

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

Commissioners Present: **LeRoy Candelaria -Chair
James Frost-Member
Julia DuCharme-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 November 25, 2015 meeting to order at 9:05 am. He welcomes all those present to the meeting and leads us in the pledge. Madam Commissioner DuCharme gives the invocation.

Approval of the Meeting Minutes:

Chairman Candelaria asks for a motion to approve the November 9, 2015 Regular Meeting Minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the November 9, 2015 Regular Meeting Minutes. Madam Commissioner DuCharme seconds the motion. 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 agenda. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve today's Commission Meeting Agenda. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Consent Agenda:

Chairman Candelaria asks for a motion to approve the Consent Agenda, approval of warrants and indigent claims. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Consent Agenda. Madam Commissioner DuCharme seconds the motion. The Commissioners vote; all in favor, none opposed **MOTION CARRIED.**

There are no Indigent Claims on this Consent Agenda.

Action Items

Items to Be Considered and Acted Upon

***Presentation(s):**

1. Presentation by MRCOG for CDBG Planning Grant

Ms. Sandra Gaiser, AICP Regional Planning Manager at the MRCOG, speaks. She introduces Maida Rubin, a Regional Planner at the MRCOG. Ms. Gaiser presents the Commission with a handout titled 'TORRANCE COUNTY COMPREHENSIVE PLAN UPDATE'. A copy of this handout is included in the file for this meeting.

Ms. Gaiser states that the MRCOG offices are located in Albuquerque and basically what they do is regional planning for four counties: Bernalillo, Torrance, Valencia, and Sandoval. Today, she is going to talk to the Commission about updating our Torrance County Comprehensive Plan. Our current plan was adopted in 2003 and needs to be updated. Torrance County was awarded a CDBG planning grant from NMDFA to be used to update this plan. This is an 18 month grant. This process is still in the very early stages; the grant has been awarded but Torrance County has not yet received the agreement from DFA for the grant. Once the agreement is signed the 18 month timeframe begins.

What is a Comprehensive Plan?

- It is a community's compass. It helps residents chart a course of how Torrance County should develop over the next 20 years.
- Sets our guidelines to deal with future growth.
- Can allow the County to qualify for State and Federal Grants
- Official document- adopted by the Commission by ordinance or resolution

Required CDBG Planning Elements

- Land Use – County wide
- Housing
- Transportation
- Infrastructure
- Economic Development
- Water Resources
- Hazards Assessment
- Implementation of the plan

Plan Development Process:

- Data Collection- including Demographic statistics, local economy, transportation and circulation, community facilities and services, governmental functions, natural resources, etc.
- Design an online survey for residents which would be located on the Torrance County website.
- Create a steering Committee – This Committee would be appointed by the Commission and would oversee the planning process. This Committee should be made up of individuals who represent varied interests and opinions of the community. This Committee would review and comment on the draft elements of the Plan document. This Committee would also have extensive input with regards to the online survey.
- Conduct goals and objectives workshops
- Conduct a Strategic Action Recommendations workshop
- Present goals and objectives to the Commission for adoption
- Development implementation strategies
- The Commission will create a resolution adopting the Goals and Objectives

- The Commission will develop recommendations for strategic actions for the community
- The Commission will create a resolution accepting Action Plan Implementation
- The Commission will create a resolution or Ordinance adopting the Comprehensive Plan

Ms. Gaiser reiterates that a current comprehensive plan will greatly assist the County in qualifying for State and Federal Grants. Ms. Gaiser also stresses how important the selection of a small, knowledgeable, focused steering Committee is. There will be plenty of opportunities for public input. The steering Committee should consist of people who are very knowledgeable about the County and who understand the commitment and time that will be required to participate on this very important Committee. The Commission should try to put this Committee together by January or February. DFA will send the agreement for Torrance County to sign and then a contract can be drawn up between Torrance County and the MRCOG for the work on the Comprehensive Plan to begin. **NO ACTION, PRESENTATION ONLY.**

***Department Requests/Reports:**

2. Updates:

Betty Cabber, County Assessor, speaks. The Assessor's Office has been temporarily relocated to the room directly across from the County Clerk's office. They are repairing and remodeling their old office and will move back on December 7th. Rural Addresser Ruben Gastelum and Assessor IT Specialist Ray Cullen have permanently moved to Ms. Tracey Master's old office. Ms. Master and the TC Project Office have moved to the old Hope Medical Facility just southeast of our Administrative Office building.

Linda Jaramillo, County Clerk, speaks. The Candidate Guide for the Primary Election is available on her TC Clerk website. She also has hard copies available for anyone who is interested in running for office. The guide is filled with very important and helpful information. Ms. Jaramillo is also available to answer any questions prospective candidates might have.

Dan DeCosta, P&Z Code Enforcement, speaks. He gives the Commission an update on a property cleanup they recently finished. The Commission had given them the authority to do it last year. The person who lived at the property abandoned it. They spent approximately \$8,900.00 cleaning up the property. There is still an abandoned mobile home on the property.

Commissioner Frost speaks. Many people have asked him recently about roads. He has been out in the County in the last few days and has seen the Road Department graders out at work; he thanks the Road Department for their continued efforts.

Madam Commissioner DuCharme speaks. At the last Commission meeting, she expressed her concern about the bus route on Shetland Road. She is happy to report that this road was fixed; she thanks the County Manager and the Road Department for their quick attention to this problem. Madam Commissioner DuCharme comments that a frequently travelled dirt road in her neighborhood was also graded. She congratulates Mr. Ruben Gastelum on his recent award for the most improved data. We are very proud of him! Lastly, Madam Commissioner DuCharme states that she and Chairman Candelaria recently attended a MRCOG meeting about economic development. It was very well attended and very informative. We need to continue to support our existing businesses and to encourage residents to create new ones.

Chairman Candelaria speaks. He has attended several meetings since our last Commission meeting. He attended a meeting in Socorro County. The Socorro County Commission had received a request to introduce the Mexican Grey Wolf into their county. There were several people from the ranching community in attendance at the meeting to voice their opposition. Chairman Candelaria spoke in opposition to this as well. Socorro County voted unanimously to deny the request. Chairman Candelaria also attended the Congreso de Acequia, a meeting about water ditches. Some of the water ditches are adjudicated. It was well attended. Chairman Candelaria spoke at this meeting as well; he was asked to speak about going to Santa Fe to speak to the Legislature about keeping our water rights in the Estancia Basin. Yesterday afternoon, Chairman Candelaria went to the VFW and helped serve meals to some of our veterans in need. The Thanksgiving meals were served at no charge and about 78 meals were served on this Turkey Tuesday.

3. Ratification of FY16 Juvenile Justice Grant Application- Kathy Swope Ms. Swope speaks. She has presented the Commission with the full, completed, RFI (Request for Information) that was submitted from the Tri County Juvenile Justice Program to the State of New Mexico CYFD. There were a few minor changes to the budget amount since Ms. Swope last presented this. Currently, the match is at 61% of the total budget; they are only required to have a 40% match, so this is very good. A large portion of the match comes from the Boy Scouts of America and United Way. Ms. Swope now asks the Commission to ratify this application. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to ratify the FY16 Juvenile Justice Grant Application. Madam Commissioner DuCharme seconds the motion. Madam Commissioner DuCharme asks about donations from General Mills and United Way. Ms. Swope clarifies that the donations from General Mills and United Way are directed towards the Boy Scout program. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

4. Request Payment of Invoice, Purchases Made without Following Procurement Process – Dist. 5 Fire Chief Don Dirks Chief Dirks speaks. He explains that he went to Walmart to buy some rehab supplies for his fire department. When he arrived at the Walmart, they were out of some of the supplies that he had listed on the purchase order, so he bought other supplies, about \$34.00 worth. He was not allowed to buy supplies that were not listed on the P.O. He is aware of this and will not do this again. He also asks the Commission to approve payment of an invoice from Digger Services for approximately \$420.00. They don't have water at the Sweetwater Hills Station; they are trying to get estimates for a well. Chief Dirks sent a volunteer to meet with the well company. The well company suggested that they drop a test pump and the volunteer let them. He didn't know that he was not supposed to ok any work without a purchase order. Again, Chief Dirks takes responsibility for this error and assures the Commission that this will not happen again. He requests payment of the purchases. Ms. Ansley comments that they have had a training with the Fire Chiefs and have explained the procurement process and this should not happen again. Chief Dirks also comments that they are still in the process of getting estimates for the new well. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve the request for payment of invoice and purchases made without following the procurement process. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

5. Resolution 2015-49 Line Item Transfer(s) - Amanda Tenorio, Finance Director Ms. Tenorio speaks. She requests approval of Resolution 2015-49 Line Item Transfers. These are transfers within the requesting departments budgeted funds. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve Resolution 2015-49 Line Item Transfers. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks about the transfer from the District 1 VFD, Line Item #407-91-2818 to #407-91-2215 in the amount of \$15,000.00. The reason for the transfer is stated as 'FUNDS NEEDED FOR CONCRETE SLAB IN FRONT OF DISTRICT 1 MAIN STATION'. Ms. Ansley states that there is no concrete in front of the fire station currently; it is chip seal and it is dilapidated which makes it hard to get the trucks in and out of the bays. Madam Commissioner DuCharme asks who will check that this job is done and done properly. Ms. Ansley replies that it will most likely be Chief Crabb, Assistant Chief Hindi, and Fire Chief Trumbull. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

6. Resolution 2015-50 Budget Increase- Amanda Tenorio, Finance Director Ms. Tenorio speaks. She requests approval of Resolution 2015-50 Budget Increase. This budget increase is to cover the cost of vehicle repairs for a 2013 Dodge Ram Unit. The amount was paid to the County by the Insurance Company and now the County needs to pay the Vendor who did the work. All documentation hereto attached. **ACTION TAKEN.** Madam Commissioner DuCharme makes a motion to approve Resolution 2015-50 Budget Increase. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

7. Resolution 2015-51 Cash Transfers & Line Item Transfers between Funds- Amanda Tenorio, Finance Director Ms. Tenorio speaks. She requests approval for Resolution 2015-51 Cash Transfers & Line Item Transfers between Funds. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve Resolution 2015-51 Cash Transfers & Line Item Transfers between funds. Chairman Candelaria seconds the motion. No further discussion. The Commissioners vote. Two in favor, Madam Commissioner DuCharme abstains. **MOTION CARRIED**

8. RFP 2016-05 Fair Ground Repairs- Leslie Olivas, Purchasing Director Ms. Olivas speaks. She was asked to put an invitation for bid together for repairs that are needed for the Torrance County Fair Grounds due to vandalism. We received one bid back; it was from Rivercrest Construction in the amount of \$29,900.00. Ms. Ansley comments that when we reported the vandalism to our insurance, we received funds in the amount of approximately \$13,500.00. If the Commission chooses to go forward with the repairs, we will need to find an additional \$16,000.00 from the budget to award this bid. All documentation hereto attached. **ACTION TAKEN.** Chairman Candelaria makes a motion to award the RFP 2016-05 Fair Ground Repairs to Rivercrest Construction. Commissioner Frost seconds the motion. Commissioner Frost asks if we would receive insurance money again if the Fair Grounds were vandalized a second time. Ms. Ansley answers yes, we are still covered. If we need to make a claim again in the future, we can do so. Commissioner Frost asks where we could pull this money from in the budget. Ms. Ansley replies that, for this kind of project, it could come from either infrastructure monies or PILT monies and she recommends that we pay it from infrastructure tax. Commissioner Frost asks if the fact that the Fairgrounds are located in the town of Estancia will pose a problem. Ms. Ansley replies no; the County has a 99 year lease with the town and under that lease we are supposed to maintain and improve the Fairground facilities as needed. Mr. Wallin concurs. Ms. Ansley and her office will decide which fund to pull the additional \$16,000.00 from. Madam Commissioner DuCharme asks who is responsible for checking on this facility and who is keeping the keys to it. Ms. Ansley replies that historically it was the Fair Board, but more recently they have given keys to her office for maintenance. If we know that the facility is being use, we will go check on it. Commissioner Frost thanks the Fair Board for all they do to keep the Fair and the fairgrounds going. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

***Commission Matters:**

9. Discussion of Revisions to Solid Waste Ordinance 94-12 Ms. Joy Ansley speaks. The Commission has discussed the need to revise this ordinance and has appointed a Committee of three people to begin the process. The Committee has met and reviewed the current ordinance, and has made some initial deletion and addition suggestions for the Commission to review. The next step in this process is to have a public hearing; an ordinance cannot be modified, rescinded, or adopted without a public hearing. Ms. Ansley recommends setting the date for the public hearing for January 13, 2016 during our regular Commission meeting. Mr. David

Saline is on the Committee and is here today to present the initial revision suggestions to the Commission.

Mr. Saline speaks. He states that he is part of the Committee that met to review and make revision suggestions to the Solid Waste Ordinance 94-12. He first gives some statistics to the Commission:

- To date Torrance County has 3, 952 current accounts with the EVSWA. These accounts are being paid and belong to residents who are currently using the system.
- There are 967 accounts with liens on them.
- Of these 967 accounts, 450 accounts will pay their balances off and the liens will be removed within a year.
- There are approximately 150 accounts that have new owners that are paying their accounts right now, but there is still a lien on the property's former owner.
- Of those 967 accounts, 150 accounts do not have a good mailing address for the property owner(s). When good mailing addresses are obtained, the property owners are contacted, the account balances are written off, the liens are released, and a new account is initiated for that customer.
- Lastly, of those 967 accounts, there are approximately 150 accounts with property owners that are refusing to pay.

Mr. Saline states that it is important to remember how many people this ordinance is serving and how many people are paying their bills. He states that when the Committee met to revise this ordinance, they set up a list of goals. Their number one goal was to make sure that Ordinance 94-12 separated Torrance County and the EVSWA from each other; they are two separate governmental entities. The EVSWA provides a service for Torrance County which is mandated in this ordinance. However, the EVSWA does not set the fees for the County customers. The ordinance was written back in the '90s and was revised in 2002 when there were still dumpsters placed at the end of County roads for solid waste services; there were no collection stations yet.

Language has been added to or deleted from the ordinance to make it more current. For example, language has been added to the ordinance about what green waste is and about what hazardous waste is and language has been taken out about the need to collapse cardboard boxes, etc.

Important changes were made/suggested to Section 13 of the ordinance as shown below:

SECTION 13: SOLID WASTE MANAGEMENT FEE

- A. Payment of the solid waste management fee shall be the obligation of the responsible party for each residence located in the unincorporated area of Torrance County.
- B. The County Commission shall set fees for solid waste management based on the actual or projected cost to collect, transport and recycle or dispose of such solid waste. Unmet actual costs resulting from due to unpaid fees or certain discounts defined and approved allowed by the County Commission shall be the responsibility of the County Commission.
- C. If there are multiple residences on a property, the solid waste management fee shall be assessed on each such residence.
- D. The solid waste management fee, and any subsequent modification thereof. shall be established and adopted through resolution by the County Commission.
- ~~E. Any responsible party, as herein defined, may make application to the Solid Waste Authority, on forms approved by said Authority, for a reduced monthly fee as set out above, and by furnishing to the Authority with said application proof that the responsible party is (1) over the age of 65 years; and qualifies for public assistance; (2) or an individual that qualifies for public assistance according to the standard of need as set forth in Sections 27-2-3 and 27-2-4 NMSA 1978, as they currently exist or may hereafter be amended. Upon approval of the application, the solid waste management fee for any such responsible person shall be 50% (Fifty Per Cent) of the established solid waste management fee.~~
- ~~F. Any responsible party, as herein defined, who is the owner of more than 160 contiguous acres and who qualifies for the exemption provided in 20 NMAC 9.1 Part 108, may make application to the Solid Waste Authority for exemption from the monthly solid waste management fee set out herein. Exemptions are subject to review by the Authority and the New Mexico Environment Department.~~
- ~~G-E. _____ Any responsible party owning or possessing a vacant residence may be entitled to a reduction of the solid waste management fee, according to administrative guidelines established and adopted through resolution by the County Commission. Any property owner falsely certifying that a residence is vacant is in violation of this Ordinance, and is subject to penalties set forth in Section 16.A.~~
- ~~H. Any responsible party contracting with a private hauler franchised to collect and transport solid waste within the county shall be entitled to a quarterly reduction of the established county solid waste management fee, according to administrative guidelines established and adopted through resolution by the County Commission.~~

Mr. Saline states that the Committee believes this section should be revised for a few reasons.

1. Whether it is the EVSWA, or some other entity that is providing the solid waste services for the County, that entity would give the County the total cost of providing the service, and then the County Commission would

- decide how to pay it. The County Commission could pay the total cost from customer fees or from fund money or a combination of both, for example. The Commission would decide.
2. If a property owner requested a discount or needed assistance paying their solid waste bill, they could come to the Commission and the Commission could choose whether to pay that persons bill or not. If the Commission paid that persons bill, they would have to decide how they would meet that obligation.

As the ordinance is currently written, it dictates how services are paid. The revised ordinance would allow the Commission to decide.

Commissioner Frost comments that he will review the document and wait for the public hearing to make any decisions.

Madam Commissioner DuCharme asked Mr. Saline if he knows why approximately 150 customers are refusing to pay their bills. He replies that he does not know. Madam Commissioner DuCharme asks who authored these proposed revisions. Mr. Saline replies that the Committee gave the concept to Mr. Wallin, County Attorney, and he made the actual revisions. Madam Commissioner DuCharme asks if the Committee received any input from outside their Committee. Mr. Saline replies that Mr. DuCharme sent an email and it was discussed in the EVSWA meeting. Mr. Saline states that this ordinance does not have anything to do with the EVSWA, this is about Torrance County. Mr. Saline further states that this revised ordinance would also allow the County Commission to decide if they want to go out for bid for any of the services. Mr. Saline recommends that if the County does go out for bid for solid waste services that the bids be separate; a separate RFP for billing, for collection, etc. The County will always have the tipping fees for the land fill from the EVSWA. He states that the County is one entity that helped form the EVSWA, they have a voice on the EVSWA Board and have contracted with the EVSWA to run their collection stations. If the Commission chooses to contract with someone else they will have the option to do that. Madam Commissioner DuCharme states that she believes that the decision to go out for RFP for services was already made last year; she asks why this has not been done yet. Ms. Ansley replies that the County has not gone out for RFP because there is not enough specific information on what to RFP for; would it be for billing or collections or collection stations, etc. A specific discussion has not yet happened. Madam Commissioner DuCharme asks Mr. Saline about the revision making process. She asks him if he was making these revisions as a representative of Torrance County or as a representative of the EVSWA. Mr. Saline replies that he was making the revisions as a representative of Torrance County. Madam Commissioner DuCharme asks how these revisions can benefit

Torrance County and our County residents. Mr. Saline comments that the old ordinance dictated how residents would pay for services. This revised ordinance will benefit residents by allowing the Commission to decide how solid waste services are paid. For example, the Commission could decide to lower resident's fees and subsidize the difference from the general fund. After some further discussion, Mr. Wallin reiterates that this is a first draft. There will be a public hearing and plenty of opportunity for input from the public and the Commission and the Committee before this revised ordinance is adopted. Madam Commissioner DuCharme asks Mr. Saline if he is calling himself a volunteer on this Committee and does he do business with the EVSWA. Mr. Saline replies that he does do business with the EVSWA, which he has disclosed to the Commission already, and he is volunteering on this Committee for Torrance County. Madam Commissioner DuCharme asks Mr. Saline how much money he made from the EVSWA and states that she is asking because she is questioning his impartiality. Mr. Saline replies that his pay has nothing to do with the ordinance that is being discussed today. Mr. Wallin states that a question about Mr. Saline's pay is inappropriate; a personal issue and should not be part of this discussion. Madam Commissioner DuCharme states that she believes that these revisions are being written from the perspective of a representative of the EVSWA and not a representative of Torrance County. Madam Commissioner DuCharme asks Mr. Saline if he is paid per diem also. Mr. Saline states yes, he is paid per diem for going to the Solid Waste Authority meetings; it has nothing to do with this ordinance. He further states, "I volunteered my time to write this ordinance for you and help you out with a draft version. And if you don't like it, you can take it, rip it, throw it away, you can go wipe your ass with it, as far as I care." Chairman Candelaria stopped the proceedings and stated that this is a discussion of the proposed revisions to the ordinance; this ordinance is a draft and will be discussed at the public hearing on January 13th. **NO ACTION, DISCUSSION ONLY**

10. Publishing Public Notices in Both Local Newspapers (Mountainview Telegraph and the Independent) Madam Commissioner DuCharme speaks. She wants to remind all how this item came about and what she proposed initially. She states that initially she proposed to have notices about public hearings in both newspapers. She states that she does not think this will cost very much; the public hearings are mostly organized by Planning and Zoning and paid for from their budget. Madam Commissioner DuCharme asks how many public hearings we have had so far this year. Ms. Ansley comments that she does not know and this is the first time she has heard that Madam Commissioner DuCharme only wants public hearings in both papers. Her understanding was that Madam Commissioner

DuCharme wanted all public notices published in both local newspapers. Madam Commissioner DuCharme states that she is clarifying that she means public notices about public hearings. She states that if it is complicated to publish all public notices, let's start small and publish public notices of public hearings in both local newspapers. All documentation hereto attached. **ACTION TAKEN.** Madam Commissioner DuCharme makes a motion to publish Public Notices of Public Hearings in both local newspapers, the Mountainview Telegraph and the Independent. There is no second. **MOTION DIES**

11. Monetary Compensation for Torrance County Volunteer Firefighters

Madam Commissioner DuCharme speaks. She asks for an update on this item from the County Manager. Ms. Ansley states that approximately 5 weeks ago a Fire Chiefs meeting was conducted in McIntosh. During the meeting, a lot of different items were discussed with the Chiefs, one of which was a paid compensation for volunteer Chiefs and volunteer Firefighters. Chief Dirks and Ms. Cheryl Hamm put together a proposal with their ideas for compensation. Chief Trumbull, Mr. Wallin, and Ms. Ansley met to discuss compensation for volunteers and the legalities involved. They discussed many different ideas. Ms. Hamm, Chief Trumbull, Mr. Wallin and Ms. Ansley met again; they received some samples of some policies that the County may be able to draw from. Sandoval County has a very good policy that they use to pay. One idea being considered is to pay the Chiefs based on their ISO rating, either monthly or quarterly. In summary, there have been meetings and some good ideas have been introduced and Ms. Ansley states that it is very possible that a plan could be in place by January 1. Mr. Wallin adds that monetary compensation is doable, but it needs to be done carefully and correctly. There are many rules and regulations that will need to be followed. Ms. Ansley comments that Chief Dirks, Ron Sturchio, and Cheryl Hamm have been very instrumental in moving this process along and she thanks them. All documentation hereto attached. **NO ACTION, DISCUSSION ONLY**

12. Selection Process of Roads for Paving

Madam Commissioner DuCharme speaks. She put this item on the agenda. She spoke with Road Foreman Leonard Lujan and asked him to attend today's meeting but he is unavailable. Madam Commissioner DuCharme asks that this item be tabled. All documentation hereto attached. **ACTION TAKEN.** Madam Commissioner DuCharme makes a motion to table this item. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED, ITEM TABLED**

13. Discussion of GO Bond Issue Ms. Ansley speaks. When Eric Harrigan from RBC came to the last Commission meeting, he explained that if the Commission wants to extend the GO Bond, the County will have to hold a Special Election. Considering all the required timelines involved, the election will have to be held sometime in March or April. The Commission needs to discuss what projects they would like to consider for this bond. There has been some discussion about possible using this bond money to build a new Administrative Building. Ms. Ansley states that if the bond is voted for by the public, it will generate approximately 3.8 million dollars. This will not be enough to build a new County building. Some possible projects could include:

- Purchasing new software for the County offices
- Improvements to the Fair Grounds property
- Purchase equipment for the Road Department
- Purchase ambulances
- Pay off outstanding fire truck loans

Chairman Candelaria states that one of his concerns has been the Road Department being located in the middle of the town of Estancia. Starting the Road trucks in the morning in the winter creates a lot of smoke that could be harmful to the residents. Chairman Candelaria suggests erecting a building outside the town for the Road Department. Ms. Ansley comments that if the Road Department moved, the Sheriff's Department could use that yard for their vehicles. Ms. Ansley comments that the bond question needs to be very specific and can contain multiple projects. Commissioner Frost asks Ms. Ansley to outline costs for each of the proposed projects listed above. Ms. Ansley will provide the Commission with a spreadsheet showing approximate costs by project. Madam Commissioner DuCharme states that she has concerns about the cost of running a Special Election; Ms. Jaramillo previously quoted that a Special Election would cost between \$18,000 and \$27,000. Madam Commissioner DuCharme states that she does not think the County should have this Special Election; the timeframe is too rushed and the County Clerk should not be burdened with running a Special Election right before a Presidential Primary and General Election. She thinks this will also confuse the voters and that the Commission needs input from the public. She also believes spending \$18,000 on an election where the voters could vote down the bond would be too much of a risk. Commissioner Frost states that yes, if the voters vote down the bond, the County would get nothing, but if we don't hold the election, we are guaranteed to get nothing. If the voters vote yes to the bond, their taxes would

remain steady and the County would receive approximately \$3.7 million dollars to go towards projects to benefit the County. Commissioner Frost comments that he continually hears about road issues. He can see that additional Road Department equipment would be a very good thing, along with many of the other projects previously suggested, and of course the final decision would be with the voters. Ms. Ansley will work on the spreadsheet of possible projects for the Commission to review. Mr. Wallin states that if the Commission wants a public hearing for this, they can have one. Ms. Jaramillo, County Clerk, states that there is still time to schedule a public hearing if that is what the Commission decides to. Madam Commissioner DuCharme will put the request for a public hearing to discuss GO Bond projects on the next Commission meeting agenda. **NO ACTION, DISCUSSION ONLY**

***Public Hearing:**

14. Appeal to allow a mobile home 1976 or older to be brought into the County and permitted at 6 North Dakota CT, contrary to County Resolution 2005-19

a. Appeal to allow mobile home at 6 North Dakota CT

Chairman Candelaria states that Mr. Wallin, County Attorney, will conduct the Public Hearing. Mr. Wallin speaks. He states that this is a bit of an unusual procedure as it is not pursuant to the appeal process under the zoning ordinance. This is not a zoning ordinance decision, this issue involves Resolution 2005-19. Resolution 2005-19 replaces Resolution 2001-01- Establishing Development Application and Review Fees. The resolution states, among other things, that any Manufactured Housing Older Than current HUD Standard – 1976 May not be moved into Torrance County. This item has been designated as an appeal because P&Z has advised the appellant, Mr. Baca, that they could not issue a permit for his mobile home because of Resolution 2005-19 and that he would have to remove it. Mr. Baca will give a presentation to the Commission explaining why the Commission should grant some relief to their prior decision in 2005. At this time, Mr. Wallin asks Mr. Dan DeCosta, Code Enforcement Office, to give some historical background on this item. Mr. DeCosta speaks. He informs the Commission that sometime around the middle of June of this year Mr. Guetschow, P&Z Coordinator was contacted by a family member of Mr. Baca's asking about the requirements to place a mobile home in the Echo Ridge subdivision in Torrance County. Mr. Guetschow explained the permitting process and that a Flood Elevation certificate would be required to set the mobile home and that 1976

or older mobile homes were not allowed in the County because of Resolution 2005-19.

In July, Mr. DeCosta located the mobile home at the address on the tax release from Bernalillo County and issued a Notice of Violation for not having a permit. At that time, Mr. DeCosta realized that the mobile home was a 1973.

Sometime within the next week Mr. DeCosta was contacted by Mr. Baca about the mobile home. Mr. DeCosta explained the permitting process and told Mr. Baca he would have to remove the mobile home. Mr. Baca kept Mr. DeCosta informed about his attempts to sell the mobile home. Mr. Baca asked for time to sell the home, which Mr. DeCosta granted. Mr. Baca has not been able to sell the mobile home; he asked Mr. DeCosta if he had any other options. Mr. DeCosta informed Mr. Baca that he could attempt to appeal this to the Commission. Mr. DeCosta informed Mr. Baca that if we was going to attempt an appeal, he would have to show that the mobile home was safe, and up to the standards of at least 1977. Mr. Baca informed Mr. DeCosta that the mobile home had been remodeled and was safe. Mr. DeCosta reviewed the inspection report he received from Mr. Baca about the condition of the mobile home and found several problems with it. The inspection report was done by a home inspector and though it states that A-OK Inspections is a general contractor, a license number is not provided (required), furthermore in the State of NM a general contractor is not licensed to work on mobile homes (a separate license is required for mobile homes).

Because the mobile home is not connected to power and cannot be fully tested and A-OK Inspections is not a licensed electrical or mobile home contractor, and the inspection report does not address HUD standards, Mr. DeCosta and P&Z do not believe that Mr. Baca has met the burden of proof that would show that his mobile home meets 1977 or better HUD standards. Therefore, the mobile home is not in compliance with Resolution 2005-19.

Mr. DeCosta brings Exhibit 3 to the attention of the Commission. It is a picture of the mobile home. The mobile home has had a roof built onto the top of it; this is not allowed. Mobile homes are engineered units and are not designed to be added to or modified, except by a licensed contractor. Mr. DeCosta now directs the Commission to page 5 of the A-OK Inspection report which shows that this mobile home has a 60 amp service. Mr. DeCosta does not believe that the State would even permit this as the standard for services is 100 amp.

At this time the appellant, Mr. Michael Baca and his mother, Ms. Meegan Baca, state their names for the record and are sworn in.

Ms. Meegan Baca speaks. She states that her son received a permit from Bernalillo County to move the mobile home. They assumed that if there was any problem

with moving the mobile home to Torrance County, Bernalillo County would have informed them. They moved the mobile home to Mr. Baca's property in July and P&Z tagged the home. Ms. Baca called P&Z to find out what the problem was. P&Z informed her of the permitting process. P&Z asked her the year of the mobile home. When she informed P&Z that the mobile home was a 1973 model, she was told that they could not bring the mobile home into the County. She states that they did not try to sneak the mobile home into the County, they had the release from Bernalillo County. She states that they have tried everything they can to get P&Z everything they asked for.

There are no questions for Ms. Baca.

Mr. Baca speaks. He states that he put all his money, all his savings, into purchasing this mobile home and the land so he could have a home for himself and his family. He further states that he would never intentionally do anything illegal. He called a company to move the mobile home and they told him all he needed was a tax release, which he obtained from Bernalillo County. If he had known that Torrance County would not accept the home, he never would have bought it and he would not be in the situation he is in today. As Mr. DeCosta stated, he has made every effort to sell the home. People come and look at it, but when he tells them the age, they decide not to buy because they are told that the home is too old to permit. He has kept in contact with Mr. DeCosta and is attempting to do whatever he can to resolve this situation. Bernalillo County won't even let him bring it back to their county. Mobile home companies won't even take it. Mr. Baca further states that he called A-OK and the person from A-OK told him that he was certified to inspect the mobile home, the electrical, all of it, so Mr. Baca hired him. The biggest concern that Mr. Baca was made aware of was the wiring. He was told that many older home have aluminum wiring, which is not good. Mr. Baca's home has copper. Mr. Baca states that the home has been remodeled and is in good condition; it is not an eyesore for the community. Mr. Baca asks the Commission to allow him to keep the home. He states that he will make whatever updates he is asked to make.

Madam Commissioner DuCharme asks Mr. Baca where he is currently living. He states that he, his wife, and his two sons, are currently residing with his parents. He states that he is trying to be a good husband and father and make a home for his family.

Chairman Candelaria comments that he does not think it was the responsibility of Bernalillo County to inform Mr. Baca of the requirements of Torrance County. Mr. DeCosta concurs. It is the responsibility of the buyer. Mr. Baca states that he

understands this; this was his first home purchase and he was not aware of the regulations or ordinances.

Chairman Candelaria asks Mr. Wallin if Mr. Baca has any legal grounds to go after the person from Bernalillo County who gave him the tax release. Mr. Wallin states that he is not sure, but he thinks Mr. Baca may have a better claim against the person he purchased the home from than he would have against Bernalillo County. Chairman Candelaria states that he might also have a claim against the licensed mover who transported the mobile home here. Mr. Wallin concurs.

Mr. Wallin further states that he is not sure that the Commission has the legal authority to grant this appeal. Mr. Wallin suggests that the Commission table this item and allow him time to research this further before making a decision.

Chairman Candelaria states that to table this item seems fair. Commissioner Frost agrees and states that Mr. Baca does seem to be a victim of circumstance. Mr. DeCosta comments that P&Z has acted on other older mobile homes and has denied their request to move the home into the County. Ms. Baca asks if, considering that the mobile home has already been moved into the County, can Mr. Baca sell it to someone else in the County? Mr. DeCosta replies no, the home was brought in illegally and would not be permitted. The Commission decides to table this item until the next Commission meeting. Mr. Baca is told that this item will not be acted on until the next Commission meeting. Mr. DeCosta also states that he will take no action, and that he is willing to work with Mr. Baca, within reason, to help get this resolved.

Mr. Wallin asks if anyone else wants to testify on this matter.

Mr. Michael Godey, states his name and is sworn in. He comments that since the electrical inspector may or may not have been certified for mobile homes, Mr. Baca should obtain the inspector's certification. If the inspector lied, Mr. Baca should try to get his money back and get a person who is correctly certified to do the inspection. Mr. Godey further suggests that Mr. Baca contact Mr. Wallin before the next Commission meeting to see what his research came up with.

Mr. Wallin now closes the testimony portion of this hearing and officially closes the Public Hearing. All documentation hereto attached. **ACTION TAKEN.**

Chairman Candelaria makes a motion to table this item. Commissioner Frost seconds the motion. This item will be tabled and deliberation will take place during the next Commission meeting, subject to Mr. Wallin's research findings. No further discussion. The Commissioners vote. All in favor, none opposed.

MOTION CARRIED, ITEM TABLED

***County Manager Reports/Requests:**

15. 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 limited to 3 minutes per person on any subject.

Michael Godey, resident, speaks. He is in favor of a Public Hearing to discuss possible GO Bond projects. He suggest possibly having town meetings in each Commission District also. He thinks these will help push through the Bond, giving us much needed funds that can help the County with roads, ambulances, etc.

Charlene Guffey, residents, speaks. On the GO Bond issue, she would like to see our tax dollars go towards building a hospital. This would create jobs, lower the costs we pay towards transporting CCA inmates, and serve all of us taxpayers. Concerning the revisions of the Ordinance for solid waste, Ms. Guffey states “let’s not make it personal.” She further states that if people that are on Boards, Mayors, Commissioners, County Reps. etc., are being bullies, nitpicking, or looking out for their own personal vendettas towards people that they don’t like, then they need to grow up or remove themselves from these positions. This is an embarrassment to our County and nothing gets done. If you hold these positions, please think about what is best for ‘we the people’, not your own personal feelings.

***Adjourn**

ACTION TAKEN: Commissioner Frost makes a motion to adjourn the November 25, 2015 Commission Meeting. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.** Meeting adjourned at 12:05 pm

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.

