map with all the parcel numbers and owner names and property values is on line. Go to www.Torrancecountynm.org , go to the County Assessor's page, and you can access the map. Also, the Notices of Value for 2015 will be mailed out on March 31st. Property owners have 30 days after the notices are mailed out to protest the values. You can call or come in and discuss your values at any time, but you have 30 days to formally protest per state statute. 2015 Protest forms can also be found on the County Assessors web page.

On a personal note, Ms. Mary Ann C. Anaya, former TC Probate Judge and Deputy County Assessor, has a daughter who is very ill and in the hospital. Please keep Mary Ann, her daughter, and the Anaya family in your thoughts and prayers.

Billie Mitchell, resident, speaks. She thanks Ms. Ansley for sending out Mr. Leonard Lujan, Road Foreman, out to work on their road; he did a spectacular job! Also, at the last Commission meeting, someone suggested allowing public comment at the beginning and at the end of each Commission meeting. Ms. Mitchell agrees with this idea; the public should be allow approx. 2-3 minutes at the beginning and at the end of the meetings to give suggestions and feedback to the Commission. Lastly, if you call the Sheriff's office for an emergency and you

say your road is A102, the Sheriff's office will say that is not your road. When are we going to know, for our area, where we live? Road names with no warning to the people who live out there. She also thanks Commissioner Frost, Ms. Ansley and Mr. Lujan for attending their Neighborhood Watch meeting.

Hank Van Es, resident, speaks. He attended the EVSWA meeting on the 19th and he got the general impression that we are going to have a rate increase soon. The Solid Waste people need 100 tons of trash per day to break even. They are only getting 86 tons per day currently. Plus, they have been informed by the City of Las Vegas, that they will no longer be dumping here in Torrance County. That reduces the volume even more. When the environmental study comes out, if there are enough cost savings suggested we may be able to avoid an increase.

Fred Sanchez, Tajique resident, speaks. He thanks the County Commission for letting the residents of Tajique have the Community Center back. He especially thanks Madam Commissioner DuCharme for her amendment that allows all the citizens of Torrance County to use the center whether they are a member of the Land Grant or not. On Sunday at 3:00pm, they will be having a Neighborhood Watch meeting. On the last Sunday in April, they will be having a Neighborhood Clean-up in the general area of Tajique and Torreón. ALL are invited to come out and help clean up! Lastly, Mr. Sanchez is a Veteran and a member of the American Legion Post 22. They initiated a new program to help Veterans; they created the Service Officer. Mr. Sanchez is the Service Officer. If anyone is having problems with benefits or anything else having to do with Veteran issues, they can contact Mr. Sanchez.

Mary Ann Ende, resident, speaks. She would like to address the Commission again on the Open Meetings issue. She knows that both Bernalillo and Santa Fe County Commissions make time to allow for public comments on agenda items as listed. Sometimes they have restrictions on time and even with their extensive agendas, they are able to make time for the public to speak during the meetings on agenda items. She encourages this Commission, a paid Commission, to do so. It will take more time and it will annoy at times but she encourages this. About one month ago, a gentleman came in to comment on the dangerous dog issue. On that day, the Commission did not let that man speak, today someone was allowed to speak. That gentleman waited there with his hand raised and no one even acknowledged him. This was an issue that was important to him. You say you want people to come and participate, but having no input is wrong. Commissioner Frost, can you explain why we do it this way? Commissioner Frost replies that he will

discuss this with Ms. Ende after the meeting. Ms. Ende asks the Commission again to listen to the people and change this.

Michael Godey, resident, speaks. He states that the Commission needs to put public comment back at the beginning of the meetings where they belong.

Edwina Hewett, Mountainair resident, speaks. She thanks the Commission for the last meeting; the level of inclusion was phenomenal! She put it on Facebook and said it loudly, that was the most honest meeting that has come from this body in years. She reiterates please open these meetings back up; we are a resource for you. Concerning the meetings for the Road Policy, Ms. Hewett offers to help Chairman Candelaria with his District meeting when he is ready.

Brent Myrick, Moriarty resident, speaks. First, he thanks Madam Commissioner DuCharme for recognizing the few of them that come to the meetings and are for open and honest government and accountability. With that being said, Mr. Myrick states that during his time in business or sitting on boards, sometimes he has made decisions that were wrong. Once he found out and was convinced they were wrong, he would come back and say he was wrong; we all make mistakes. A few meetings ago, he came to the Commission meeting and spoke and asked for Ms. Ansley's resignation. He wants to rescind that statement. He states that according to the law, and what was said, her resignation should have been due until any criminal charges were either dropped or dismissed or she was found not guilty. Charges have been dropped. Mr. Myrick states that he thinks he was wrong and he wants to apologize to Ms. Ansley personally; he criticized her in a public meeting and is now apologizing in a public meeting- it's only right.

Bill Larson, resident, speaks. He states that he is a resident and voter in Madam Commissioner DuCharme's District. He states that he was not here two minutes this morning before he heard insinuating innuendos, using the word brush-off from Madam Commissioner DuCharme. He states that, as a voter, he is sick of that. He asks Madam Commissioner DuCharme to answer what he is going to say in a letter to the editor of the two newspapers so we do not waste the tax payers and the County employee's time with this Mickey Mouse bickering. He states she spent

probably three minutes doing campaigning posturing talk in a Commission meeting. That's not unique. He states that she could learn the information she seeks by putting County employees on the defensive with her questions or she could go and see those employees herself and not waste our time with her lack of information. He wants our County to be a place where we can work together and trusts our government to do the right thing.

***Adjourn**

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to adjourn the March 25, 2015 Commission Meeting. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.** Meeting adjourned at 11:06 am

Chairman Candelaria

Michelle Jones, Clerical

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.