

**Final Copy**  
**Torrance County Board of Commissioners**  
**Commission Meeting**  
**April 8, 2015**

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

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

**Call Meeting to Order:**

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

**Approval of the Meeting Minutes:**

Chairman Candelaria asks for a motion to approve the March 18, 2015 Special Meeting Minutes. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the April 18, 2015 Special Meeting Minutes. Commissioner Frost seconds the motion. Madam Commissioner DuCharme states that the minutes are accurate, but she requests one change. On page 9 of the minutes, it states that Madam Commissioner DuCharme, ‘feels that this present meeting is a mistake.’ Madam Commissioner DuCharme clarifies that she did not say this; she was stating that the attendance by both Commissioner Frost and Chairman Candelaria at the Republican Party meeting was a mistake. She requests that this sentence be removed from the minutes. Her fellow Commissioners accept this change. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

**Approval of the Meeting Minutes:**

Chairman Candelaria asks for a motion to approve the March 25, 2015 Regular Meeting Minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the March 25, 2015 Regular 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 Agenda:**

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

**Approval of the Consent Agenda, approval of warrants, and approval of**

**indigent claims:** Chairman Candelaria asks for a motion to approve the Consent Agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Consent Agenda. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme has a few questions. She inquires about a payment to Corrisoft LLC in the amount of \$3101.03 for '5 Lost Equipment/Tax'. Ms. Ansley replies that this is from the Detention fund/Community monitoring and it could be for a lost bracelet. Madam Commissioner DuCharme asks about a payment to Staples Advantage for 2 surveillance Cameras in the amount of \$1,923.78. Ms. Ansley replies that this was for the District 3 Fire Station, most likely the Main Station adjacent to Dispatch as they have had some vandalism issues recently. Madam Commissioner DuCharme asks about a payment to US Postmaster in the amount of \$6,502.84 for postage/2015 Notice of Value; she asks why this is being paid from the Commission fund and not the Assessor's Office. Ms. Ansley replies that the postage for the Notice of Value mailings and the tax bill mailings always come from this fund. Madam Commissioner DuCharme asks about a payment made to the Great Southwest Council in the amount of \$1,701.77 for 'salary expenses/payroll taxes/mileage/postage/copies. Ms. Ansley replies that it is for the Juvenile Justice Board. Madam Commissioner DuCharme asks about a payment to the MRCOG in the amount of \$5,778.00 for membership dues; she asks what the County receives in return for this membership. Ms. Ansley replies that when the Commissioners were applying for Board positions, she gave each Commissioner a packet that indicated what each of the Boards represents and what they are responsible for; those are the services that the Council of Governments provides to

us. She also adds that the Torrance County membership dues are the lowest in the region because they are based on population. Lastly, Madam Commissioner DuCharme asks about a payment to NM Human Services Department in the amount of \$40,974.25 for '2<sup>nd</sup> & 3<sup>rd</sup> Quarter payment- safety net care fund pool'. Ms. Ansley replies that these are payments that the Commission has been discussing for about a year now. During last year's Legislative session, the State set up a safety net pool for sole community provider hospitals. Each county is required to submit a percentage of their gross receipts tax whether they have a hospital or not. No further discussion. The Commissioners vote; all in favor, none opposed **MOTION CARRIED.**

*\*Action Items\**

*Items to Be Considered and Acted Upon*

*\*Public Hearing:*

Public Hearing to consider the application for a Special Use change in zoning to allow PG Enterprises, LLC to operate a rock, sand, and aggregate mining operation. The property is described as "that portion of the North half of the Northeast quarter of Section 3, Township 2 North, Range 5 East, NMPM lying west of US Hwy 60" and addresses as 19274 US Hwy 60.

- I. Application for a Special Use change in zoning to allow PG Enterprises, LLC to operate a rock, sand, and aggregate mining operation.

Chairman Candelaria states that Mr. Wallin, County Attorney, will conduct this Public Hearing.

Mr. Wallin explains to all how this Public Hearing will be run. During this hearing, the Board of County Commissioners will essentially act as 'Judges' in what will be an Administrative Adjudicatory Hearing. This hearing will be conducted somewhat like a trial. We will admit evidence, hear sworn testimony from witnesses and there will be an opportunity for cross examination of witnesses. Witnesses who wish to testify are asked to testify based on their personal knowledge and with regard to matters that are evidentiary in nature, not just lay opinions.

At this time, Mr. Wallin asks that all who anticipate testifying during today's hearing to please stand up and be sworn in. Several people in the audience stand and raise their right hands and are sworn in. Ms. Ansley gives Mr. Wallin a blank piece of paper and all who wish to testify and have been sworn in sign the paper.

Mr. Wallin explains that the procedure will be as follows:

1. Planning and Zoning staff will give a brief statement of where this matter lies currently.
2. The Applicant and proponents of the Applicant will present their evidence, give testimony, present any current exhibits they have, and the exhibit list. (Any new exhibits must and will be logged in appropriately.)
3. Those in opposition to the applicant will present their evidence, give testimony, present any current exhibits they have. (Any new exhibits must and will be logged in appropriately.)
4. After hearing all the testimony and reviewing all the evidence, the Judges will deliberate in closed session and announce their decisions. However, there may or may not be a decision announced today.

Mr. Wallin makes it clear that, as this is an adjudicatory hearing, parties that feel aggrieved have the right to an appeal. An appeal would be to District Court. We maintain the exhibits and we will have a disc for the District Court Judge to review in the event of an appeal.

### **Staff gives a brief overview**

**Mr. Steve Guetschow, P&Z**, speaks. PG Enterprises, LLC is requesting a Special Use Change in Zoning District. During the March 4, 2015 P&Z Board meeting PG Enterprises, LLC had a preliminary review of their application for the operation of a rock, sand, and aggregate mine operation at 19274 US Hwy 60 being that portion of the N2 NE4 of Section 3, T2N, R5E, NMPM lying “west” of the highway. The Board made a recommendation of “DO PASS”, on a vote of 3 in favor, 1 opposed, with the stipulation that the Commission review the Archeological Survey that was conducted on the site, that PG Enterprises, LLC provide documentation for the existing well and upgrade their sketch plan to depict the protective fencing around the archaeological sites located on the parcel as recommended in the summary report of the Archeological Survey conducted on the site. Since the March 4 meeting, PG enterprises has registered the well that is on site with the State Engineer’s Office and has provided copies to the Commission. The full Archeological report is also available for the Commission to review. PG Enterprises, LLC is also aware of the measures that SHPO, the NM Historic Preservation Office, would like them to take.

There are no questions for Staff at this time.

**The Applicant and proponents of the Applicant present evidence and give testimony**

**Mr. Greg Menke, with PG Enterprises,** speaks. As Mr. Guetschow mentioned, they have completed the application. He will refer to exhibit 1- their original application, exhibit 2- a summary letter, and exhibit 3- the biological survey. He will also be referring to exhibits 8 and 9: the complete Archeological Survey and their amended letter of intent.

On January 28<sup>th</sup>, PG Enterprises met with TC Planning and Zoning and received the requirements to obtain and Special Use Permit. They requested and received copies of previously approved Special Use Permits for other mining operations in Torrance County. On February 10, 2015 they submitted their application. What they are requesting is to use a property which is approximately 11 miles west of Mountainair on the north side of US60 as a gravel pit. In generality, they are going to mine the south side of the hill that is there and will do all their work in accordance with MSHA (Mine Safety & Health Administration) regulations. They have obtained an NMED (New Mexico Environmental Development) Air Quality permit for the crushing operation. They have filed a notice of intent and have created a storm water pollution prevention plan which they will follow to mitigate any storm water pollution. In their permit application, they have addressed all the requirements of the Torrance County Zoning Ordinance and have also followed the guidelines in the previously approved permit applications. In addition, TC P&Z requested they perform a Biological Resource survey of the area, which they did. In the Biological Resource Survey there were two recommendations for their area. Keep all operations in the area clear of the existing arroyo running through the property and keep storm water pollution prevention plan measures in place to protect from any storm water pollution. And do no clearing of land between the months of March and September, as this encompasses all the different migratory bird nesting seasons. They determined that there would not be any impact to any protected wildlife or plant species in the area. TC also requested PG do an archeological survey of the area; a cultural resources survey. This survey identified two archeological sites and suggested permanent fencing be put around the sites to prevent any further disturbance. During the conducting of the survey, two petroglyphs were also discovered at the top of the hill. The person conducting the survey recommended that the petroglyphs be removed from the hill and be made available to the public for the purpose of education. Last week PG received copies of letters sent to TC from both the State of NM Dept. of Cultural Affairs Historic Preservation Division and the Selinas Pueblo Missions National Monument. Both of these parties felt that it was more appropriate to leave the petroglyphs intact in their current location. PG will leave these petroglyphs in their current location.

During the P&Z Board meeting, concerns were voiced from a neighboring property owner, the Pohls, regarding their cattle. In response to that, Mr. Menke states that PG has agreed to install a cattle guard at the entrance to the property. Part of the TC Zoning Ordinance asks whether their operation will be compatible with the adjacent land uses. There is currently a mining operation in Special Use Permit 29, which is approximately a mile east of their site. There is another approved Special Use mining permit in place three miles from their site. Also, there should be no noise, glare, or odor effects.

Mr. Menke states that, in summary, all of PG enterprises activities on the site will be done in accordance with applicable laws and regulations. Today, they are asking for approval by Torrance County to use their property in a manner similar to previously approved Special Use permits. They have been told, and believe, they have complied with all the requirements and regulations of the application package and the TC Zoning Ordinance.

### **Questions for Mr. Menke**

**Commissioner Frost** asks about the fencing that will be installed around the archeological sites on the property. Mr. Menke replies that the fencing will be permanent and will most likely be a t-post barb wire fence or something similar. Commissioner Frost asks if the entire acreage of the property will be fenced. Mr. Menke states that he will refer that question to his attorney, Mr. Clay Crowley, who is present here today, as that is outside his area of expertise.

**Madam Commissioner DuCharme** asks if the main PG office is located in Albuquerque. It is. She asks who will receive gross receipt taxes from this proposed operation. Mr. Payam Ghoreishi, Manager of PG, will speak to this question when he testifies.

Madam Commissioner DuCharme clarifies if PG was running their operation on this site for a few weeks before it was shut down. Mr. Menke answers yes, they were running their operation and received a notice of violation on January 26, 2015 and shut the operation down. Madam Commissioner DuCharme now asks why then, when PG filled out the State of New Mexico Energy, Minerals and Natural Resources Department Form 1 Mine/Mill/Smelter Registration, they listed their status as Active? Not Temporary Suspension or Permanent Suspension. Mr. Menke replies that he discussed this with Ms. Jane Tabor, the Mine Registration and Reporting Program Manager of the NM Energy, Minerals and Natural Resources Department, Mining and Minerals Division. As they had already removed some material, they determined this would be the correct way to register. He states that

Ms. Tabor advised him that if they were going to leave the operation for a long period of time, they would register it as suspension.

Madam Commissioner DuCharme states that in the PG letter of intent, they stated they would be moving 5-15 loads daily, but in another form (pg. 3 of the General Construction Permit application) they stated 20 loads daily. Mr. Menke replies that when they were working with the NM Environmental Department to fill out this form, they were asked to be very conservative in their estimates so they put the maximum amount.

Madam Commissioner DuCharme asks why PG did not obtain a business registration and all the other proper permits, etc. prior to beginning their operations. Mr. Menke states that he would be speculating if he answered. He did not become involved in this until the notice of violation.

Madam Commissioner DuCharme asks how far away their property is from the Selinas Pueblo Missions National Monument. He estimates it is about 2 ½ miles.

**Chairman Candelaria** asks if any entity requested that PG put fencing around the petroglyph rocks. Mr. Menke replies that no one requested fencing around the rocks.

### **Cross examination**

**Mr. Pete Domenici**, an attorney representing Pueblo Rock Products Company, speaks. He asks Mr. Menke if he has reviewed a letter from the NM State Historic Preservation Division, sometimes called SHPO. Mr. Menke replies that he has. The letter states, among other things, that Mr. Loebig, an archeologist from Stratified Environmental & Archaeological Services, 'reports that LA181235 (the petroglyph site) cannot be avoided by the proposed gravel pit. Because the site cannot be avoided, he recommends that the petroglyphs be removed and placed elsewhere either permanently, or temporarily.' Mr. Menke replies that at the time that Mr. Loebig wrote the report he was misinformed about the site of operation. During the P&Z Board meeting, Mr. Menke mentioned that the petroglyph site is not in their area of operation.

Mr. Domenici states that he has a copy of the PG final site plan. Mr. Menke clarifies that it is the second site plan submitted. There is discussion about the site plan; the placement of the actual area of operation, the road to the site and the archeological sites as well as the petroglyph site. Mr. Domenici clarifies with Mr. Menke that the road into the site was already there, but it has been recently bladed and improved and that there has already been disturbances to the site. The disturbances have been documented in photos taken by P&Z. On the sketch plan of the proposed site, the area where mining will take place is shown by curved lines

that are just above the box and the circle on the plan. Within the curved lines there is writing stating, "Drilling, Blasting, and Excavation". Mr. Domenici clarifies with Mr. Menke that the drilling, blasting, and excavation will be done in layers progressing up and into the hill. Mr. Menke replies that yes that is correct. There is a question about exactly where the petroglyphs are shown on the sketch plan. Mr. Menke states that they are shown just above and to the left of the proposed excavation area. The area is marked on the color sketch plan located in exhibit 9.

Mr. Domenici asks about the specific amount of cuts that will be made to the hill and about the exact measurements of the area. Mr. Menke does not have that information. Mr. Domenici asks about the exact measurement of the buffer that will exist between the petroglyphs and the last cut of excavation. Mr. Menke does not have that information; he states that they will not disturb the petroglyph. Mr. Domenici asks for specifics about how the petroglyphs will not be disturbed. Mr. Menke states, among other things, that they could put a fence and that a 20 foot buffer would most likely be sufficient. There is discussion about protecting the petroglyph and the exact contour of the hill. Mr. Domenici asks if there will be a stockpile of material on the property that would later be used to re-contour the hill and wouldn't that stockpile be an environmental impact to the area?

Mr. Crowley, attorney for PG Enterprises, LLC objects and interjects that what Mr. Domenici is asking about exceeds the scope of what the Commission is here to discuss. They will comply with the law.

Mr. Menke states that there is no reason to stockpile in order to conform to the contours of the land.

Mr. Domenici asks how long PG will be cutting up into the hill, how long is this operation intended to last. Mr. Menke replies he does not know; they will go on until the mining is done.

Mr. Domenici asks if Mr. Menke reviewed the information from the National Park Service. Mr. Menke replies that he has. Mr. Domenici states that they had concerns about visual impacts from this activity and nothing that is proposed in the sketch plan would reduce or address visual impacts to traffic on the highway. Mr. Menke states that the only way they can address this is by maintaining a clean and orderly site such as the one laid out in the sketch plan.

Mr. Domenici asks if Mr. Menke has a general understanding about the value or the significance of the archeological resources in the archeological sites identified in the property. Mr. Menke states that he has read the report and discussed it with the person who wrote it. Mr. Domenici asks if Mr. Menke understands that human remains could exist in those sites. Mr. Menke replies yes, that is why the sites will be fenced.

Mr. Domenici asks if PG has a commercial DOT permit, as their trucks will be crossing an NMDOT Right of way. Mr. Menke replies that they were not aware of

the need for this permit, but after reading Mr. Domenici's letter to the Torrance County, they have received a permit application.

Mr. Domenici now refers to the PG notice of intent (in Exhibit 9). On page 3 of the Notice of Intent, there is a section that refers to Historic Preservation. Mr. Domenici asks if there has been an effort to amend this application to include the information in the Archeological report. Mr. Menke replies that when they received Mr. Domenici's letter they contacted 814 solutions LLC and are in the process of amending the document now.

Mr. Domenici now refers to the sketch plan and the arroyo that is present on the property. He asks if PG is in the process of obtaining a permit from the USACE. Mr. Menke replies no, as that permit is only required in the event any sediment was introduced to the arroyo.

Mr. Domenici asks if Mr. Menke has an estimate of the number of cubic yards of material that be excavated. He does not.

### **Cross examination from the floor**

**Mr. Michael Godey, resident,** speaks. PG has mentioned they will be doing blasting. There have been problems in the past in the Mountainair area with blasting and wells going dry. Have you checked into the problem of blasting possibly causing damage to adjacent or nearby properties? If there is damage, is there anything in writing which would hold PG accountable for damage done to other people's wells? Mr. Menke replies that it is his understanding that, "If your actions cause someone damage, you're always liable". He further states that with respect to blasting and well damage, he is not aware of any concerns there.

### **Redirect**

**Mr. Crowley** asks Mr. Menke if he has any comments he would like to make at this time.

Mr. Menke comments about the letter from Mr. Domenici to Torrance County. He cites several statements in the letter that he states are inaccurate/ incorrect/ and or misrepresented.

*(A copy of Mr. Domenici's letter is available in the file for this meeting and Mr. Menke's specific comments can be heard on the discs recorded for this meeting.)*

**At this time, Mr. Wallin asks if anyone would like to testify in favor of the applicant.**

**Mr. Clay Crowley, attorney for PG Enterprises, LLC,** states that at this time he will be making legal comment, not sworn factual comment. He comments on the background of the basic legal rights of a landowner. This is a private piece of property owned by a private landowner outside of a Federal or Tribal land jurisdiction. Not outside of administrative jurisdiction however. The implication that the Corp of Engineers or the EPA could get involved is not a requirement of the Special Use, nor can it be a condition. He cites NM case law with respect to mining issues and livestock issues. He speaks to conditions or requirements imposed and based on speculation. He states that the protection of speculative mishaps in the future is not something that is within the parameters of the Special Use permit that is being discussed today. There is a difference between reasonable restrictions and seeing into the future. He now states that the possibility of human remains being on the site and being preclusive of the Special Use is a remarkable suggestion. Human remains can be found anywhere in the state and there is no evidence that there is a likelihood that remains will be found here. Finally, he speaks to the possibility of livestock being in the area of the blasting. The law states that if you do not fence out, you have liability.

**Mr. Felipe Lovato, ABO resident,** speaks. He asks if there is going to be reclamation of the property. Mr. Menke states that PG Enterprises has committed, in their permit, that there will be reclamation of the area upon completion of the operation.

**Mr. Payam Ghoreishi, the owner of the property of the proposed operation and the Managing Member of PG Enterprises,** stands for questions.

Madam Commissioner DuCharme asks why the required permits from the County and the State were not obtained prior to beginning to operate this business. Mr. Ghoreishi replies that prior to speaking with Mr. Guetschow, they believed they were excavating, not mining. Madam Commissioner DuCharme asks why they did not at least obtain a business registration. Mr. Ghoreishi replies that they were told they needed to receive the Special Use permit before getting the registration. Madam Commissioner DuCharme asks where water will come from for their operation. Mr. Ghoreishi replies that they will bring water from one of his other properties. Madam Commissioner DuCharme asks Mr. Ghoreishi what impact he thinks his trucks will have to Hwy 60 physically and from a tourist standpoint. Mr. Ghoreishi replies that he is not a tourist expert or a traffic controller, but in his

opinion, it is not going to impact the road more or less than any other trucks traveling on that road. Madam Commissioner DuCharme asks how far away the blasting will be from the road. Mr. Ghoreishi replies approximately 200-300 feet. Mr. Ghoreishi states that this is a safe distance. Madam Commissioner DuCharme asks about a reclamation fund. Mr. Ghoreishi replies, "Yeah, sure". He states that the time for reclamation will be far into the future, but if that becomes a condition – it can be discussed. He further states that this has never been an issue before; He runs a very reputable business and has never had any air quality issues or EPA violations. Mr. Ghoreishi answers several questions from Madam Commissioner DuCharme, including questions about noise and cattle from a neighboring landowner.

**Mr. Pete Domenici** asks Mr. Ghoreishi if he has acquired the property being discussed here. Yes he has. Mr. Domenici asks if it is true that Mr. Ghoreishi knew the property was zoned as a conservation district when he purchased it. Mr. Ghoreishi replies that he did not know that when he purchased the land. Mr. Domenici asks why Mr. Ghoreishi did not check the zoning before purchasing the land. Mr. Ghoreishi replies that he has been in the sand and gravel business in the Rio Grande valley for over 20 years and has never had a zoning issue. He further states that he didn't think zoning was an issue because there is an operation running the same business a mile away; he thought there might be an issue with their air quality permit and that's what they transferred. He states that when Mr. Guetschow informed him of the violation, they stopped operations immediately.

**At this time, Mr. Wallin asks if anyone would like to testify in opposition to the applicant.**

**Mr. Michael Godey, resident,** speaks. He speaks to the argument against speculation. He states that if the speculation is likely, it has to be considered. P&Z can and has put conditions on zoning approvals based on likely speculation.

**Ms. Mary Cicola, resident,** speaks. She chose to retire here from New York. She states that she could have gone anywhere in the Southwest, but she chose to come here for the scenery and the open spaces. She states that Hwy 60 is quickly becoming an industrial corridor; PG has already visually changed it. There is no way that they can reclaim it. To her, it is, "environmental terrorism." And why do people get away with it, because we don't have the money in the budget to have inspectors to drive around and find these things; this work started months ago. We also dealt with this with Kinder-Morgan. Why did they do it? Because they could get away with it, and we are supposed to believe they are upstanding businessmen. This company is saying that if anything goes wrong, they will take care of it. Then

they come back and make it legally impossible for the homeowner to get ahead. She states that after dealing with Kinder-Morgan, she does not trust the BLM, the EPA, our government oversight or our county oversight. We are finding that nobody is here to protect us. She is concerned that a County Official's only concern is a barbed wire fence. PG has already presented that they cannot be trusted. She states that her house is for sale; she is not staying in Torrance County.

**Ms. Edwina Hewett, resident,** speaks. She is not against economic development in her district, but she is against the continued actions where people move forward and instead of asking permission, they ask forgiveness. She has lived in this district for a long time and has been on the Planning and Zoning Board. She finds it hard to believe that someone who has been in this industry for years would not know the licensing requirements. She comments about the petroglyphs and takes great exception to previous statements implying that they are not worthy of protection. How far should the buffer be to protect them? How far will debris travel when blasting? She further comments about the federal and state tax dollars that have been spent to regenerate the wetlands in that area. Was there any mention of proximity to those reclaimed wetlands? How will this operation affect that? Noise levels also need to be considered. The drive on Hwy 60 is one of the main attractions to living in this area; this is detrimental. That section of highway is turning into an industrial zone. It used to be a priority to keep this land pristine. Ms. Hewett asks several other questions. Where will this company purchase its fuel? Are you going to store fuel at this location; this body can't relegate where it is purchased, but it is a valid question. She states that by PG operating this business without the proper permits, etc., it not only broke the law, but it disrespected this governing body. Is there any legal way to apply a force reclamation fund to be held in place? What about the wells in the area? Ms. Hewett brings up many concerns including erosion control, traffic studies, snowbird travel, blasting, proper signage, etc. She states that there are still a lot of questions that still need to be answered. Lastly, she states this is a business for you; this is our home.

### **Mr. Domenici calls witnesses**

**Mr. Glen Fulfer,** speaks. He is a Superintendent at Selinas Pueblo Missions National Monument. They are a unit of the National Park Service. He talks about the cultural resources at the park. Mr. Domenici asks if Mr. Fulfer has reviewed the application from PG. He has. Mr. Domenici asks if he has any concerns with the proposal. He does and has submitted a letter of concern to Torrance County P & Z on behalf of the park. He states that he, as a representative of the Park Service, is not here to argue for or against a private enterprise. He is here to speak on behalf

of the concerns of the resources that would be impacted by the activities that are stated in the project. He reiterates that they are not against the mining operations, rather that they have concerns that the mining operations truly affect the cultural resources and cultural landscapes of the area. He further states that as a representative of the Monument, he is very aware that they do not have any jurisdiction over private land. However, the resources inside the boundaries of the park exist outside the boundaries as well. The southern part of Torrance County is a, "history book". Mr. Domenici asks about the buffers around the petroglyphs in the park. Mr. Fulfer replies that they do not maintain a buffer area around their boundaries. They would not allow any blasting within the park and have no jurisdiction outside of it.

Mr. Crowley asks Mr. Fulfer how long he has worked at the ruins. He replies approximately 33 years. Mr. Crowley asks if he is aware that there has been two gravel pits and a shooting range in the area within the last 10-20 years. He is aware. Mr. Crowley asks if any of those uses have interfered with any of the ruins. Mr. Fulfer replies that the gun range was initially closer to the park; through the application process they were persuaded to move the range further away. Mr. Fulfer does not recall the application process for the other mining sites. He further comments that the mining operations have not directly impacted the park, but he is concerned about their impact to the scenic byway. There are times when they can hear blasting from the closest one.

Chairman Candelaria asks if you can see this operation from the actual site in ABO. Mr. Fulfer replies that you cannot. Chairman Candelaria comments that he knows that the park has gift shops; he asks who gets the GRT from those sales. Mr. Fulfer replies that there is no tax charged on the sale of books. Madam Commissioner DuCharme asks approximately how many visitors the park receives per year. Mr. Fulfer replies approximately 50,000. Visitors come by way of Hwy 60, 55, 47, and 337.

**Mr. Domenici calls his next witness.**

**Mr. Mark Williams**, speaks. He has a Civil Engineering degree from Georgia Tech, and has been a licensed surveyor in New Mexico since 1986. He presents the Commission with a 5-page packet of exhibits that will be called Exhibit B. Page 1 is a vicinity map. He has placed the cultural sites in the boundary survey that is page 2. PG has moved their operations location out of the cultural site #2 area, however their driveway is still in the site. The driveway currently has been bladed and widened out. He now explains page 3 of the exhibit. It is a contour map of the

site with the cultural sites shown. They discuss the position of the petroglyphs. Page 4 is a revised sketch plan of the site. They state that it would be difficult to put a fence around the petroglyphs because of the steepness of the hill and the rock face. Mr. Crowley objects as this conclusion is beyond this witness's scope of expertise. Mr. Domenici asks more questions about the revised sketch plan. They determine that it is difficult to know the exact area of excavation.

Mr. Crowley asks if Mr. Williams is aware of the County requirements for the sketch he is looking at. Mr. Williams replies that he is not. Mr. Crowley asks if Mr. Williams went onto the property. He did not; he only looked for corners on the road right-of-way. Mr. Crowley asks if Mr. Williams remembers seeing the petroglyphs from the highway. Mr. Williams replies that he does not. Lastly, Mr. Crowley asks who Mr. Williams's employer is. He is self-employed. Mr. Crowley asks who Mr. Williams's wife's employer is. Mr. Williams replies that she used to be employed by Mr. Ghoreishi, and is now employed by Pueblo Rock, which is the pit that is being represented today by Mr. Domenici.

**Mr. Domenici calls his next witness.**

**Mr. Hollis Paul Lawrence**, speaks. He is an archeologist and historian, permitted by the State of New Mexico and various federal and tribal agencies to conduct archeology and history. He is a graduate of UNM and has been in the state of New Mexico for 22 years and has been conducting cultural resource investigations similar to what has occurred on the applicant's property. He reviewed the report and has some reservations about the proposed mitigation measures that were put forth, as did the State Historic Preservation Office and the Park Service Superintendent. He states that it appears that PG has proposed a 20 ft. buffer around the petroglyphs; he generally operates with a 25 ft minimum buffer. A 50-100 ft buffer is more traditional. He further states that it is not just direct impacts we are trying to avoid; there are migratory impacts, visual impacts, etc. Mr. Domenici asks that given the testimony he has heard, does he believe that the applicant would have filed for an NMDOT permit had he not read Mr. Lawrence's report. He states no and explains the NMDOT application process. Mr. Domenici asks if, based on the study done by the applicant, is there demonstration of significant resources that the highway department would have to consider. Mr. Lawrence replies yes, there has been quite a bit of previous work done within the NMDOT ROW. Those studies indicated that a lot of the buried deposits are as deep as 80 centimeters below the current ground surface. These are intact cultural deposits where there could potentially be human remains. He explains that there is evidence that this was a habitation site. Mr. Domenici asks about the cultural resource portion of the Notice of Intent; if Mr. Lawrence believes it was filled out

accurately. Mr. Lawrence replies that no, he does not; the applicant indicated there were not cultural preservation concerns and that is clearly not the case. Mr. Lawrence further discusses the impact of the driveway to the cultural site and possible future negative impacts to the sites and the petroglyphs. He is also concerned with the lack of Tribal consultation about the project. Lastly, Mr. Lawrence reiterates that at a bare minimum, there should be a 50 ft. buffer between any work and the petroglyphs; he recommends 100 ft.

Mr. Crowley asks Mr. Lawrence how long he has been in his profession. Mr. Lawrence states that he has worked in his profession full time since he graduated in 1995. Mr. Crowley asks if Mr. Lawrence has done an on the ground recon of the sites. Mr. Lawrence replies he has not. The person who wrote the report in support of PG Enterprises did. Mr. Crowley asks who is paying Mr. Lawrence's hourly fee. Mr. Lawrence replies that today, he is being paid by DR GIS Services. Mr. Crowley asks who contracted him through DR GIS. Mr. Lawrence does not know, but believes he is here in support of the position of Pueblo Rock, the competitor to PG. Mr. Crowley asks if Mr. Lawrence was aware that prior to this action, there were people living on the property in a trailer and had certainly disturbed the site. Mr. Lawrence replies that most certainly he could say that disturbance has occurred in the past. Mr. Lawrence could not state definitively that he has evidence that PG Enterprise disturbed culturally significant materials. There is discussion again about the process of discovery of human remains and whether repatriation is always done or not. Mr. Lawrence states that tribal entities generally prefer that human remains are not impacted to begin with. Mr. Crowley asks if Mr. Lawrence has any evidence that this site has any human remains. Mr. Lawrence answers that he has no direct evidence, just his opinion based on his years of experience working with these types of resources. Mr. Lawrence agrees that the possibility of human remains being found on private land does not by itself stop the development of that land. Mr. Crowley asks if Mr. Lawrence has been on the Pueblo Rock site. He has not. Mr. Crowley asks if anyone has asked Mr. Lawrence to do an archeological study of the Pueblo Rock site. No one has. Mr. Lawrence affirms that Torrance County has nothing to do with the issuance of the NMDOT permit.

Chairman Candelaria asks how many burials sites have been located in that area. Mr. Lawrence answers that he does not have an exact number, but it is not as uncommon as you would think. He has not been involved in any in Torrance County, but he has been involved in burial site discoveries nearby.

**Ms. Donna Deiner** speaks. She was not sworn in earlier, so is sworn in now. She is a resident of Torrance County. She states that she moved here to retire and very quickly became involved in the community in Mountainair and the school there. She states we bring our school children to the ABO sites and teach them to be respectful of the area; don't touch anything, don't take anything. She knows the project is on private land, but we are changing things and doing things to this land where families have lived for hundreds of years. The Park Service introduces people to these sites and educates people about them and is sensitive to the needs of the people who live in this area. She is glad to be here, proud to live here, and wants to give to the community. We have to think about the future of Torrance County and the future of the children that are growing up here. When you change the land, you change everything.

### **Mr. Domenici questions staff**

Mr. Steve Guetschow from Planning and Zoning, speaks. Mr. Domenici asks Mr. Guetschow if he has been involved in reviewing this application for the County. He has. Mr. Domenici asks about the sketch plan of the proposed site. He asks specifically what are the limits to where excavation can take place based on this sketch plan? Mr. Guetschow replies that the dotted line on the slope of the hill appears to be the upper tear of the sectional diagram. However there is no scale given, so there is no way to determine an exact location. They look at the sketch drawing in exhibit 9 of the exhibit book that was presented to the Commission. They review section 16b of the code: Show boundaries of the topography of the property to be developed. Show the proposed size, location, use, and arraignment of all structures, signs, parking, and loading areas, drainage facilities, landscaping, and traffic and pedestrian circulation routes. After discussion, it is determined that P&Z cannot control where excavation goes on the property once the permit is issued as far as natural expansion of their pit. Mr. Guetschow makes this statement based on current conditions of pits that are in operation around the County. Mr. Guetschow clarifies that the sketch plan shows where they are currently excavating and where they plan to excavate in the near future. Once a Special Use is issued, it is there for the duration of that project; the only time that Special Use would be abandoned is if that project is left dormant for a period of twelve months or more. The Special Use applies to the whole parcel of land, not just the area they are planning to work right now. Mr. Domenici, Mr. Guetschow, and the Commission continue to review the site plan. They review the proximity of the proposed area of excavation and blasting and its proximity to the petroglyphs. Mr. Guetschow comments that you cannot accurately assess this proximity because there is no scale. There are also no buffer zone requirements in our ordinances. Mr. Domenici

argues that as there is no scale for anything on the map, the applicant did not show the proposed size or location of the proposed operations or excavation area. Mr. Guetschow replies that they are shown only in general relationship to the size of the property and the distance from known landmarks. Mr. Domenici wishes to admit into evidence a copy of the sketch drawing in which he has crosshatched what appears to be the proposed area of excavation. Mr. Crowley objects because as Mr. Guetschow stated the Special Use applies to the whole parcel of land; law does not require the specific location of the area of excavation. Mr. Wallin comments that the Commission will accept all the evidence presented, but Mr. Crowley's objection is noted. Mr. Domenici asks if Mr. Guetschow is aware of what is sometimes call the general welfare provision of the Special Use requirement. Yes, Mr. Guetschow is. He now asks of Mr. Guetschow thinks that having an approved DOT commercial driveway for trucks entering off the highway and back into the highway is something that would be appropriate for the public health and safety of the County. Mr. Guetschow replies that he would, but this is outside of his jurisdiction.

Mr. Crowley asks if Mr. Guetschow would agree that PG Enterprises has been very cooperative and has attempted to provide all the information requested of the County. Mr. Guetschow replies that they have.

Madam Commissioner DuCharme asks Mr. Guetschow why the area was zoned as a conservation area. Mr. Guetschow replies that those areas north of Hwy 60 and west of Hwy 55 and 337 were made conservation districts because of their close proximity to the National Forest.

Madam Commissioner DuCharme reads from Mr. Domenici's letter to the Commission. A portion of the letter states that this zone protects areas of the County, which are characterized by their minimal development, limitations on water resources, natural beauty, fragile environment, and native wildlife populations. She asks Mr. Guetschow if he thinks this proposal could be characterized as minimal development. He states that according to previous developments there and where the location of this parcel is along Hwy 60, yes he would say that it would have a minimal impact. She asks if it will affect natural beauty and the fragile environment. Mr. Guetschow replies of course yes, like the existing pits that are already located there along the same highway.

## **Rebuttal**

Mr. Menke from PG Enterprises has three issues to discuss. With respect to the petroglyphs, they received recommendations from SHPO and they will follow them. There has been a lot of discussion of the sketch plan. According to the Torrance County ordinance, PG is supposed to show the boundaries and topography of the property to be developed, which is on the plan. He states that all the required elements are shown, and more. He also points out that on the application for a Special Use there is a checklist. The checklist has been completed. The sketch plan is not a set of plans like those that would be used to construct a building for example. It is a sketch. They believe they have met and exceeded all the requirements of the Torrance County ordinance. He lists the many ways they have complied with requirements and recommendations alike. Madam Commissioner DuCharme asks how Torrance County will benefit from this operation. Mr. Menke refers to their letter of intent; there will be jobs, product-paying taxes in the County, an alternate source of aggregates, etc. It's responsible, well done business in the County.

## **Cross Examination**

Mr. Domenici asks if the applicant is agreeing to post a reclamation bond. Mr. Menke replies that he does not know that he can speak for or obligate the company in that manner. Mr. Domenici asks if Mr. Menke would agree to a 20 ft buffer/barrier around the petroglyphs. Mr. Menke states that they will follow the SHPO recommendation. Mr. Domenici asks for a specific location of where the applicant is requesting to blast and excavate. Mr. Menke replies that, as the application states, they are requesting the southern side of the hill located on the property and are agreeing not to interfere with the petroglyphs. Mr. Domenici asks if they are requesting to excavate to the west of the arroyo on the property. Mr. Menke replies no, they are not indicating that would be an area of excavation. The lines on the sketch plan are intended to indicate the south side of the hill. Mr. Menke states that he checked with Mr. Guetschow to insure that PG had fulfilled the requirements of the application and they were told that they had.

## **Closing Arguments**

Mr. Domenici states to the Commission that this is a Special Use Permit on top of your most fragile designated zone; one of your more highly industrial activities is asking permission to move in and on your most protected currently zoned piece of property. You must consider whether their project is compatible with property uses

in the general area and whether the Special Use will preserve the character and integrity of the area in which the Special Use District will be located. And finally insure that the Special Use District will not become detrimental to the public health, safety, and general welfare of the County. The heart of this Special Use is where the excavation and blasting will actually take place; we have basically pinned that down. We asked Planning and Zoning to put the restrictions on the site plan. In summary, Mr. Domenici states that the testimony today has shown that they do not meet the requirements for Special Use in this particular zone. This will be a high impact use of this area and will be highly visible directly from the highway. How they will actually protect the petroglyphs is still very unclear. We have not heard clearly whether they will post a reclamation bond. Posting this bond should be a condition of the permit if the Commission grants a permit. What happened 10 or 11 years ago in a Special Use proceeding is not pertinent, only some potential relevance on the issue of compatibility. To put more of these activities in that zone is justified; once you get one in, then a second, then anyone can come in and be compatible. There should be a 100 ft buffer and certainly they should not be allowed to operate until they have a DOT permit.

Mr. Crowley speaks. He states that the 'Elephant in the Room' is the fact that the shooting range and one of the preexisting gravel pits is in the conservation area. For Mr. Domenici to suggest that this is somehow a new use, which requires a new analysis, is simply inaccurate. When a competitor comes before a Commission and suggests that competition should not exist, that is saying you want boats to sink including the County's. A requirement of a reclamation bond for anything in addition to what SHPO says is to embark on a mission to saddle an applicant with so much that it achieves the goal of the objecting party; to reduce the competition. The Commission's mission is to balance all the factors and when you have a submission to the Commission that, as Mr. Guetschow has said, complies with the requirements, any argument to the contrary is interposed for an illegitimate purpose.

At this time Chairman Candelaria states that he would like the Commission to go into Executive Session and deliberate.

### **EXECUTIVE SESSION**

**As Per Motion and Pursuant to New Mexico State Statute 10-15-1(H) (3) for Purposes of Deliberation.**

**ACTION TAKEN;** Commissioner Frost makes a motion to go into Executive Session under statute 10-15-1(H)(3) for Purposes of Deliberation. Chairman Candelaria seconds the motion. No further discussion. The Commissioners vote: Two in favor, Madam Commissioner DuCharme abstains. **MOTION CARRIED.** Executive session starts at 1:46 PM.

**\*Reconvene from Executive Session**

**Reconvened at 2:34 P.M.**

**ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to reconvene from Executive Session. Commissioner Frost seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

Chairman Candelaria states that in Executive Session they deliberated about the request for a Special Use District and he believes they are ready for a motion.

Commissioner Frost asks if the cultural sites listed on the sketch map are already fenced. Mr. Menke replies no and shows the Commission where the proposed fences would go.

**ACTION TAKEN;** Commissioner Frost makes a motion to approve the Special Use District with the conditions being: a 40 foot buffer zone around the petroglyphs (80 foot diameter) with fencing or some other kind of barrier that is acceptable to P&Z., fences around the other two cultural sites, the DOT driveway permit, and the cattle guard. Chairman Candelaria seconds the motion. No further discussion. The Commissioners vote: Two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED.**

**Commissioner Frost** comments that this is one of our toughest decisions and there are always more than one side to every story. In this case, more than two; the applicant, the opposition, the legal side, and the cultural side, etc. There is an intent to let people make a living on their own property. Many people don't like gravel pits, but do like their roads graveled. Commissioner Frost states that he doesn't like the cellphone tower across from his house, but always carries his phone. There are many examples of this kind of thing.

**Madam Commissioner DuCharme** comments that she understands that we need jobs in the County, economic development. She also understands that if you are the owner of your property, you have rights to do whatever you want to do with your property. She has a difficult time with the fact that, as a businessman who knows how to conduct business, Mr. Ghoreishi did not know what this parcel of land was zoned for before he bought it. She states that she feels pressured. This is a very important decision they are making. 50,000 people come to visit the National Park each year and Madam Commissioner DuCharme states that she has a different vision for this area and she wants all of us to have a different vision for this area; to have more tourism there and not gravel pits. She states that, “those people who invested in those properties believed in their government and I feel like we are betraying them.”

**Chairman Candelaria** comments that he was born in the area and has heard comments today that this will take away from the beauty of the area. To him, beauty is in the eye of the beholder. He still lives at his Grandpa’s ranch where he was born. He doesn’t like to see people buy land and put in different stuff, but that is their property. They deserve the right to do what they want in their property. He doesn’t like to see fancy metal shop buildings. If you go to where he lives, you will see the old lumber barns with nothing but lumber around it. To him, that’s beauty. He goes back to his ancestors who fought for the freedom of this country; to own property, and to do what you want to in your property. The Government has stepped in and put laws on what we can and cannot do on our property. They say that’s for the better, Chairman Candelaria states that in his opinion, it’s not. In his opinion, whoever owns that property has the right to live the way he wants to live. He states, “I will not stand in the way of people making a living on property that they own. They have a right to those minerals.” Maybe they had foresight about what’s in that land and how much they can make from that land and that is the American Way, to figure out how to make a living. New Mexico has one of the highest unemployment rates in the county. If (Mr. Ghoreishi) can put 10, 12, 6, 5 people to work, that’s 5 people that maybe were on assistance that now can get up on their own two feet and make a living.

Lastly, Mr. Wallin states that anyone who is aggrieved by this decision has the right to appeal it to District Court. If you choose to appeal you need to check your time provisions. We will provide Findings of Fact and Conclusions of Law based on the decision today. These will most likely be on the next Commission agenda. Your time will start running from the entry of the Findings of Fact, Conclusions of Law.

**This concludes the Public Hearing.**

**\*Department Requests/Reports:**

**7. Award Bid for IFB2015-02 Pig Barn Demolition-** Ms. Leslie Olivas, Procurement Director, speaks. The Commission has received the Bid Tabulation sheet for the Pig Barn Demolition project. The lowest bid is \$15,605.00, much higher than was anticipated. Ms. Olivas suggests the Commission reject all bids so we can either re-bid it or consider other options. Ms. Ansley comments that what we wanted to do was find someone who would agree to come and tear it down for the materials. Mr. Wallin, Ms. Ansley, and Ms. Olivas had discussed the option of having our Road Department tear it down and then we could auction off the materials. The Commission decides to reject all bids at this time and consider other options. No further discussion. All documentation hereto attached. **ACTION TAKEN** Commissioner Frost makes a motion to reject all bids for IFB2015-02 Pig Barn Demolition. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks who own the Pig Barn. Ms. Ansley replies that the Town of Estancia owns it, but the County has a 100 year lease on it. We have permission to demolish it per a letter from the Town. Madam Commissioner DuCharme asks if it is in our best interest to pay for demolition, and for building a new one, and yet we still don't own it. Ms. Ansley replies this is why we are considering demolishing it ourselves, so we won't have to pay for it; it is in our best interest to demolish it as soon as possible because it is our liability if someone gets hurt in there. Mr. Wallin interjects that we have a lease agreement with the Town of Estancia, and under that lease agreement we are responsible for all maintenance at these Fair Grounds. No further discussion. The Commissioners vote. All in favor, none opposed.  
**MOTION CARRIED**

**9. Discuss Letter from State Auditor's Office Dated March 4<sup>th</sup>, 2015** Madam Commissioner DuCharme speaks. She states that she requested this item be put on the agenda. She thought it was needed to have a whole picture of what happened with that office and also to act on suggestions from that office. She reads the following letter into the record:

March 4, 2015  
Board of County Commissioners of Torrance County  
PO BOX 48  
Estancia, New Mexico 87016

Dear Commissioners,

Thank you for the January 22, 2015, response to this office's letter regarding the 2014 Torrance County Special Audit. On January 22, 2015, State Auditor Timothy Keller, Chief Legal Counsel Sarita Nair and I met with Commissioner LeRoy Candelaria and County Attorney Dennis Wallin regarding the response. The purpose of this letter is to update the Commission on the status of the follow-up items we discussed.

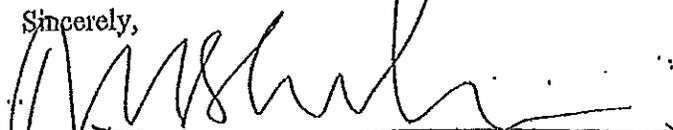
As an initial note, we understand that the January 22nd response that purported to be from the County was not first reviewed and approved by the County Commission. We expect that future correspondence from the Commission will reflect the comments and concerns of all County Commissioners.

With regard to the revisions to the Procurement Code, this Office cannot advise on whether the additional internal controls set forth in the revisions are adequate to fix the issues raised by the 2014 Special Audit. As we discussed with Commissioner Candelaria and Mr. Wallin, a critical concern in the 2014 Special Audit was segregation of duties. It is imperative that the person responsible for procurement report directly to the Commission. This person's ability to perform his or her work as a procurement officer is severely hampered if he or she is at risk of being terminated or disciplined by the County Manager. We urge the County to work with an independent accountant that is not involved in the County's annual financial audit in order to ensure that the County has addressed all internal control deficiencies.

We also want to make you aware that, as part of the FY 2015 audit, we will require the independent public accountant to perform additional testing in those areas in which the 2014 Special Audit called into question the County's internal controls. In addition, as with any audit, this Office reserves the right to require use of a different audit firm if questions arise about the quality or accuracy of past audits.

Finally, this Office would be happy to send a representative to a County Commission meeting. Please contact Deputy Chief of Staff Justine Freeman at (505) 476-3800 to discuss a date and potential presentation topics.

Sincerely,



Sanjay Bhakta, CPA, CGFM, CFE

Madam Commissioner DuCharme states that she was troubled by the fact that she was not provided with this letter when it was received by the County. To see this letter she had to request it herself. Later on, she started to receive letters that were addressed to Chairman Candelaria on behalf of the entire Commission. Madam Commissioner DuCharme states that this incident makes her worry that maybe other documents were not provided to her. She doesn't know, but she does not want it to happen in the future. She wants to act on the proposals listed in the letter, one being that the Procurement Officer report directly to the County Commission.

**a. Take Action on Necessary Changes stemming from Letter from State Auditor's Office** All documentation hereto attached. **ACTION TAKEN** Madam Commissioner DuCharme makes a motion to ask the Procurement Officer to report directly to the County Commission as is suggested in the letter from the Office of the State Auditor. Commissioner Frost seconds the motion. Commissioner Frost asks for comment from Ms. Leslie Olivas, Procurement Officer. She states that, after speaking with some of her counterparts around the state, no other Procurement Officer reports to their Commissioners or their corresponding legislative body. They either report to their County Manager, their Deputy County Manager, or their Finance Director and she thinks this makes sense. Madam Commissioner DuCharme states that we are in a unique situation here; we have this recommendation in writing and on the record and she wants to follow it. Ms. Olivas comments that this directly involves her employment and her livelihood and that is why she has the opinion that she does. Madam Commissioner DuCharme comments that Ms. Olivas's livelihood would not be at risk by her reporting straight to the Commission. Ms. Olivas replies that with all due respect, the Commissioners have no expertise with regards to the procurement code and that makes her nervous as a procurement professional. Chairman Candelaria comments that this would put undue pressure on Ms. Olivas as any one of the three Commissioners could ask things of her. Chairman Candelaria reiterates that he believes we need to have the State Auditor come to a Commission meeting and discuss these issues with the Commission face to face. There can be important questions answered and explained and we can come up with a good working solution. Mr. Wallin comments that when he met with Mr. Bhakta, Deputy State Auditor, he told him that he believed Mr. Bhakta lacked an understanding of how County personnel matters are handled. In order to have the Procurement Officer report directly to the Commission, we would have to revise our Personnel Policy as we would be creating a special category of employee. Under our Personnel Policy, the Board of County Commissioner are the ultimate deciders of personnel actions; County employees are not employed at the whim of a County Manager. Mr. Wallin suggests that the Commission give this decision very serious consideration before acting. The Commissioners vote. One in favor, Commissioner Frost and Chairman Candelaria opposed. **MOTION DENIED**

Ms. Ansley states that she was not the person who received this letter, someone else in her office received the letter and gave it to her to put into the Commissioner packets. When she got the letter, she scanned it, emailed it to the Commissioners, and put it in the packet for the meeting when she addressed it in her Managers report. Madam Commissioner DuCharme states again that she did not receive this

letter. Madam Commissioner DuCharme will contact the State Auditor's Office to ask them to attend our next Commission meeting.

## **1. Updates:**

**Tracey Master, DWI Coordinator** gives a presentation about Crisis Response Teams and Critical Incident Stress Management. Critical Incident Stress Management is an intervention tool designed to help people deal with traumatic events. Its formal, highly structured, and it's a professionally recognized process for helping those involved in critical incidences to share experiences, vent emotions, and learn about stress reactions and symptoms. Referrals can also be provided if needed. This is a confidential, voluntary, and educational process. This is what Critical Incident Stress Management is not- they are not therapists, counselors, psychologists, or psychiatrists. (CISM was initially created for use with military combat veterans and then civilian first responders). Now it has been adapted to be used with people in the general public who have experienced, or been exposed to, traumatic events. There are several different types of CISM interventions: group, individual, family, people in the workplace, etc. Ms. Master now outlines the steps involved in a CISM response and explains what defines a critical incident. Emergency Service personnel are particularly vulnerable to the effects of critical incidents. The suicide rates of Fire/EMS personnel are at an all-time high. Nationally in 2013 over 38 % of Emergency personnel, including Firefighters, reported suffering from some form of PTSD. We know that utilizations of debriefings and interventions will not eliminate all Emergency personnel tragedies, but we want to reduce them. Until recently, the only teams available to us were from Santa Fe. Now, we have a local Torrance County team standing ready to help Torrance County people. The Torrance County Crisis Response Team is made up of: Lucia Lucero (Teen Court Coordinator), Marti Stacy (Juvenile Justice Board Service Coordinator), and Tracey Master (DWI Coordinator). They recently received their training through the International Critical Incidence Stress Foundation for both group and individual crisis intervention and peer support. This is a free service that they will provide for the community. For more information about this very important program, you can contact Tracey Master- (505)269-8178, Lucia Lucero- (505)440-0584, or Marti Stacy (575) 760-6633.

Ms. Cindy Sullivan, TC Animal Shelter, handed in a written update that is included in the file for this meeting.

Commissioner Frost reminds all that he will hold his District Road Department Policy meeting this Saturday, at the Soil and Water Conservation Building on Rt. 66 one mile west of Moriarty at 9:00 AM.

Madam Commissioner DuCharme reminds all that she will hold her District Road Department Policy meeting this Saturday at 2:00 PM at the Moriarty Community Center.

Chairman Candelaria informs all that his District Road Department Policy meeting will be held in Duran this Saturday at 1:00 PM. He will have another meeting in Torreon on Sunday at 2:00 PM at the Torreon Community Center.

**2. Contract for Services between Torrance County and AECOM- Javier Sanchez, Emergency Manager** Mr. Sanchez speaks. This is regarding the Hazard Mitigation grant that was awarded about a month ago. The Commission has a copy of the sub-grant agreement. Mr. Sanchez states that he wants to move forward with this contract with AECOM (the vendor). He wants the vendor to look at the Hazard Mitigation plan and help him revise it. He put together a scope of work that identifies what his goals are for revising the plan. The vendor responded by sending a proposal. Mr. Sanchez asks the vendor to send him a sample contract which is included in the file for the Commission. He wants to move forward with this vendor and is asking the Commission to approve a contract between Torrance County and AECOM. After further discussion, the Commission decides to table this item until Mr. Sanchez has more specific information. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to table this item. Madam Commissioner DuCharme seconds the motion. The Commissioners vote; all in favor, none opposed. **ITEM TABLED.**

**3. Organization & Standard Operating Guidelines of TC Community Emergency Response Teams (CERT) - Javier Sanchez, Emergency Manager** Mr. Sanchez speaks. He reminds the Commission that he first approached them about this approximately 2 months ago. At that time, he explained what CERT does, and how it would benefit the County. He has spoken to the Sheriff, the Fire Marshall, and Dispatch about it also. Basically, he wants to adopt the existing 501C3 organized East Mountain CERT. In this way, they would be working for

Torrance County and would be recognized by FEMA and FEMA would recognize us as being the authorizing agent of the East Mountain CERT. They would be on a volunteer status; no pay and no staff. The idea is to have a trained group of volunteers at the disposal of the County. If the County adopts the East Mountain CERT, the Commission would need to draft a letter to the New Mexico Department of Homeland Security stating simply that We, Torrance County, are committed to being the East Mountain CERT's authorizing agent and fiscal agent. The letter would enable the NM Dept. of Homeland Security to assign the East Mountain CERT to us. Documents further explaining the details of this adoption are included in the file for this meeting. Madam Commissioner DuCharme asks how many people are currently in the group. Mr. Sanchez responds 25. If called, they would respond in a support role; they are not first responders. At this time, CERT members pay for their own training. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion for Torrance County to adopt the CERT Program. Chairman Candelaria seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

**4. Request Payment of Powerphone Invoice- Ben Daugherty, Dispatch Supervisor** Ms. Ansley speaks. Mr. Daugherty had to leave and asked 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. The Commissioners vote; all in favor, none opposed. **ITEM TABLED.**

**5. Request Approval of Grant Application to the Dept. of Finance and Administration for Juvenile Adjudication Fund- Tracey Master** Ms. Master speaks. This is an application to submit to the DFA Local Government Division, Special Programs Bureau, and Juvenile Adjudication Fund Program. This is to request supplemental funding to support the Teen Court Program. The amount requested is \$5,263.16. There is a \$5,000.00 in-kind match that Ms. Master states they can more than meet. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve the Grant Application to the Department of Finance and Administration for the Juvenile Adjudication Fund. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

**6. Valuation Maintenance Plan 2015-2018 For Torrance County Assessors Office- Betty Cabber, Assessor** Ms. Ansley speaks. Ms. Cabber contacted her this morning and asked that this item be tabled. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost 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.**

**\*Commission Matters:**

**8. Request Noise Ordinance for Torrance County- Bill Mohney, Resident** Mr. Mohney is not here. Madam Commissioner DuCharme requests this item be tabled. No further discussion. All documentation hereto attached. **ACTION TAKEN** Chairman Candelaria makes a motion to table this item. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **ITEM TABLED.**

**\*County Manager Requests/Reports:**

**10. Update** Ms. Ansley presents the Commission the following written report:

1. I have the Commission registered to attend the NMAC Legislative recap meeting in Santa Rosa on Wednesday, April 29. The meeting will run from 10:00 a.m. until 2:00 p.m. The meeting will be to recap the legislative action during the 2015 session.
2. As you're all aware, the constituent meetings for the proposed road policy start this weekend; there will be three meetings on Saturday, 9:00 at the Edgewood SWCD, 2:00 at the Moriarty Civic Center and 2:00 at the Duran Main Fire Station. On Sunday at 2:00, there will be a meeting at Torreón. There will be a meeting at the McIntosh Senior Center at 2:00 on April 25, and the Public Hearing will be on May 13, at the Commission Meeting.
3. Larry Irvin, EVSWA Torrance County Board member, submitted his resignation from the Board last week. How would the Commission like to move forward with regards to replacing that position? *(The Commission requests the County publish for this position)*
4. The County still has a vacant board position on the Estancia Basin Water Planning Committee, in the agricultural capacity. The Board contacted me

again and asked that the Commission try and fill this position. (*The Commission requests the County publish for this position also*)

5. EVSWA held a Special Meeting yesterday, to discuss another draft of a JPA, presented by the City of Moriarty, of which a copy was placed in your box. The Board unanimously passed a motion to reject any new JPA proposals and to continue with the existing JPA and move towards marketing new member entities who may be interested in the Authority.
6. Registration is open for the annual conference for the Association of Counties. We got a purchase order and registered the Commission for the conference. We need to know if you do not want to attend so we can cancel the registration. The conference is in Albuquerque, June 16-18.

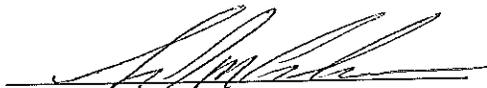
**Public Requests:** At the Discretion of the Commission Chair. For Information Only (**No Action Can Be Taken**). Comments are limited to three (3) minutes per person on any subject.

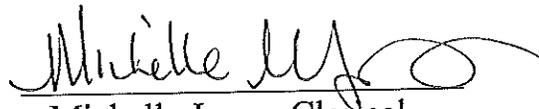
**Billie Mitchell**, resident, speaks. It upset her when she read the paper regarding public comments. She states that most of them are tired of being held hostage till the end of the meeting to speak. Mr. Candelaria said he has the authority to run the meeting as he sees fit, which is fine, but not fair to people at a meeting like today's. They had no idea the meeting for the gravel pit was going to take 4 hours. Also, she would like to see cell phones banned from the Commission meeting entirely because too many people are not paying attention during the meeting. Lastly, with regard to the public hearing scheduled for May 13<sup>th</sup> for the discussion of the proposed Road Policy. As today is April 8, she suggests changing the date and having the Public hearing separate from the Commission meeting. Or moving the public hearing portion of the Commission meeting to the end instead of the beginning.

**Michael Godey**, resident, speaks. He suggests that if the Commission knows that they are going to have a "monster" public hearing, that they limit the rest of the items on the agenda.

**\*Adjourn**

**ACTION TAKEN:** Commissioner Frost makes a motion to adjourn the April 8, 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 4:13 pm

  
Chairman Candelaria

  
Michelle Jones, Clerical

4/22/15  
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.**