Final Copy Torrance County Board of Commissioners Commission Meeting March 8, 2017

Commissioners Present:

Julia DuCharme-Member

James Frost-Member Javier Sanchez- Chair

Others Present:

Annette Ortiz-Interim County Manager

Dennis Wallin- County Attorney

Michelle Jones - Clerk Admin. Assist. III

Call Meeting to Order:

Chairman Sanchez calls the meeting to order at 9:02 am and calls for a Commission Roll Call. Commission District 1- Present, Commission District 2- Present, Commission District 3- Present. Mr. Gary Scheidt, Torrance County resident, leads us in the pledge and Ms. Linda Jaramillo, Torrance County Clerk, gives the invocation.

Approval of the Meeting Minutes:

Chairman Sanchez asks for a motion to approve the February 16, 2017 Special Commission Meeting minutes. **ACTION TAKEN:** Chairman Sanchez makes a motion to approve the February 16, 2017 Special Commission Meeting Minutes. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Meeting Minutes:

Chairman Sanchez asks for a motion to approve the February 22, 2017 Regular Commission Meeting minutes. **ACTION TAKEN:** Chairman Sanchez makes a motion to approve the February 22, 2017 Regular Commission 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 Sanchez asks for a motion to approve the March 1, 2017 Special Commission Meeting minutes. **ACTION TAKEN:** Chairman Sanchez makes a motion to approve the March 1, 2017 Special Commission Meeting Minutes. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Meeting Agenda:

Chairman Sanchez asks for a motion to approve today's Meeting Agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve today's meeting agenda. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Consent Agenda:

Chairman Sanchez asks for a motion to approve the Consent Agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Consent Agenda. Chairman Sanchez seconds the motion. Madam Commissioner DuCharme asks about invoice # 263217 in the amount of \$29,065.00, payable to Melloy Dodge for the purchase of a 2017 Ram 1500 truck. Ms. Ortiz informs the Commission that this is a purchase of a truck for the County Emergency Manager. He had the funds in his budget and needed this vehicle. Madam Commissioner DuCharme asks if he already has a vehicle. Ms. Ortiz explains that he has a truck that he will use as a secondary truck to haul trailers. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of Indigent Claims:

Chairman Sanchez asks for a motion to approve the Indigent Claims. Ms. Ortiz states that there are three indigent claims that need approval today in the following amounts: \$1,392.50, \$1,382.94, and \$1,625.00. ACTION TAKEN: Madam Commissioner DuCharme makes a motion to approve today's indigent Claims. Chairman Sanchez seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. MOTION CARRIED.

Action Items Items to Be Considered and Acted Upon

*Department Requests/Reports:

1. Updates

Tracey Master, DWI Prevention Program Coordinator, informs the Commission that since they approved the contract amendment for the prevention specialist, she is back in the classroom providing prevention education.

Ms. Master informs the Commission that, as of last Friday, she is now a nationally certified mental health first aid instructor. This means that once Ms. Master has access to the website, she can start purchasing materials so that we can provide this valuable education to the employees of the County, as well as other organizations. She needs to provide three trainings per year to maintain her certification and has already received a lot of interest from persons wanting to participate.

Hanna Sanchez, Fire Department Administrative Assistant, states that they have been conducting heavy recruiting efforts through word of mouth, social media, and handing out cards. With this effort, the District 2 Fire Department has received 4 new members, District 4 has 5 possible new members, and District 5 has 6 new members. In District 5, 4 of the 6 new members are licensed EMTs and all are currently on military duty and will be serving Torrance County once relieved.

Ms. Sanchez informs the Commission that we received pre-notice that the grant that was submitted on behalf of Torrance County for a new rescue vehicle is most likely a go. They are currently getting 6 vehicles certified for medical rescue. The first inspection of these vehicles is today at 9:00 am.

Ms. Augustina Sturchio has almost completed her instructor/coordinator training; she only has 40 hours left. Once she receives her trainer card, it will take her approximately 90 days to get an EMT basic course up and running.

On March 18th, District 6 has an AHA CPR course scheduled. They have not yet received their training materials; if the materials don't arrive in time, they will reschedule.

Training for SAR, (Search and Rescue), will be scheduled very soon. This training will include physical fitness training in order to be ready for possible hiking.

Leslie Olivas, Purchasing Director, presents the Commission with a copy of proposed House Bill 278 and two committee reports. (A copy is included in the file for this meeting.) This bill is a proposed amendment to the procurement code; specifically to Section 13-1-98 EXEMPTIONS FROM THE PROCUREMENT CODE. The amendment asks that any exempt purchase that any government entity makes must be posted 30 days prior to the purchase on the State sunshine portal. Ms. Olivas states that the reason she is bringing this to the attention of the Commission is because it has received two written DO PASS recommendations. Ms. Olivas states that in her conversations with her affiliate, she has heard a lot of concern about this. No one is opposed to having information open to the public, but this is going to make it very difficult to do some of our regular day-to-day purchases, such as paying our utilities or purchasing postage, etc. She states that the affiliate is going to start working on amendments to this proposed amendment.

Linda Jaramillo, County Clerk, speaks. She states that at the last Commission meeting, Madam Commissioner DuCharme had requested plats of the Sunset Acres subdivision and information about when this subdivision was adopted. Ms. Jaramillo presents the Commission with this information. (A copy of this information is included in the file for this meeting.) Ms. Jaramillo has also located the covenants for the Sunset Acres subdivision and the Commission is welcome to view them or request a copy. Madam Commissioner DuCharme asks Ms. Jaramillo if she was able to find out when and if Jemez Road was ever adopted by the Commission as a County maintained road. Ms. Jaramillo replies that she did not find this information but Mr. Leonard Lujan, Road Superintendent, informed her that he did find documentation.

Ms. Jaramillo states that Commissioner Frost had asked her when the County could hold another GO Bond election. She contacted Mr. Alsup, Bond Counsel, and he told her that if a GO Bond question passes, you can hold another election with this question again at any time, but, if a GO Bond question does not pass, you cannot hold another election with that question for a period of two years. Mr. Alsup told Ms. Jaramillo that he would be happy to come to a Commission meeting and answer any questions that the Commission may have.

Ms. Jaramillo informs the Commission that she attended the Mountainair City Council meeting yesterday evening and they approved the moving of the polling places for Precinct 9 and 10 to the Dr. Saul Community Center. Ms. Jaramillo will

confirm this move with the Sec. of State's office. Once Ms. Jaramillo receives an approval from the Sec. of State's office, she will get with Mr. Wallin to obtain a court order to move one of the polling places out of its district.

Ms. Jaramillo informs the Commission that as the new Records Custodian, she completed her first request for records from Mr. Wallin within the required 3 day time period. She asks for cooperation from all the County offices when she is requesting records. She reminds all that we are merely following the law.

Ms. Jaramillo and Ms. Tracy Sedillo, County Treasurer, will be attending training at the State Archives office concerning records retention. She encourages any interested Department Heads to attend this training. Ms. Jaramillo also called the Attorney General's office and she will be attending records custodian training with them.

Tracy Sedillo, County Treasurer, speaks. She informs the Commission that as of the end of February 2017, we are 60% collected on our 2016 taxes. Second half taxes are due May 10th. Her staff is currently working very hard on delinquent accounts; notifying people whose property will be turned over to the State in July. The State is here working properties from the last auction in preparation for the auction that will happen later this year.

Ms. Sedillo states that she has some exciting news; her office will be trying a monthly payment plan for 2017 taxes. She has brochures about the plan for anyone who is interested in signing up.

Ms. Sedillo and Ms. Janice Barela, Deputy Treasurer, will be out in the field again in April collecting second half taxes. They will be in Moriarty and Mountainair; dates are TBD.

They are currently in the process of setting up the first Investment committee meeting.

Steve Guetschow, P&Z Director, speaks. At the March 1st P&Z Board meeting, the Board considered an application for a Special Use change to zoning for Affordable Solar Inc. They are going to install a solar array at the intersection of Myers Road and Hwy 41. In a vote of 5 for and 1 against, the Board made a DO PASS recommendation. Mr. Guetschow has scheduled a public hearing for April 12th before the Commission to discuss this matter. Advertisement of this meeting will appear in the local newspapers on March 15th & 16th and March 29th & 30th.

Public notice signs at the location have been updated with the date of the public hearing. Currently, the Estancia Planning Board is reviewing this application also because the array will be located within their 3 mile extra territorial limit; they should have comment ready for the Commission by the time of the public hearing.

Martin Lucero, Emergency Manager, provided the Commission with the attached written update:

Torrance County

Emergency Manager Update

Martin Lucero

3/6/2017

Grants

EMPG Grant 2015: Closed out and a reimbursement for 3^{rd} & 4^{th} Quarter were not reimbursed due to lack of performance.

EMPG Grant 2016: There is no active EMPG funding available due to the lack of NIMS compliance and non-existing sub grant agreement as well as performance.

EMPG Grant 2017: NIMS Compliance, Work Plan and Thira is being accomplished to meet the end of March Deadline for requesting an EMPG agreement with DHSEM.

CRI Grant: Grant reimbursement will take place after the make-up Table Top Exercise is completed on Apr 13 with Isleta Pueblo.

Hazard Mitigation Grant: a Reimbursement was submitted for \$21, 446.45 on 21 February. The approval of reimbursement takes approximately 1 month. The County will match contribution for the work completed by AECOM in the amount of 7,148.81.

- A) Need to work with AECOM to complete Hazard Mitigation Plan; a FEMA representative has come to Torrance County to assist with the approval of this plan. Final product is underway.
- B) There is question by the legal team at DHSEM in that the contract was amended in Jun 2016 to continue performance. In order for the contractor to continue performance and the County to continue reimbursement a new contract would need to be established. I believe this contractor should complete the plan to include all changes the FEMA requires.

WIPP: WIPP funding is still under contract once all quarterly reports are caught up the funds should be available for use. Need to work with the Fire Marshall to develop a plan of action to improve our Hazardous Material capabilities and spend that matching amount reimbursable. If money is not spent during this FY the reimbursable amount will roll over to the next fiscal year.

Dog Head Fire: The packet for reimbursement is currently being review by our payroll department to ensure that all expenditures are captured to reimburse. Submitting reimbursement NLT the end of month March.

Projects: Requests for time extension on projects 37 & 80 was submitted on 23 February to DHSEM.

- a) Project 37 has been completed by the Road Department-a request for reimbursement will be submitted by end of the month.
- b) Project 80 is still being worked on by the Road Department; they have until the end of Sept 2017 to complete. All paperwork will be required to be submitted prior to that closeout date.

Exercises

Conducted an EOC Call/down on 27 February 2017– Identified EOC personnel and roles (Used this call down to take credit for CRI Grant).

Conducted Tabletop Exercise on 28 February 2017 with Department of Health to meet CRI Grant objectives.

Combined Readiness Initiative Call Down scheduled April 13 at the EOC dispatch center.

Mountainair Fire District Exercise 4 Apr 2017.

Training

NIMS Compliance-Online and Classroom Training-need compliance by Mid-May

Crisis Care Continuum- 8-9 March 2017

Fusion Intelligence Course- 28-30 March in Albuquerque, NM

NEMA Conference 3-4 April in Hobbs, NM

High Purchase Spending

2017 Dodge Ram- \$29,065.00

Future

Building up EOC Capabilities

Need to build LEPC back up

Need to work with C.E.R.T to establish rapport and build inter-operable capabilities.

Working on Hazardous Mitigation Plan

Working on CRI Annex to complete plan

Need to revise 2013 Torrance County Emergency Operating Plan

Contact information:

Martin Lucero:

Email: mlucero@tcnm.us
Cell Phone: 505-705-0836

Commissioner Frost has no update today.

Madam Commissioner DuCharme informs all that at the last Special Commission meeting, the Commission selected a new County Manager and she wants to comment on the process that they went through to make their selections. She states that she thinks the process was very open and inclusive and she thinks it

may be unique, not only to Torrance County, but to the whole state of New Mexico. She states that she was and is very excited to have been part of this process and she wants to thank Chairman Sanchez for his leadership. She also thanks Commissioner Frost for his support.

She reminds all Torrance County residents that the Commission is accepting letters of interest for the EVSWA Board. The County needs three representatives to serve on this Board. Please keep in mind that the representatives will attend an EVSWA Board meeting once a month and will be paid a \$30.00 per diem for their attendance. The deadline to submit a letter of interest is March 29th.

Also, the County has two openings on our newly created investment committee. There are no special requirements to serve on this committee. Letters of interest for both the investment committee and the EVSWA Board should be submitted to the County Manager's office.

Chairman Sanchez informs all that he attended an economic development conference in Moriarty recently. He also attended a public hearing in Mountainair recently concerning the clean-up of the building that recently burned down in that area. He found both meetings to be very beneficial; providing new perspectives on issues. He looks forward to continuing his attendance of various meetings and continuing to identify various means by which the County can assist local stakeholders and the advancement of those issues that are of importance to them.

2. Resolution 2017-10B Authorization and Submission of Completed Application to NMFA for Acquisition of 201722915 AHRENS-Fox 3000 Gallon Tender- Hanna Sanchez, Fire Admin. Asst. Ms. Sanchez speaks. She received this resolution from NMFA; it must be adopted by the Commission before the Fire Department can submit a completed application. They decided to go through the GSA contract, rather than the HGAC, per the advice of our Purchasing Department. The total price if the tender will be \$278,513.00. Madam Commissioner DuCharme asks if it will be a new tender. Ms. Sanchez replies yes, it is a 2017 model. It is a demo truck that is currently being housed in Las Cruces. She states that once this resolution is submitted to NMFA, they will provide the Fire Department with payment schedules for 7, 12, 15, and 20 years. They will be able to review the schedules and decide which option will be the best. This will be a 3000 gallon tender. All documentation hereto attached. ACTION TAKEN: Chairman Sanchez makes a motion to approve resolution 2017-10B. Madam Commissioner DuCharme seconds the motion. Commissioner Frost comments on

the importance of this purchase. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

- 3. Request Out-of-State Travel for Sheriff White to Colorado- Stephanie Dunlap, Administrator Ms. Dunlap speaks. She is here to request approval of out-of-state travel for Sheriff White. He will be traveling out-of-state to acquire more training for law enforcement officers here in New Mexico. All documentation hereto attached. ACTION TAKEN: Commissioner Frost makes a motion to approve Out-of-State travel for Sheriff White to Colorado. Madam Commissioner DuCharme seconds the motion. The Commissioners vote; all in favor, none opposed. MOTION CARRIED.
- 4. Memorandum of Understanding between Torrance County Dispatch and City of Moriarty Regarding the Construction of New Communications Tower-Ben Daugherty, Dispatch Supervisor Mr. Daugherty speaks. He presents the Commission with copies of the proposed MOU. This MOU is for the communications upgrade that the County received the GO bond for last year. Mr. Daugherty explains that this is essentially so we can get permission to build a communications tower on city property in the City of Moriarty. We are going to be erecting a 60 ft. tower off of Lexco road. We have already acquired the equipment for the tower; it is slated to be installed next week. The City of Moriarty is going to provide a backup generator to run the system. ACTION TAKEN: Commissioner Frost makes the motion to approve the MOU between Torrance County Dispatch and the City of Moriarty regarding the construction of a new communications tower. Chairman Sanchez seconds the motion, Madam Commissioner DuCharme asks Mr. Daugherty if the City of Moriarty will benefit from this tower. Mr. Daugherty replies yes; all emergency responders, especially those in the northern and western portions of the County will benefit from this tower. This is an integral part of our communications upgrade and the money for the tower is part of the GO bond. Madam Commissioner DuCharme asks if the County will have to pay rent for the property that the tower will be built on and is this specified in the MOU. Mr. Daugherty replies that the County will not have to pay rent, but it is not specified in the MOU. Mr. Wallin comments that this is really government to government. The consideration is set out in the MOU; the consideration for the County and the consideration for the City. There is not going to be a lease agreement. Mr. Wallin states that he does not believe it is necessary to include any verbiage about the City of Moriarty providing the property that the tower will sit on to the County free of charge; it is implicit in the agreement. The cost of the

tower, foundation, and construction is approximately \$31,000.00. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

5. Resolution 2017-11B Line Item Transfers- Amanda Tenorio, Finance Director, Ms. Tenorio speaks. She is requesting approval for Resolution 2017-11B Line Item Transfers. These transfers are within the requesting departments budgeted funds. All documentation hereto attached. ACTION TAKEN: Commissioner Frost makes a motion to approve Resolution 2017-11B Line Item Transfers. Madam Commissioner DuCharme seconds the motion. The Commission votes; all in favor, none opposed. MOTION CARRIED

6. Participation of State Projects FY2017/2018 Local Government Road Fund Project/County Arterial Program- Leonard Lujan, Road Superintendent Mr. Lujan speaks. This is our yearly proposal to receive our funding for our projects for next year. Mr. Lujan provided the Commission with a list of the proposed roads about a month ago and now he is submitting the list to the State. These are projects for July 2018. These are chip seal re-lifts. The proposed roads are as follows:

7.4	\$234,837.13
•	
•	
.7	\$25,234.73
	•
2.0	\$48,901.03
.5	422,002(7)
.3	\$23,602.75
1.0	\$30,334.64
1.0	ቀ20 224 64
.6	\$25,234.73
,	\$0.5.00 4.50°
1.2	° \$33,341.97
.5	\$21,739.13
1.1	\$26,448.18
	.5 1.2 .6 1.0 .3 2.0 .7

Madam Commissioner DuCharme states that she checked the listed roads that are in her district and she agrees with these selections. She states that these roads are in need. She asks her fellow Commissioners if they think that every Commissioner should be responsible for checking on the roads in his or her district. Commissioner Frost states that he believes that it is the job of the Road Department to select the roads and he trusts their selections. Chairman Sanchez states that he believes that, at this point, this is how policy is set; the Road Department makes these selections. Mr. Lujan explains his rational for selecting these roads. These are roads that he has received complaints about, and roads that he knows need this maintenance. He clarifies that the Road Department selects the roads and the Commission can either approve or deny the selections. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Participation of State Projects FY2017/2018 Local Government Road Fund Project/County Arterial Program. Chairman Sanchez seconds the motion.

Michael Godey, resident, states that he thinks it would be wise for the Commissioners to review roads in their districts that are being proposed for maintenance.

Billie Mitchell, resident, comments about north/west portion of Martinez road needing maintenance. She states that she is worried about somebody suing the County for not maintaining this road that is in such disrepair. She states that it is a bus route and some of the potholes are 2 feet wide.

Madam Commissioner DuCharme also comments about Heritage Road. She is excited to see this road on this list. She asks if Ms. Mitchell can request that her road be put on a future list. Mr. Lujan replies yes. He also comments that Martinez road is getting potholes, but he is bringing in a cold mix today and they will be patching potholes on that road tomorrow. He states that they did a re-lift on Martinez about two or three years ago; the roads on this list haven't been worked on in about 7 or 8 years. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

7. Participation of State Projects FY2017/2018 Local Government Road Fund Project/ School Bus Route- Leonard Lujan, Road Superintendent Mr. Lujan speaks. This is our yearly proposal to receive our funding for our projects for next year. Mr. Lujan provided the Commission with a list of the proposed roads about a

month ago and now he is submitting the list to the State. These are projects for July 2018. These are gravel roads. The proposed roads are as follows:

Estimated mileage and cost	6.0	\$109,124.00
1	·	
from Hwy 55 proceed N then W		
CR B069/El Gato Rd S/E·& La Entrada Rd	1.0	\$15,469.28
CR B064/La Cieniga Rd *from Hwy 55 proceed W*	1.0	φ11,/10.2 4
from Lexco going W	1.0	\$11,716.34
CR A095/McNabb	1.0	\$23,718.68
from Hwy 41 proceed 1.5 mile		
CR A081/Calle Del Sol Rd E/S	1.0	\$19,285.90
CR A080/Clements Rd E *from Salt Mission Trl going E*	1.0	\$19,466.90
from CR A095/McNabb going N	1.0	#10 <i>466</i> 00
Chavez Rd	1.0	\$19,466.90

All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Participation of State Projects FY2017/2018 Local Government Road Fund Project/ School Bus Route. Chairman Sanchez seconds the motion. Madam Commissioner DuCharme states that she spoke to residents who live on Calle Del Sol and they had a lot of praise for Mr. Lujan. They said that Mr. Lujan is very responsive every time they contact him about their road and they have no problems with the Road department. They are very excited to have this project done on their road. (Good Job Leonard!) No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

8. Participation of State Projects FY2017/2018 Local Government Road Fund Project/County Cooperative Program- Leonard Lujan, Road Superintendent Mr. Lujan speaks. This is our yearly proposal to receive our funding for our projects for next year. Mr. Lujan provided the Commission with a list of the proposed roads about a month ago and now he is submitting the list to the State. These are projects for July 2018. This is a chip seal road/ new construction. The

proposed road is as follows:

Estimated mileage and cost	1.3	\$82,204.00
Charlie Breckenridge Rd *from Hwy 41 turn E*	1.3	\$82,204.00
New Construction		

All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Participation of State Projects FY2017/2018 Local Government Road Fund Project/County Cooperative Program. Chairman Sanchez seconds the motion. Madam Commissioner DuCharme recuses herself from voting on this item because her and her husband's property is on this road. No further discussion. The Commission votes; two in favor, Madam Commissioner DuCharme has recused herself. **MOTION CARRIED**

*Commission Matters:

9. Tajique Transfer Station Update Regarding Options. Ms. Ortiz speaks. She informs the Commission that she does not have a completed project plan with comparisons ready for the Commission yet as they had requested. She states that the Manager's Office is receiving a lot of information about prospective properties to consider. She requests that the Commission table this item. Commissioner Frost briefly begins to comment about a property for consideration and Mr. Wallin advises him to reserve his comments about the property for discussion in closed session. Mr. Wallin further states that property acquisitions are one of the exceptions under the open meetings act. He states that the Commission can go into closed session to discuss this item at any time if they wish. Commissioner Frost states that he appreciates Mr. Wallin's advice. Chairman Sanchez suggests going into closed session to discuss this item and give the Manager's Office some advice on how to proceed. ACTION TAKEN: Chairman Sanchez makes a motion to go into Closed Session as pursuant to Section 10-1-15(H) subsection 8. Commissioner Frost seconds the motion, Madam Commissioner DuCharme states that she has concerns that an Executive Session was not previously listed on the agenda. Chairman Sanchez states that he wants to provide some guidance, if needed, to the County Manager's office so that we can begin to have a game plan about how we are going to move forward. He states that if we are following the open meetings act and conducting ourselves in a manner accordingly, he would be for going into

executive session to clear up any issues and devise a game plan that we are all in accordance with. Mr. Wallin clarifies that it is allowable to go into closed session. Madam Commissioner DuCharme asks if the Commission can go into closed session at the end of the meeting instead of now. Chairman Sanchez states that the Commission can go into closed session at the end of the agenda. Roll Call vote: 1-Yes, 2-Yes, 3-Yes. **MOTION CARRIED**

Chairman Sanchez states that the Commission will go into Executive session after agenda item # 14.

Mr. Andrew Gutierrez, Board Member of the Tajique Land Grant, asks Chairman Sanchez when the Commission will let the Land Grant know whether their offer is still being considered, can be negotiated, or is off the table. Chairman Sanchez replies that he is of the opinion that the Commission needs to consider all of the options at the same time. Chairman Sanchez asks Interim County Manager Ms. Ortiz when she thinks she will be ready to present fully delineated options to the Commission. Ms. Ortiz replies that she wants to make sure that we are in compliance with any kind of required land acquisition processes. She will speak with Mr. Wallin to get a better understanding of how cumbersome this process might be. This question from Mr. Gutierrez will be included in the discussion today in closed session.

10. Martinez Road & Road 102 Grading and Maintenance Issues-Billie Mitchell, Resident Ms. Mitchell speaks. She states that she has lived on Road 102 for over for almost 24 years. 20 years ago, they started trying to get Road 102 approved by the Commission for as a County maintained road. The road was finally approved about 3 years ago. She states that it is her understanding that they were supposed to get culverts, someday get gravel, get graded at least 4 times a year, and if they got 5 or more inches of snowfall- graded automatically.

Ms. Mitchell states that Road 102 was graded in February and September of 2016. She states that she has not seen a grader out there since. She states that it is her understanding, and the neighborhoods understanding, that they should not have to call to get the road graded, it should be on a schedule. They have kids that walk up to a mile to the bus stop. She states that the last time the road was graded, the crown was taken out. She states that Mr. Lujan explained to her that he is the only one that knows how to grade this road, and she agrees. She states that she has never seen a better grader than Leonard Lujan. (Good Job Again Leonard!)

Ms. Mitchell compliments Mr. Lujan, but has many complaints about the road. She asks, how did they get maintained and then forgotten. She states that it is unfair to the 60 plus residents that drive on that road every day. She states that it is time for her Commissioner to get out there and tell the Road Department to grade this road. She talks about the residents on the road and how impossible it is for Fire and Rescue to get down the road, especially when it rains.

Mr. Lujan comments that the County accepted Road 102 as a green road about 3 or 4 years ago. Now the road is a County maintained road. He states that he has been out there a few times, but not as often as he should. He clarifies that culverts for this road were never part of the deal, and this road will not get gravel right away; it is a newly adopted road and there are many roads that will receive gravel before this one does. He summarizes that he just needs to go out there and re-do it again, and that he should have guys out there again sometime next week.

Ms. Mitchell also wants to talk about the northwest side of Martinez Road. She states that this road is a danger to the County. Edgewood maintains from Edgewood 7 up the hill. Then it's up to Torrance heading south/southeast. She states that it is sad that we have a County that does not take care of what they promised. She asks Commissioner Frost to come out and check the road once Mr. Lujan has worked on it.

NO ACTION TAKEN, DISCUSSION ONLY

11. Request County Road B016 Be Chip Sealed Along with Drainage Improvement/ Regular Maintenance- Gary Scheidt, Resident Mr. Scheidt speaks. He thanks the Commission for inviting me here to speak. He especially thanks Chairman Sanchez for encouraging him to come back and present to the Commission again. He states that he agreed to come back on behalf of the 200+ Torrance County taxpayers that signed the petition last year to get major improvement on B016.

He will summarize last year's presentation and update the Commission on a few things that have occurred since then. He has presented the Commission with a copy of last year's presentation along with the petition, which is included in the file for this meeting. A copy of today's presentation is include in the file for this meeting and is attached below:

Gary Scheidt - Torrance County resident

Thank you commissioners for allowing me the opportunity to make this presentation. A few weeks ago, in a conversation with Commissioner Sanchez about the need to significantly improve and chip-seal County Road B016, he asked me to once again present the taxpayers' request for chip-sealing B016 at a Commission meeting. As the spokesperson for the nearly 200 Torrance County taxpayers who signed last year's petition requesting that B016 be chip-sealed, I felt obliged on their behalf, to accept Commissioner Sanchez's invitation to speak at today's meeting. I won't re-read last year's presentation but a copy is in your information packet. I ask that you please read it again to familiarize yourselves with the safety concerns associated with this busy road. I would however like to summarize 2 Main Points;

- 1. Lack of response and maintenance concerns of BO16
- 2. Reasons why chip-sealing B016 makes sense

MAINTENANCE CONCERNS

BO16 was improved last year - As the commissioners might remember, it was exactly a year ago (March 2016) that I spoke at a commission meeting requesting the need for significant improvements to BO16. I'm happy to say that the Torrance County road department DID MAKE improvements to the culverts, ditches and road surface last summer. On behalf of the 200 Torrance County residents who signed last year's petition pleading for improvements, I would like to SINCERELY THANK THE COUNTY for making those improvements.

Unfortunately, since these improvements were made, B016 has received little/no attention. One might think that since all these improvements were made, B016 doesn't need maintenance for another few years. Well, that's not true. Due to its hilly terrain, B016 needs constant attention (explain and draw pictures). Email requests for maintenance largely go unanswered. When meetings with the road superintendent are finally conducted, they are cordial and positive. The road superintendent listens to our concerns and even makes additional suggestions for improvements. Very positive meetings! But there's little/no follow-up.

Two examples: after numerous requests for re-working a small portion of ditch that was washed-out by last fall's rains went unanswered over a period of months, (which caused ½ of one lane to become severely rutted) residents took it upon themselves to use their own equipment and shovels to re-dig the ditch to at least temporarily, prevent future erosion. Coincidentally, less than 1 week later a county grader passed through this section and filled-in the ditch that was re-dug by the residents.

And just three weeks ago, after meeting with the road superintendent about the need to re-work the ditches and improve the rough road surface on the s-curve, it was agreed that the ditches would be re-worked. He even suggested that a new run-

out ditch would be added on the downhill side of the elevated s-curve to reduce ditch erosion coming down the hill. This would prevent the road from collapsing as the ditch is severely eroded. A week later a county grader arrived and only cleared the stones from the shoulder of the road at the top of the s-curve hill.

NO DITCHES WERE CLEARED.
NO RUN-OUT DITCH WAS ADDED.
THE ROAD SURFACE ON THE S-CURVE WAS NOT IMPROVED.
AND NO WORK ON BO16 HAS OCCURRED SINCE.

Perhaps there are reasons why the remedies that were discussed at our meeting were not completed. But absent such reasons, these two incidents appear to be a waste of manpower, equipment, fuel and taxpayer's money.

The bottom line is that BO16's dirt/caliche surface is still not suitable for a heavily traveled road - In the last 10 years, BO16 has gone from a minimally-traveled road with about 10 residents to a heavily-traveled road with 80 residents and 100 vehicles per day (including occasional heavy trucks). A more durable, chip-sealed surface that doesn't allow moisture to penetrate the surface is needed.

WHY CHIP-SEALING MAKES SENSE

There's 2 Perspectives for why it's NECESSARY & COST EFFECTIVE to improve and chip-seal B016:

- 1. Tax Payer Perspective BO16 needs chip-sealing because:
 - a. It isn't safe. Turns to mud at slightest precipitation.
 - B016 is the only access, incl. emergency access to 80 county residents/tax payers
 - c. If I'm not mistaken, part of our property taxes goes towards emergency 911 services. What good is paying for these services, if ambulances can't get to you if it rains/snows more than ¼"? People can't choose the day in which they will need emergency medical attention. Collecting taxes without providing adequate services is not fair to ANY taxpayers nor is it in the county's best interest!
 - d. New Housing Starts 4 new houses under construction last year along and at the end of BO16 have been completed and now 2 additional houses under construction with more in the planning stages.
 - e. The area along and at the end of B016 isn't many miles off the main road. B016 starts less than 1 mile from Mountainair's town center and is only 2 miles in length. We're not talking about a long road but
 - one that can be dangerous, impassable and that can isolate many Torrance County residents.
 - f. B016 may be in better shape than other county dirt roads but that's not the point. The heavy traffic that uses B016 requires a more durable surface. 100 vehicles per day use B016. More traffic than most, if not all other dirt roads in the county, some of which are already chip-sealed with much less traffic (Ewing Road witnessed). If my data is correct, the last census recorded 28 people living in Monsano; that's less than ½ the amount living along and at the end of B016. 10 or 20 years ago, there may have been many more people living in Monsano and for sure, less people living along and at the end of B016. But today it's the opposite. Development has occurred south of rte 60 and it's county government's responsibility to improve the infrastructure in support of the development within its borders. The county approved the development back in 2005. They wanted the tax revenue. So why can't we get a road that's suitable to support the development?

2. Now from a "county perspective" why it makes sense to chip-seal B016 - It's in the county's best interest to improve the safety of its residents; for humanitarian reasons as well as to reduce the county's financial liability. If an accident occurred on BO16 due to the muddy condition of the road resulting in serious injury or loss of life - OR - if a 911 call was not responded to due to muddy conditions of B016, it would be highly likely that Torrance County would be named as a defendant in a liability lawsuit. In fact. accidents have already occurred on BO16 due to muddy conditions and it was only due to good luck, that they did not involve serious injury. And it was only due to good luck that medically-related 911 calls have occurred in dry conditions. If one particular 911 call had occurred just 1 week prior, emergency responders would NOT have been able to reach the victim due to the poor condition of BO16. Such events could result in the county having to pay 10's or 100's of thousands if not millions of dollars in claims or to simply defend itself in court. And as a result of such claims, the county would then find it necessary to chip-seal BO16 to prevent future liability. So why wouldn't Torrance County want to spare itself the financial burden of a lawsuit by chip-sealing BO16 BEFORE an accident occurs? But in addition to these reasons for chip-sealing BO16, the county could increase its property tax revenue based on following criteria:

If county government was....

- a. ...looking for ways to encourage NEW residents to move here and encourage CURRENT residents to stay/expand (buy more land, build a barn, etc) actions/projects that would increase property tax revenue, they'd want to chip-seal B016.
- b. ...interested in improving the infrastructure in the areas of the county where the most growth was occurring in order to make those areas as desirable as possible, thereby further encouraging growth from property tax revenues, they'd want to chip-seal B016.
- c. ...looking for ways to reduce road maintenance costs, they'd want to chip-seal B016 which would reduce the need for constant maintenance.
- d. And lastly, why wouldn't Torrance County aggressively pursue the offer from NMDOT to provide recycled asphalt millings at no charge for the purpose of chip-sealing BO16? Taking advantage of NMDOT's offer would greatly reduce the cost of chip-sealing BO16.

Summary:

5 Points - Why Chip-Sealing BO16 is Needed and Justified:

- * After nearly ANY amount of precipitation, B016 is unsafe due to the heavy amount of traffic and hilly terrain
- *B016 is the only access for residents and emergency personnel
- * Growth in the BO16 area is expected to continue for the foreseeable future
- * Chip-sealing BO16 will support growth and increase county tax revenue by encouraging new residents to build and current residents to stay/expand

* Taking advantage of NMDOT's offer to provide recycled asphalt millings will significantly reduce the cost of chip-sealing

I'd like to thank the commissioners for giving me the opportunity to present these issues and I look forward to getting your response. In addition, and related to improving B016, I'd like to present a short list of questions to the commissioners.

Questions For The County Commissioners:

- Does the county have a set of criteria for determining the amount and frequency of maintenance on its roads and when chip-sealing is justified?
- Based on the facts presented, does county road B016 meet the county's criteria for chip-sealing?
- 3. If the answer to #2 is in the affirmative, will the county aggressively pursue getting this project completed? If so, what is the anticipated time-line for completion? If not, why not?
- 4. Will NMDOT's offer for providing asphalt millings be taken seriously and pursued aggressively?
- 5. In addition to improving safety by chip-sealing, can a guard rail be installed at the elevated s-curve, approximately 1 mile south of the intersection of BO16 and Hwy 55? This is a 90-degree blind turn at the top of a hill with a steep hill just beyond the turn. This was one of the five requests from last March's commission meeting and it was not addressed.
- Can signage be added at the north entrance to BO16 off Hwy 55, identifying this road as BO16? Having it clearly marked would aid in emergency response. This was another of the five requests made at last March's commission meeting that was not addressed.
- Can the pot holes in the current chip-sealed approach to B016 from Hwy 55 be
 patched/maintained on a regular basis? This section of road isn't part of Hwy 55
 therefore it's not maintained by the state nor is it being maintained by the county as
 part of B016.
- 8. Can the Torrance County Commission respond to these tax payer requests within 30 days, either verbally or in writing?

Commission meeting summary 3_8_17

Mr. Scheidt thanks the Commission for their time. Mr. Scheidt is thanked for his time and impressive presentation. Madam Commissioner DuCharme asks if we can hear some comment or reassurance from the Road Department about this road; what improvements will be done or what our options are.

Ms. Carol Glade, EMT and resident of Mountainair, speaks. She comments that she is here on behalf of Phillip Nelson, Town of Mountainair Fire Chief. She states that they are very concerned about the poor quality of B016. It is in their service area and is the primary access road to 8 homesteads on B016 and 182 home

sites in Deer Canyon Preserve. The Fire Department encourages the Commission to look at the improvement of B016 for the safety of all.

Michael Godey, resident of Tajique, reminds all that a lot of this has happened because Planning and Zoning really didn't look at the roads when they put in Deer Canyon and people need to go to the roundhouse and bat for roads.

Lou Rupnick, resident of Mountainair, comments that he thinks the problem here is with the way the Road Department is funded. He states that it is time for a new way to get money to fund this department.

Tracey Master, resident of McIntosh, comments that when it comes to the roads, the Road Department and the Commission always have difficult decisions, but what needs to be kept in mind is that we only have 14 guys working on 1000 miles of County road.

Mr. Lujan comments that he met with some of the B016 residents a couple of weeks ago. He states that they re-graveled this road last year at a cost of approximately \$40,000.00. This was with donated material from our own pit. He states that the road has been worked on a lot. He has only had a blade out there twice since they fixed it and he states that it does have its bad spots, but overall it is holding up nicely. He states that the blades will be back out there on Monday to work on the bad spots and to cut the ditches and the cut-out that he talked about previously. He states that it would cost about \$182,000.00 to chip seal that road. He wants to caution the residents that if we chip seal it, we will put a weight limit on it of 15,000 lbs. Madam Commissioner DuCharme asks about asphalt millings. Mr. Lujan replies that he sent three letters last year to the State asking for millings and he never received a response back. Mr. Lujan states that the alternative to this is to pave the road. Paving this road correctly would cost about \$500,000.00. Madam Commissioner DuCharme asks if this road can be put on a list for state approval in 2018. Mr. Lujan replies yes, if that is the Commission's decision.

Madam Commissioner DuCharme now asks about signage for this road. Mr. Guetschow comments that he has been in this area and there were road signs up there in the past. The street signs are missing now; Mr. Gastelum and Mr. Sedillo will assist Mr. Lujan in getting the proper signs back up out there.

Mr. Lujan suggests letting the subdivision development finish before they chip seal it. Mr. Lujan states that he never receives calls or complaints from residents living on B016, it is always residents of Deer Canyon. Commissioner Frost states that the

Commission just finished approving the roads that will be chip sealed in 2018. Mr. Lujan confirms with Commissioner Frost that if B016 is added to a state project list for maintenance, it will not be until 2019. Mr. Scheidt comments that after Mr. Lujan sent the letter to the State requesting the millings, the County was then sent a questionnaire that they were supposed to fill out to continue the process. Apparently, no one from the County followed through with this step. Mr. Scheidt comments about the weight limit that would be imposed on a chip seal road. He states that there are exemption permits that can be obtained to handle this. He states that all the lots in Deer Canyon are already sold, there is no need to wait to chip seal. Chairman Sanchez comments that he wants to review this road along with the entire Road policy.

Chairman Sanchez suggests the possibility of using a PID (Public Improvement District) for this road. He suggests that Mr. Scheidt look into this. Mr. Scheidt states that he will talk to Mr. Wallin about this. Madam Commissioner DuCharme asks about the request for a guardrail.

Chairman Sanchez refers to the list of questions that Mr. Scheidt presented to the Commission. He states that the Commission should have answers to these questions within 30 days.

Mr. Nick Sedillo, Risk Management, comments that there was a sign on this road, he explains the process for signing roads. He states that a new street sign will be placed on this road. He also comments that we are going to try to put some sort of mechanism on our website that will allow residents to report when a sign is down or missing.

Mr. Lujan comments about the request for a guardrail. He submitted a letter to the State about this but never received a response. He states that he will submit another letter of request.

Mr. Lujan states that he is working on his blade leases. He wants to go back to having 9 blades and running them in teams of 3. He also wants to put 6 pneumatic rollers behind 6 of the machines. He believes this will make a big difference in getting the roads back in shape. This will cost more money and Mr. Lujan will be coming to the Commission to discuss this further. All documentation hereto attached. **NO ACTION, INFORMATION ONLY**

*County Manager Requests/Reports:

12. Request Funding to Cover Unbudgeted Tipping Fees Ms. Ortiz speaks. At the last Commission meeting, Ms. Ortiz requested that we allow for funding for the EVSWA tipping fees that were never budgeted into our current budget. We do have a contract in place with the EVSWA and the tipping fees are our responsibility. Commissioner Frost clarifies that there is an overdue amount. Chairman Sanchez states that he has a copy of the current contract between the County and the EVSWA. He states that he would like to set up a meeting between the County Attorney, the EVSWA, and a Commissioner to hash out questions about the agreement and the County's liability. He states that he thinks that the verbiage in the agreement is a little ambiguous and he would like clarification. Commissioner Frost asks Mr. Wallin for his legal opinion on the contract. He asks Mr. Wallin if, according to the contract, the County really owes the tipping fees. Mr. Wallin replies that it is his recollection that Mr. Ellis, former EVSWA Manager, had spoken to the Commission about the EVSWA being willing to work with the County concerning the tipping fees if the County would assist them in getting a CDBG grant for a new cell. He states that if Chairman Sanchez sees ambiguity in the contract, he would like to discuss that with the Commission in closed session.

Michelle Jones, Clerk's Office Admin. Asst. III, (myself) comments that she remembers that the EVSWA had agreed to hold off on collecting the tipping fees from the County with the understanding that the County would apply for a CDBG grant and, if awarded, would apply the CDBG funds to the tipping fees.

Danette Cabber, EVSWA Office Manager, agrees that there was a discussion about the County applying for a CDBG grant and that the funds would go towards the tipping fees. That was just a discussion and nothing was put in writing. She states that the EVSWA would be willing to discuss this again. She states that she remembers a meeting with Mr. Wallin and Ms. Ansley, former County Manager, Mr. Miller and herself, and this issue was discussed.

Commissioner Frost comments that we need to pay this bill. Chairman Sanchez agrees; if the County owes, we should pay, but he thinks there is ambiguity that needs to be cleared up first. Commissioner Frost thinks we should at least pay the overdue portion of our bill now. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to pay the overdue portion of our bill with the EVSWA. There is no second. **MOTION DIES**

The Commission agrees to schedule a Special Meeting to discuss this issue. They schedule this meeting for Monday, March 13, 2017 at 2:00pm. EVSWA will be a part of this meeting.

ACTION TAKEN: Chairman Sanchez makes a motion to table this item. Madam Commissioner DuCharme seconds the motion.

Michael Godey, resident, thanks the Commission for their work and their interest in working with the community.

No further discussion. The Commission votes; all in favor, none opposed. **ITEM TABLED**

13. Mid-Region Council of Governments Appointment(s) Ms. Ortiz speaks. She states that she was instructed at the last Commission meeting to get clarification from the MRCOG about both the full board and the executive board membership from Torrance County. Ms. Ortiz has presented the Commission with a copy of the current MRCOG Board of Directors Membership Roster, which is included in the file for this meeting. On the roster, Torrance County members on the full board are listed as follows:

Organization	Member	Alternate
Torrance County	1.*LeRoy Candelaria	Joy Ansley
•	2. Julia DuCharme	

*Executive Board

Ms. Ortiz states that with the new Commission, we now have a vacancy for a member position and the alternate position. Ms. Ortiz states that she spoke with Mr. Dewey Cave, MRCOG Executive Director. He informed her that typically the Chairman of the Board sits on their full board, however it does not have to be this way. Ms. Ortiz informs the Commission that they need to appoint, per the vacancies, a full board member and an alternate. As far as the MRCOG Executive Board, Ms. Ortiz states that Mr. Cave told her that it is actually the Commission's appointment to the Executive Board. So, the Commission would appoint their 2 members and their alternate, and then appoint one of their members to the Executive Board. Ms. Ortiz also informs the Commission that they currently have a vacancy on the MR RTPO (Mid-Region Rural Transportation Planning Organization) Board. Madam Commissioner DuCharme states that this is not

correct. Madam Commissioner DuCharme states that it is her understanding, per the MRCOG by-laws, that the appointment to the MRCOG Executive Board is made by the MRCOG full board and Ms. Ortiz states that Mr. Cave told her that the Commission appoints one of their members to the Executive Board. There is discussion about these appointments. There is discussion about appointing the new County Manager to one of these positions. There is discussion about possibly asking for letters of interest for the RTPO appointment. All documentation hereto attached. ACTION TAKEN: Chairman Sanchez makes a motion to appoint the new County Manager, or their designee, to the no.1 position to the MRCOG full board, retain Madam Commissioner DuCharme in her no.2 position, and appoint himself as the Alternate and request letters of interest for the RTPO position. Commissioner Frost seconds the motion. An appointment to the MRCOG Executive Board will wait until the next Commission meeting, pending further clarification. Madam Commissioner DuCharme expresses her concern over the term 'designee', but will support Chairman Sanchez's motion. No further discussion. The Commission votes; all in favor, none opposed. MOTION CARRIED

14. Update Ms. Ortiz speaks. She states that she spoke to Ambitions and they will have the beginning process of getting the internet and phones into Magistrate Court beginning tomorrow so that the Sheriff can move in.

Ms. Ortiz announces that on Friday, March 10 at 2:00 pm, the Commission will be conducting a Special Meeting in order to hold a workshop regarding the Road Policy and to appoint the County Manager.

Public Comment / Requests:

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

Tracey Master, resident and member of the Moriarty Lions Club, speaks. She informs all that the Moriarty Lions Club is sponsoring the Culpepper and Merriweather Circus on April 5th at 5:30 and 7:00 pm at the Moriarty Lions Club lot. Tickets are \$10.00 for adults and \$7.00 for children 2-12 and seniors. If you don't want to attend the circus, you can buy a ticket and it will be donated to a foster child. The Moriarty Lions Club hosts bingo every Tuesday evening at 7:00pm and they host a pancake breakfast on July 4th and on Pinto Bean Fiesta Day. They provide KidSight vision screenings to students in all the County

elementary schools and eyeglasses for individuals in need. The Lions Foundation provided a grant of \$10,000.00 for victims of the Dog Head Fire. They partner with Bethel Community Storehouse to provide Christmas gifts to families in need and Santa provides gifts to all children who come to the Lions Clubhouse on a special day each December. They partner with the Moriarty Rotary Club and the City of Moriarty for 'Christmas in the Park' and they sponsor a toy run every fall. They host special bingos at least once a month to support organizations such as the Moriarty High School Honor Civics Program, Junior ROTC, etc. Their next special bingo will be held on April 7th and will benefit a family who has a brand new micro-preemie baby. Lastly, she states that the Lions Club needs to raise money to make these events happen and they ask that the community support these events.

Commissioner Frost thanks the Moriarty Lions Club for all that they do.

CLOSED SESSION:

ACTION TAKEN: Chairman Sanchez makes a motion to go into Closed Session pursuant to Section 10-1-15(H) subsection 8. Commissioner Frost seconds the motion. Roll Call Vote: District 1-Yes, District 2-Yes, District 3-Yes. **MOTION CARRIED**

Closed Session begins at 12:42PM

RECONVENE FROM CLOSED SESSION

ACTION TAKEN: Chairman Sanchez makes a motion to go into reconvene from closed session. Madam Commissioner DuCharme seconds the motion. **MOTION CARRIED**

Regular Session reconvened at 1:30 pm.

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to table today's agenda item #9. Tajique Transfer Station Update Regarding Options. Commissioner Frost seconds the motion. **AGENDA ITEM #9 TABLED**

*Adjourn

ACTION TAKEN: Chairman Sanchez makes a motion to adjourn the March 8, 2017 Commission Meeting. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Meeting adjourned at 1:31 pm

Chairman Sanchez

Michelle Jones, Admin. Assist. III

3 22 17 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.