

Final Copy
Torrance County Board of Commissioners
Commission Meeting
January 14, 2015

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

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

Call Meeting to Order:

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

Approval of the Meeting Minutes:

Commissioner Candelaria asks for a motion to approve the December 22, 2014 Regular Meeting Minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the December 22, 2014 Regular Meeting Minutes. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote; all in favor. **MOTION CARRIED.**

Approval of the Meeting Agenda:

Commissioner Candelaria asks for a motion to approve today's Meeting 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. **MOTION CARRIED.**

Approval of the Consent Agenda:

Commissioner Candelaria asks for a motion to approve the Consent Agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Consent

Agenda. Madam Commissioner DuCharme seconds the motion. Madam Commissioner DuCharme states that she noticed that the money on this consent agenda has already been spent and now the Commission is approving it afterwards. She thinks, by statute, that the Commission should approve the consent agenda first and then allow the money to be spent. Mr. Wallin states that the Commission, some time ago, approved a process whereby the Commissioners would review the Consent Agenda ahead of time and then ratify it at the meeting. Commissioner Frost states that he received his agenda last Thursday and reviewed the Consent agenda and did not see any items that he wanted to question. Ms. Ansley clarifies that several months ago the Commission decided to move towards paying weekly because on a lot of our utility bills we were racking up finance charges from the payments being late. As a matter of housekeeping, the Commission authorized one Commissioner to review the consent agenda before it went out and if there were any items that the Commissioner questioned, that check could be pulled and reviewed at the next Commission meeting. Mr. Wallin states that the Commission sets the policy and the Commission can change the policy. Commissioner Candelaria suggests putting this issue on the agenda to be discussed in detail at a future meeting. Madam DuCharme states that she heard from the Financial Department that we cannot pay for services that we did not receive, yet here on the consent agenda we are paying for Lobo-net ahead of time and for radio station service. Mr. Wallin comments that he does not know the specifics concerning her question, but he will be happy to look into it. In general, Madam DuCharme's statement is true, however there are contractual services that are standardly paid on a monthly basis. Madam Commissioner DuCharme replies that she understands it is according to a contract, but is it acceptable according to the law. Mr. Wallin answers yes, there is a statutory provision that allows the County to enter into contracts and pay for contract services. Madam Commissioner DuCharme asks about per diem payments listed on the consent agenda. She asks why some of the per diem charges differ from others when they are all for the same event at the same place. Ms. Ansley replies they are different because some people are attending different functions and traveling on different days; some people are claiming mileage and some are taking county vehicles, etc. No further discussion. The Commissioners vote; all in favor. **MOTION CARRIED.**

Public Requests: At the Discretion of the Commission Chair. For Information Only (**No Action Can Be Taken**). Comments are limited to five (5) minutes per person on any subject.

Lonnie Freyburger, resident and former Commission Chair, speaks. He wants to talk today about the State audit that recently came out. He states that Commissioner Frost commented in the paper that this is like a political football and that the State approved everything. Mr. Freyburger states that this is not true, the State did not approve everything; we have 18 violations. We have to have an outside entity distribute the money that the Legislators give us. Mr. Freyburger states that he has talked to two Representatives and one Senator that told him that Torrance County will not be receiving any money this year because of the audit. He further states that Commissioner Candelaria stated in the paper that there was no criminal action. Mr. Freyburger states that maybe Torrance County has a policy that as long as no criminal actions are filed you can get away with anything. He questions why Commissioners Frost and Candelaria would support the County Manager in this situation. He states that the primary responsibilities of a Commissioner are to set policy and manage the budget. He states that neither Commissioners Frost nor Candelaria did that. He believes that from 2007 to 2010 these Commissioners failed in their duties. He further states that what he would like to see, as a citizen, both Commissioners Frost and Candelaria resign their positions. He states, among other things, that this Commission needs to set their personal feelings aside and terminate the County Manager for failure to do her duties.

Steven Grabiell, resident and owner of Higher Speed Internet in Moriarty, speaks. He states that when the Commissioners took their oaths of office, it was an oath to uphold the laws of the State of New Mexico, among other things. He states that Commissioner Candelaria's name is on most, if not all, of the warrants issued to CCS for the duration of his tenure as Commissioner. His signature is on the agreement to construct the Torreon Fire Departments addition. Mr. Grabiell states that, as an aside, the signature on the agreement is does not match the signatures on the checks that he signed. Mr. Grabiell further states that he is respectfully asking Commissioner Candelaria to step down as Commissioner, stating, among other things, "How can you impartially conduct business as a CEO of the County with this fact looming over your head. Your signature is on the checks. How could a reasonable person, with their own personal interest at stake, support the person being investigated for felonious activity- ergo the County Manager." Mr. Grabiell also respectfully requests that Commissioner Frost step down, stating, among other things, "Is it acceptable for a past member of this Commission to be employed by the same organization you represented when your tenure was expired? As I understand it, you drove for TCPO and received remunerations for this duty after you left office."..."You were a Commissioner, as was Mr.

Candelaria, to the whole debacle this County is facing. Mr. Candelaria's name was on the checks, but you were a Commissioner at the time and must have agreed to the payments of this public debt." Lastly, Mr. Grabiell states that he awaits the State to take over the fiscal responsibility of Torrance County.

Fred Sanchez, resident and Tajique/Torreon Neighborhood Watch President, speaks. He states that he is very interested in crime prevention and knows that Commissioner Candelaria's home was recently broken in to. He read in the police report that Mr. Candelaria stated that one of the contributing factors to the break in was that Mr. Candelaria had not been home since Sunday because he primarily stayed in Albuquerque. Mr. Sanchez states that this concerns him because it makes him wonder where Commission Candelaria lives and spends most of his time. It seems to him that Mr. Candelaria is, "missing in action".

Hank Van Es, resident, speaks. He states that he has read most of the special Auditor's report and finds it amazing that about a half of a million dollars was misappropriated or not properly accounted for. He states that you can delegate authority, but you cannot delegate responsibility. He would like to know if someone is going to be held responsible for this. Even if criminal charges are no longer followed up on, shouldn't the standard be a lot higher than whether or not criminal charges are filed?

Michael Godey, resident, speaks. He speaks about item #9. Resolution 2015-03 Amended Resolution 2014-56 NMFA Loan to EVSWA. He has looked into this and believes that the makeup of the EVSWA Board should change. One suggestion would be to have the representation on the Board be by population. Various places, Encino for example, are proportionately over represented. If the Board was set up with representation by population Moriarty would have two reps, Estancia and Mountainair would have one rep each, and then the rest of the County would be given to the County-at-large. Another suggestion is possibly letting the County-at-large choose, on a yearly basis, whether they want to even use the hauler provided by the EVSWA. Another suggestion is to dissolve the JPA and have the people at the EVSWA be directly employed by the County or some other compromise. He also states that the representatives on the Board should live in the municipality that they are representing or outside a municipality if they are representing the County.

Edwina Hewett, resident, speaks. She states that the matter of the Audit is extremely important to our County and she is not sure if the Commission paid attention to what our newly appointed Attorney General/former Auditor Hector Balderas said to them or what our newly elected Auditor Tim Keller has said to them. Ms. Hewett's interpretation of what they said is that this Commission needs to take direct, affirmative action now. She states that if the County does not do this, our County is going to become Sunland Park all over again. She does not know if the Commission has discussed the ramifications of a complete DFA takeover or if other people realize what that really means. "That means your checkbook is gone. You won't get any more State money, you won't get anything from anywhere and all of the power that you have been entrusted with from the public will be gone and you will be micromanaged. As an individual, I am begging you to not let this happen to our County." She further states, among other things, that Commissioners Frost and Candelaria represent the Republicans of this County and yet they refuse to stand up for Republican values. "You represent these people in this valley, whether you're Republican or not, and you refuse to represent the people. We trusted you, you were seated and I am asking you respectfully to either honor that trust or resign and let someone else take those seats that has the intelligence and the intent to serve the public." She further states that as to the issue of the County Manager- these are not light issues, these are major issues. In the private world of business, the manager would have been fired. Lastly, Ms. Hewett again asks that Commissioners Frost and Candelaria resign and the County Manager be dismissed.

Brent Myrick, resident, speaks. He states that what he is hearing here today is that the people are just asking the Commissioners to do their jobs and to be honest and to put their personal feelings aside. He states that in the best interest of the County, if the Commissioners cannot do their jobs and represent the people honestly and fairly, they should resign, as should the County Manager. There is too much turmoil and too much distrust going on and with this much distrust the County cannot move forward.

Steve Jones, resident, speaks. He states that he is sure that the Commission is aware that we elected them and that the expectation is that they will do their jobs. That job includes using their wisdom, experience, intelligence, and understanding the scope of their office to do that job. He hopes the Commission knows that a huge percentage of the people in this community and this County stands behind them 100%. He encourages the Commission to move forward with using that sage wisdom and the commitment to the community and observe the separation of

powers. There is a judicial branch that handles items that are deemed illegal and it works very well. There is a State Auditor and an Attorney General and they've got their jobs to do. If they decide that indeed there is cause for action on the part of the Commission, take that action. He encourages that Commission to be patient and move forward cautiously. He states that we expect that the Commission will observe the rights that are given to all of us under the constitution and observe the separation of powers. He thanks the Commission for their time and wishes them the very best in the New Year.

Bill Larson, resident, speaks. He agrees with, and wishes to echo, the comments of Mr. Steve Jones. He agrees that if the State Auditor's office and the Attorney General find reasons to take action then we follow that law. If we skip the law, then a group of people can get together and decide what the Commissioner should do. The next step is anarchy or rebellion or operating without law. The voters spoke. Let's let the system work. Let's be respectful and when it's all done, let's shake hands and do the best for Torrance County.

Action Items

Items to Be Considered and Acted Upon

***Commission Matters:**

1. Election of Commission Chair This will be done by nomination. **ACTION TAKEN:** Madam Commissioner DuCharme nominates herself. Commissioner Frost nominates Commissioner Candelaria. Commissioner Candelaria accepts the nomination. The Commissioners vote. The vote is two in favor, one opposed for Commissioner Candelaria. **MOTION CARRIED.** Commissioner Candelaria is now the Commission Chair.

2. Resolution 2015-01 Establishing County Policy Statute Compliance Madam Commissioner DuCharme has a question about this resolution. She asks how many banks we use in the County. Paragraph two of the resolution states:

Whereas, in accordance with Section 6-10-36, NMSA 1978 Compilation, moneys so deposited with banks which have qualified as depositories shall be equitably

distributed between all the banks within the county so qualifying, upon the basis of the relative capital stock and surplus of such banks.

Ms. Dorothy Sandoval, County Treasurer, explains that our policies and statutes require you use a bank that is certified and that protects your funds. You cannot use branch banks. The only bank we have in the County that we can bank with is Wells Fargo. They are FDIC insured. The only time we can work with another bank is if we encounter a problem with Wells Fargo. We have been with them for many years. We would have to drive to Albuquerque to do our deposits with another bank. She explains that banks charge fees for their services; Wells Fargo waives all our fees, which saves the County thousands of dollars. We are abiding by the law when using Wells Fargo. Ms. Sandoval will give Madam Commissioner DuCharme a copy of our investment policy. Madam Commissioner asks what the purpose of this resolution is if we won't follow it. Ms. Sandoval clarifies that we are following it; Wells Fargo is the only bank in the County that meets all our specifications. Madam Commissioner DuCharme comments that perhaps we do not need this paragraph in the resolution. Mr. Wallin replies that this is a standard resolution but, if Madam Commissioner would like, he can look into this. Madam Commissioner DuCharme states that she just wants the County to follow its resolutions and ordinances. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve Resolution 2015-01 Establishing County Policy Statute Compliance. Commissioner Frost seconds the motion. No further discussion. All in favor, none opposed. **MOTION CARRIED.**

3. Resolution 2015-02 Open Meetings All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve Resolution 2015-02 Open Meetings. Commissioner Frost seconds the motion. Madam Commissioner DuCharme comments that several residents have asked her why the Commission does not hold their meetings in the evenings when it is more convenient for them to attend. Chairman Candelaria states the suggestion of holding evening meetings needs to be put on the agenda and discussed as a action item if Madam Commission DuCharme wants the Commission to consider it. Madam Commissioner DuCharme also comments that this resolution, as written, does not require the Commission to post their meeting agendas on the Torrance County website. The Commissioners agree to update the resolution to state that the agendas will be posted on the website. The first motion is rescinded. Commissioner Frost makes a motion to approve Resolution 2015-02 with the amendment that we, the Commission, are going to include on the resolution that

the Commission agendas will be available to the public on the website. Madam Commissioner DuCharme seconds the motion. No further discussion. All in favor, none opposed. **MOTION CARRIED.**

4. Updates:

Betty Cabber, County Assessor, speaks. She welcomes and congratulates the new Commissioners and states that her office is always available to the Commission if they have any questions. At the next Commission meeting, Ms. Cabber will present a report to the Commission on their reappraisal process for 2015, which will affect 2016 values. Ms. Cabber also informs the Commission and the public that we are reinstating our recycling program within the County Building. We will be using the bags provided by Solid Waste to assist with our recycling of paper and plastic. We will be taking our recyclables to the Estancia transfer station.

Dorothy Sandoval, County Treasurer, speaks. We had a very good year this year on tax collection. It all comes down to getting enough help in the office. Ms. Sandoval states that her budget has always been one of the lowest, but she was able to get two float clerks who were a great asset to her. She also hired two full time clerks. They are completely caught up in her office and are now looking at working on 2nd half taxes which are beginning to come in. They are currently 55.6% collected for 2014 and are 91.96% collected for the last 10 years. Currently there is \$1,560,000.00 after the completion of all budget transfers, which is very good. She may be coming to the Commission for assistance in paying her employees overtime.

Linda Jaramillo, County Clerk, speaks. She informs the Commission and the public that we are currently running a School Board election. Election Day is February 3rd for the Mountainair, Estancia, and Edgewood/Moriarty School Districts. Early and Absentee voting is available to the public right now in the TC Clerks office. By State statute, the Clerk runs these elections for the schools and all are invited to come and vote early in-person or absentee if they would like. On Election Day, the Estancia polling place will be the Estancia High School Gym. Mountainair's polling place will be the Mountainair School Gym, and Edgewood/Moriarty will have polling places at the Edgewood Elementary School, the Mountainview Elementary School, and the Moriarty Civic Center.

Edgewood/Moriarty School District polling places will be VCCs, Voter Convenience Centers, meaning anyone in the district can vote at any of the polling places.

Javier Sanchez, Emergency Manager, speaks. Mr. Sanchez presents the following written update:

Torrance County Commission Update
From Torrance County Emergency Management
January 14, 2015

Current Ongoing Grants/Projects:

1. **FY13 Disaster Recovery Grant:** Funds have not been released by NMDHSEN, therefore we are waiting. DHSEM Recovery Unit has informed me that funds should be available within 3-4 weeks from the week of January 11th and we expect to begin projects at that time. All requested documentation has been submitted by Torrance County OEM.
2. **FY14 State Homeland Security Grant:** Sub-grant agreement in the amount of \$60,904.71 is ready for expenditure.

Awarded Projects: (1) In-car micro cameras/recorders for law enforcement; (2) In-vehicle repeaters for fire/rescue response vehicles; (3) Shelter equipment to build a Type II Shelter Team

3. **Hazard Mitigation Planning Grant:** Sub-grant agreement in the amount of \$45,000.00 (\$33,750 federal share & \$11,250 local share) is ready for expenditure.
4. **Torrance County EOC Exercise:** Progress is being made on recommendations from After-Action Report.
5. **WIPP Grant:** Funds in the amount of \$12,382.00 are ready for expenditure.
6. **2015 CRI Program:** Torrance County EM will participate in this year's exercise, which is still in the planning stages at NM DOH and NM DHSEM. Torrance County's allocation this year, as stipulated in the already fully executed MOU is \$12,000.00
7. **CERT Program:** This is still being investigated and looked into by the County.

Steve Guetschow, Planning & Zoning Director, speaks. He is giving a report from last week's P&Z Board meeting. The Cortez Pipeline Company, which is in partnership with Kinder/Morgan, has applied for a Special Use Change to Zoning for their pump station located in Duran. The Boards recommendation was a Do Pass, with the stipulation that the County receive the completed Environmental Impact Statement and Archeological report before setting the date for the Commission Public Hearing. The Cortez Pipeline Co. representative supplied the Board, on the day of the meeting, with a synopsis from the companies providing those reports, but we don't have the complete reports yet.

Madam Commissioner DuCharme comments that she went to Mr. Guetschow's office the other day with questions on another subject and she was very impressed with his work; he works by the book, by the rule. He was also very efficient and very quick and supplied her with the information she needed. She sees how hard he works and she appreciates that very much.

Joseph Ellis, EVSWA Manager, speaks. He congratulates the two newly elected Commissioners and invites the Commissioners to come and take a tour of the EVSWA facilities and a orientation to their operations. The Authority Board has been working with the member entities/governing bodies on amending the JPA to add two members that have applied: Guadalupe County and the City of Santa Rosa. That process is still ongoing. In December, we had the Commission Chairs and the Mayors from the member entities come to the Authority and have a work session. As an outgrowth of that, the Executive Committee of the Board of Directors has been meeting with attorneys and taking those recommendations and developing a proposal which is going to be presented this evening to the Moriarty City Council and again tomorrow at the EVSWA Board of Directors meeting at 3:00pm. In the last 6 weeks, we have rolled out a new recycling campaign which is single stream recycling. We have contracted with Freeman Recycling of Albuquerque. Mr. Ellis thanks Ms. Cabber for her efforts to bring the County on board. The municipalities are looking at participating in this also.

Madam Commissioner DuCharme comments that she is very excited about the recycling program. She was at the work session in Moriarty where the recycling presenter from Bernalillo County stated that we need to remove obstacles to recycling. Her concern is that Mr. Ellis imposed fees, ten dollars per ton, on the municipalities and the County to do that. Mr. Ellis replies that was the fee agreed to by the Board of Directors. In the proposed JPA, there will be a different opportunity to work with communities. Rather than charge the ten dollars per ton,

all of the waste stream would be paid at the member rate and to the extent that members are able to divert material into recycling, the municipalities will get a rebate and a discount off of their tipping fee.

Lastly, Mr. Ellis states that, as the Commission knows, the Authority has a grant from the NM Finance Authority to do a study of the waste management system in Torrance County. They did a request for qualifications advertisement and three engineering firms have submitted qualifications. There will be an evaluation committee meeting at 2:00 pm tomorrow. Chairman Candelaria is on the review committee, along with four other people. An engineering firm will be selected, pending the approval of the NM Environment Department; they have a contract with the NMFA to be the Project Manager for this project. The grant is in the amount of \$50,000 and the report is due by the end of June. This comprehensive study will be presented to the Commission. They also have an application in to the DFA for a Housing and Urban Development CDBG grant for an additional \$50,000 to add to this endeavor that would expand the scope of the study.

Commissioner Frost speaks. He is thankful for the opportunity to be here. He knows that the Commissioners all need to be able to work with each other and that sometimes decisions will not please all of them and that they will not always agree with each other, but he knows that when its over, they will all still be friends. They just need to look at things that way. Commissioner Frost states that he attended training for newly elected Commissioners and part of the training emphasized that the job of a Commissioner, among other things, is to set policy and handle items on the agenda. The training warned the Commissioners against trying to run different departments or Boards, that is not a Commissioners job; rather it is to support what they do. Personally, Commissioner Frost feels his job is to encourage people, offer words of support and stay positive. Lastly, he gives a vote of confidence to our County Manager and our Deputy County Manager.

Madam Commissioner DuCharme speaks. She wants to say how excited she is to be our new Commissioner. She understands that she has a big responsibility, a big job to do, and she wants to do it the best way she can. She wants to be accessible. She has an office on Rt. 66, on the corner of Rt.66 and Hwy 41, and she will meet with anyone by appointment. Her number is (505) 920-0817.

Chairman Candelaria speaks. He welcomes the New Year. He states that as a Commission, we are responsible and we know our responsibilities very clearly.

When the Commission makes a decision, it is not unlike a family. They are not always all going to be happy, but they each have to do what they think is in the best interest of the County. Chairman Candelaria states that he will continue to do that. He will not change the way he does things. People might want him to, but he will take the path that is fair and right. Whether they like him or not, that is their problem. As Commissioner Frost stated, Chairman Candelaria states that he has full trust in our County Manager, Assistant County Manager, and all the people that work for the County. They all have a responsibility, as does this Commission. We will be attending the Association of Counties and it's a learning process. All the Counties come together and share ideas. We will learn and reflect on ways to make our County better.

5. Professional Services Agreement between Torrance County and County Medical Director Ms. Ansley, County Manager, speaks. Fire Marshall Trumbull has been speaking with UNM and the UNM Medical Group and he has a draft contract. Ms. Ansley is not prepared to ask the Commission to approve the contract today; it still needs to be reviewed by legal. The contract is in the amount of \$12,000 per year and has many benefits for the County. The contract will include the services of a doctor in the East Mountains who will be available for trainings, for oversight, and scene responses if needed, etc. Ms. Ansley suggests that if the Commission has any questions concerning this item, that they have them ready for the next Commission meeting when Fire Chief Trumbull is present. The Medical Director provides blanket liability to our responders; he signs off on their trainings and certifications, gives direction concerning changes in protocols, etc. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to table this item. Madam Commissioner DuCharme seconds the motion. No further discussion, all Commissioners in favor. **ITEM TABLED.**

6. State of NM Office of the State Auditor Torrance County Examination Report from January 1, 2007 through April 30, 2012 Madam Commissioner DuCharme speaks. She requested to have this item on the agenda. She treats this matter very seriously and thinks it should be discussed. She states that in this audit we have a lot of misdoings. She wants to hear opinions from Commissioner Frost and Chairman Candelaria specifically regarding these misdoings. She reads sections from pages 6 and 7 of the Audit:

...we discovered two projects in which CCS Construction used subcontractors and appears to have overcharged the County by marking up

the cost of goods and services provided by the subcontractors. In these instances, the total amount charged by CCS Construction to the County was \$108,636.38; however, the total amount charged by the subcontractors to CCS Construction was only \$29,490.

...In another example, CCS Construction entered into a contract with the County for \$23,206.50 for a building installation. However, over the course of the project, the County Manager approved four change orders totaling approximately \$144,000, causing the project's cost to balloon to over \$167,000. In yet another instance, the County entered into a contract with CCS Construction for \$12,658.63 for a park project. However, after the County approved a change order for approximately \$70,000, the cost to the County for the project rose to over \$82,000...

... We noted multiple instances in which the County certified the receipt of goods and services from CCS Construction, and paid the company, even though the County never received the goods or services. In one case, the County appeared to pay CCS Construction for a soil test that another vendor had previously performed. Similarly, CCS Construction invoiced the County for a planning and zoning permit and the County paid the invoice. However, we found the County had previously paid for and obtained the same permit. For another project, the County was charged twice for the installation of parking curbs, but paid CCS Construction the full amount of the invoices. Unfortunately, for all of these instances, the OSA was unable to determine how much the County paid for goods or services not received due to the vagueness of the invoices submitted by CCS Construction.

Finally, for certain projects, we found the County violated state law by failing to require CCS Construction to deliver performance and payment bonds on certain public works projects and by failing to ensure that CCS Construction registered with the Labor Relations Division of New Mexico Workforce Solutions Department. Under state law, the County should not have awarded these public works projects to CCS Construction due to the company's noncompliance.

Madam Commissioner DuCharme states that these are only a few of the instances where laws and rules were violated. She believes this report and she does not have any reasons not to. She received a letter from the State Auditor and he warns us if we don't do what we have to do about this, we will be place on the at-risk list. Perhaps Mr. Wallin can explain what it means for the County to be on that list.

Mr. Wallin begins by stating that he has been working with the County Purchasing Office and the County takes this State Auditors report very seriously. There are some issues with the report and he thinks that probably because of the way the audit arose and the fact that the Attorney Generals office had filed charges, that the State Auditor's Office did not get all the information that they needed and, for example, did not speak to everybody that had information with regard to this. His office has been working for the past week on our response to the State Auditor; to provide them with further information. Mr. Wallin further states that this report is not solely critical of the County Manager; the report is critical of the County Purchasing Office in general and Commissioners that served on this Board from 2008-2012 as well as Department Heads who were charged with the review of construction projects that were within their department. Mr. Wallin states that this is a report that was three years in the making and we are trying to get a cogent response to it in a week. We feel the State Auditor missed out on a lot of information. The County Purchasing Office feels they had controls in place and that those controls were valid and had been used by the County for years. However, over these three years, the County and the Commission has taken significant steps to address issues that have arisen, including the hiring of a dedicated Purchasing Director who now reviews everything. In the past, that job had been spread amongst three-five people within the Purchasing Office. Our intent is to work with the State Auditor's Office so that 1- they fully understand how the County operated in purchasing and 2- they have all the information and 3- that we accept their recommendations take their constructive criticism. Mr. Wallin wishes to point out that, over the years, the purchasing for Torrance County has gotten more and more professional. He also notes that the Deputy County Manager was never vested or charged with the job of handling procurement, which was a misstatement on the part of the State Auditor. Lastly, he states that ultimately the County Commission needs to look at every procurement. Madam Commissioner DuCharme asks again about the consequences to the County if we are put on the at-risk list. Mr. Wallin replies that he does not know all the consequences, but some of the consequences would be that the financial administration of the County would be taken over by the State. Madam Commissioner DuCharme asks if Mr. Wallin can say that the numbers on the Audit are incorrect. Mr. Wallin replies that he can say that the Auditor is lacking significant information and he thinks that

there has never been any indication that there was any County money not accounted for or that the County did not get the services that they paid for; that has never been said. He takes this report as being critical of our purchasing policy and that they are saying that we need to tighten it up and we have taken steps to do that. Madam Commissioner DuCharme asks if we can discuss this item and the executive session item- personnel matters regarding the County Manager- again once Mr. Wallin's report is finished. Mr. Wallin replies yes and that his report will be ready this week and copies will be given to the Commissioners. Mr. Keller, the newly elected State Auditor, will receive a copy of Mr. Wallin's report and will be invited to attend the next Commission meeting. All documentation hereto attached. **NO ACTION TAKEN, INFORMATION ONLY**

*** Department Requests/Reports:**

7. Award RFP 2015-02R Teen Court Coordinator- Leslie Olivas, Purchasing Director Ms. Olivas speaks. This is for the Teen Court Coordinator position. This person will work closely with Ms. Tracey Master, DWI Coordinator. The due date for this RFP was Dec. 18th. An evaluation committee went over the proposals. Last week finalists were interviewed and the evaluation committee would like to recommend this position be awarded to the Tri-County Juvenile Justice Board. All documentation hereto attached. **ACTION TAKEN** Madam Commissioner DuCharme makes a motion award RFP 2015-02R Teen Court Coordinator to the Tri-County Juvenile Justice Board. Commissioner Frost seconds the motion. Madam Commissioner DuCharme asks what criteria was used to make this recommendation. Ms. Olivas reads from the RFP: Criteria- Qualifications of personnel working directly with the youth, related experience, qualifications of personnel who would be responsible for providing data to the State, familiarity with the School Districts in the area, familiarity with the Teen Court and Juvenile Justice Programs and their fee proposal. No further discussion. The Commissioners vote. All in favor none opposed. **MOTION CARRIED.**

8. Award RFP 2015-03R Drug & Alcohol Prevention Specialist- Leslie Olivas, Purchasing Director Ms. Olivas speaks. This item is very similar to item #7. Again this person will be working very closely with Ms. Tracey Master, DWI Coordinator. The timelines for this position were the same as those for the Teen Court Coordinator. For this position, the evaluation committee would like to recommend awarding the RFP to the Tri-County Juvenile Justice Board. Madam Commissioner DuCharme asks if this position should be awarded to a person. Ms.

Olivas clarifies that the RFP states that the position can be awarded either to an individual or an organization that can fill the role. Madam Commissioner DuCharme asks how many proposals were received. Ms. Olivas replies that two proposals were received: one from the Tri-County Juvenile Justice Board and the other from DFL Associates. All documentation hereto attached. **ACTION TAKEN** Madam Commissioner DuCharme makes a motion award RFP 2015-03R Drug & Alcohol Prevention Specialist to the Tri-County Juvenile Justice Board. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor none opposed. **MOTION CARRIED.**

10. Application for EMS Fund Act Funds from Superior Ambulance Ms. Ansley speaks. Superior Ambulance is the ambulance provider within Torrance County. Each year they apply for EMS Fund Act Funds through the Department of Health on behalf of Torrance County; to provide services for the County. This is their application. Because it is considered a grant application it needs Commission approval. They are applying for \$20,000 and those funds are planned to be used within their Torrance County operations. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve the Application for EMS Fund Act Funds from Superior Ambulance. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor none opposed. **MOTION CARRIED.**

11. Commission Approval to pay invoice for Cleaning Service Ms. Ansley speaks. Over the last several months, the County has not had janitorial services. Judge Sweazea hired a cleaning service to help clean the Judicial Complex. Ms. Ansley met with the cleaning service and had them clean every couple of weeks. They have cleaned three times and one time the Managers office failed to get a purchase order in time. Today, they are asking the Commission to approve the payment of this invoice. The amount of the invoice is \$650.00. All documentation hereto attached. **ACTION TAKEN.** Madam Commissioner DuCharme makes a motion to approve payment of the invoice for cleaning services for the Judicial Complex. Commissioner Frost seconds the motion. Madam Commissioner DuCharme asks to see the invoice. It is provided to her. Commissioner Frost asks if we have filled the janitorial position. Ms. Ansley replies that we are in the process of trying to hire someone. Chairman Candelaria thanks all who chipped in to help clean. No further discussion. The Commissioners vote. All in favor none opposed. **MOTION CARRIED.**

12. Update

Ms. Ansley presents the following update:

1. On December 30, we received notification from Iberdrola Renewables that they intended closing on the bonds in 2015. As per the County ordinance, additional time for closure requires notice, which they did give to Mr. Wallin and myself. They remain excited about the project, which is good news.
2. At the last EVSWA meeting, Mr. Ellis discussed the need to install surveillance equipment at the landfill, as it's been burglarized in the past. I told him that the County had surveillance equipment in storage that we removed from the County buildings, I believe in 2010. He came and looked at the equipment, and is interested in using some of it for the landfill. The equipment has already been through disposition, so we can transfer to the EVSWA, but I wanted to get a consensus from the Commission as to whether we should donate some of it, or negotiate a price on it. *(this item will be put on the next Commission agenda)*
3. The June 30, 2014 annual audit has been released by the State Auditor's office and it is in my office and Tracy Sedillo's office, if anybody is interested in reviewing it. We're also working towards getting it loaded to the website.
4. We have public hearings scheduled for January 26,27 and 28 in Willard, Moriarty, and Estancia (here at the Commission meeting) to hear public input on potential CDBG projects, as I would like to apply for an infrastructure grant in 2015.
5. We also have a strong draft of a proposed road policy that we're going to try and move forward with. We've discussed having at least one evening public hearing to discuss this policy, and we'd like your feedback on that proposition.
6. I've spoken with Grant County about their County health insurance situation. They don't currently follow the NM State plan. They have an insurance broker on contract, who negotiated the insurance rates on their behalf. They pay 100% of the employees' insurance and the County staff doesn't handle any insurance issues whatsoever; the broker does it on their behalf. The first year they started this process, it saved the County over \$190,000. I've asked Charlene to have the broker give me a call so he can look at our situation and we can decide whether we'd like to look into this idea further.

At this time, the Commission takes a short break to review Resolution 2015-03.

The Commission meeting resumes at 11:30 am.

9. Resolution 2015-03 Amended Resolution 2014-56 NMFA Loan to EVSWA
All documentation hereto attached. **ACTION TAKEN** Madam Commissioner DuCharme makes a motion to approve Resolution 2015-03 Amended Resolution 2014-56 NMFA Loan to EVSWA. Commissioner Frost seconds the motion. Madam Commissioner DuCharme states that she has a problem with approving or disapproving this Resolution because the Commission received it only about 10 minutes ago. She needs time to review the document. She respectfully asks her fellow Commissioners to table this item. The Commission agrees to table this item. The previous motion is withdrawn. Commissioner Frost asks Ms. Ansley for a brief explanation of the resolution. Ms. Ansley explains that any time the County applies for a loan through the NM Finance Authority, we have to adopt this type of resolution. The Finance Authority does grant bond council on behalf of the County to draft these resolutions and all of the loan documents and closing documents. In this instance, this is a loan through the EVSWA and because the EVSWA is a Joint Powers entity, all of the Joint Power members have to approve this type of resolution. The resolution was already approved by the last Commission; however there were some problems with the closing date and with Santa Rosa and Guadalupe County being including in the loan documents so they needed to be redrafted and re-approved with Guadalupe County and Santa Rosa removed. The revised closing date for this loan is February 24th. Chairman Candelaria makes a motion to table this item. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor none opposed. **ITEM TABLED.**

EXECUTIVE SESSION

As Per Motion and Roll Call Vote, Pursuant to New Mexico State Statute 10-15-1, the Following Matters Will Be Discussed in Closed Session:

- a. Personnel Matters: Pursuant to Section 10-15-1 (H) (2), discuss Limited Personnel Matters regarding the County Manager

ACTION TAKEN: Commissioner Frost makes a motion to go into Executive Session. Chairman Candelaria seconds the motion. Roll Call Vote: District 1 Yes, District 2 Yes, District 3 Yes. **MOTION CARRIED.** Executive session starts at 11:36am.

***Reconvene from Executive Session**

b. Consider and act upon personnel matters regarding the County Manager, if necessary.

Reconvened at 12:30 pm

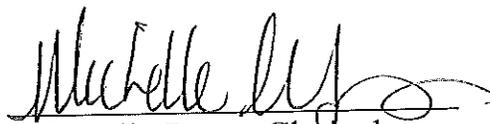
ACTION TAKEN: Commissioner Frost makes a motion to reconvene from Executive Session. Madam Commissioner DuCharme seconds the motion. No further discussion, all in favor. **MOTION CARRIED.** Chairman Candelaria states that no action was taken and no other items were discussed in Executive Session.

Madam Commissioner DuCharme asks Deputy County Manager Ms. Ortiz to put this item on the next agenda as well as the review of the response to the Audit by Mr. Wallin and to repeat the executive session item.

***Adjourn**

ACTION TAKEN: Commissioner Frost makes a motion to adjourn the January 14, 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 12:31pm


Chairman Candelaria


Michelle Jones, Clerical

1/28/15
Date