

Final Copy
Torrance County Board of Commissioners
Commission Meeting
August 26, 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 August 26, 2015 meeting to order at 9:00 am. He welcomes all those present to the meeting and leads us in the pledge. Commissioner Frost gives the invocation.

Approval of the Meeting Minutes:

Chairman Candelaria asks for a motion to approve the August 12, 2015 Regular Meeting Minutes. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the August 12, 2015 Regular Meeting Minutes. Commissioner Frost seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Meeting Agenda:

Chairman Candelaria asks for a motion to approve today's 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.

Chairman Candelaria asks for a motion to approve the Consent Agenda, approval of warrants. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Consent Agenda, approval of warrants. Madam Commissioner DuCharme seconds the motion. Madam Commissioner DuCharme asks for clarification about invoice # 4981715 in the amount of \$175,498.30. Ms. Ansley states that this is an Emergency Management purchase. Mr. Sanchez, Emergency Manager, purchased equipment for Law Enforcement and Fire entities throughout the County. Ms. Ansley further states that this has been discussed with the Commission; the Commission requested MOU's with the entities that were going to be reimbursing for their share. Madam Commissioner DuCharme asks about invoice #98215 in the amount of \$53,518.00 for the purchase of 2 trucks for Law enforcement. She is not questioning the purchase; she wants to insure that it is acceptable for this purchase to come out of fund 620 Infrastructure GRT. Ms. Ansley replies yes. The Commissioners vote; all in favor, none opposed **MOTION CARRIED.**

Approval of the Indigent Claims. There are no indigent claims needing approval today.

Action Items

Items to Be Considered and Acted Upon

**Department Requests/Reports:*

1. Updates:

Jesse Lucero, Deputy County Assessor, speaks. He informs the Commission that they have begun their reappraisal of the County. They started in Encino and hope to complete Encino, Cedarville, Duran, and Willard by the end of the year. He also informs the Commission that the Mill rates will be coming from DFA the first week of September. As soon as the information is received, it will be sent to the County Manager for Commission approval. In January, the Legislature approved incentive pay for our certified appraisers. The incentive pay amount went from \$3,500.00 per year to \$7,500.00 per year. We

have 3 certified appraisers in the Assessor's Office; their incentive pay will come from the reappraisal fund.

Linda Jaramillo, County Clerk, speaks. She has been reorganizing the warehouse where the voting machines are stored and it is looking very nice. She has three voting machine techs working with her: Samuel Chavez, Dennis Fulfer, and Peter Nieto. We are currently doing acceptance testing on our voting machines. Ms. Jaramillo takes this opportunity to thank the Commission for funding the new air conditioner that has been added to the warehouse; working in there is much more comfortable now. Madam Commissioner DuCharme asks Ms. Jaramillo about when we will be holding our next election. Ms. Jaramillo informs her that a Special Bond election will be held in February in Mountainair, municipal elections will be held in March, and the statewide election will be held in June; candidate filing day for the statewide election is in March.

Steve Guetschow, P&Z Coordinator, speaks. He informs the Commission that yesterday he received two letters of interest for the Estancia Basin Water Planning Committee. He states that at the Committee meeting last week he was informed that their prime candidate for this position would have an agricultural background and knowledge of the mountain communities. He received letters from Erminio Salas and William A. (Bill) Larson. Chairman Candelaria also reminds all that the Commission has already received a letter of interest from Ms. Linda Jaramillo, County Clerk.

Mr. Guetschow informs the Commission that at the last P&Z Board meeting Mr. Charles (Pat) Padilla submitted two applications for a variance to area for lot size because he wants to do a future land division. The Board denied both applications. Mr. Padilla has applied for an appeal to the County Commission which has been scheduled for September 9th. The September 9 meeting will be advertised in the Mountainview Telegraph this week and next week.

At the Forest Service meeting, which was held last week in Torreon, public comment was taken about the proposed forest plan. He reminds all that we have a current draft of the proposed plan on the County website on our news and information page. There is also a questionnaire on the US Forest Service website about the plan; public input is welcomed and encouraged.

Commissioner Frost has no update today.

Madam Commissioner DuCharme speaks. She received a letter from one of her constituents along with two photos, which she shows to her fellow Commissioners and to the County Manager. In one picture, a Road Department member is standing on the roof of a tractor and in the other picture, he is operating a backhoe from another truck. She comments that she thinks the actions depicted in the pictures are unprofessional and very unsafe; they show bad judgement and a lack of understanding about how to treat public property. She states that investigative reporter Larry Barker was contacted about this and was sent these pictures also. Lastly, she states that these kinds of practices should be stopped and she asks the County Manager and the Road Department Foremen to talk about these pictures with the Road crew and to report back to the Commission and assure the public that this will not happen again.

Chairman Candelaria speaks. He attended a small meeting on Hwy 42 around mile marker 7 close to the Corona area. The meeting was about some problems that one of our ranchers, Blaine Muncie, was having with a state fence that is in disrepair. Chairman Candelaria met with Mr. Habib, the District Engineer for District 5, a representative from the Forest Service, and Mr. Muncie. The Highway Department and the Forest Service will join forces to fix this fence. Mr. Muncie's cattle were running loose on the highway, causing a very dangerous situation. When fixing the fence, the Forest Service will put elk escape routes in it to help prevent the elk from damaging the fence when attempting to get out of the roadway. Chairman Candelaria states that he received a letter dated August 17th stating, 'We are very happy to see the work done on our road by Martin Gutierrez and his associates....' Thank you to the Road Department for another job well done.

2. Ratification of signature on revised Memorandum of Understanding with TransWorld Network Corp. – Ben Daugherty, Torrance County Dispatch.

Ms. Ansley, County Manager, speaks. She and the Commission have discussed this MOU a few times already. In summary, the County had a radio repeater on Gallinas tower. The Gallinas tower has broken and will not be repaired.

TransWorld Network Corporation has a repeater on our tower and they currently pay us rent. This MOU with TWN will allow us to put our Dispatch repeater on their other tower in exchange for them not paying rent. This MOU between TWN and Torrance County was reviewed by legal and, due to time constraints and safety issues, was signed by Chairman Candelaria, who read and initialed each page. Ms. Ansley asks the Commission to ratify this MOU. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to ratify the

MOU with TransWorld Network Corp. Madam Candelaria DuCharme seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

3. Discussion of updating the EVSWA Ordinance 94-12 Ms. Ansley, County Manager, speaks. At last month's EVSWA Board meeting, the Authority put together a committee to start looking at the County contract and looking at what kinds of budgetary concerns the County had with regards to the County portion of the contract for the transfer stations. A few weeks ago, Mr. Saline and Ms. Tapia came to meet with Ms. Ansley to discuss what they had done so far in negotiating with Mr. Ellis. Some of the ideas they came up with would be effected in the language of the ordinance if the County wanted to consider them. The EVSWA ordinance was adopted in 1994; now might be a good time for the Commission to review and update it. She asks the Commission what their thoughts are on possibly updating the ordinance. Commissioner Frost comments that he is open to reviewing the ordinance and looking at new ideas. Madam Commissioner DuCharme and Chairman Candelaria concur. Chairman Candelaria comments that updating the ordinance will also involve having public hearings. The Commission decides to put this as an action item on the next agenda. **NO ACTION, DISCUSSION ONLY**

4. Presentation of Community Resource Directory- Debbie Ortiz Ms. Ansley, County Manager, speaks. Ms. Ortiz is unable to attend today's meeting and has 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**

5. Findings of Fact/Conclusions of Law Planning & Zoning Appeal, Filippi, et al. Mr. Wallin, County Attorney, speaks. These are the Findings of Fact/Conclusions of Law that County Attorney Mr. Huss has drafted as a result of the appeal of the Planning and Zoning Officer's determination on the medical marijuana facility in the Loma Parda Subdivision. Madam Commissioner DuCharme asks Mr. Wallin to review them for the audience. Mr. Wallin reviews the following document:

**TORRANCE COUNTY, NEW MEXICO
BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners, having heard testimony and considered written evidence at its regular meeting on July 29, 2015 considered an appeal of the Planning and Zoning Officer's determination that a conditional use permit is not required for the production of plants or crops within a conservation zone for sale offsite, upon a vote of 2 for and 1 against, enters the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Sometime in April 2015, a landowner owning property within a Conservation District approached the Torrance County Zoning Officer and inquired whether the cultivation of medical marijuana in a conservation district would require a conditional use permit.
2. The Officer reviewed the Torrance County Zoning Ordinance. The Officer observed the following:
 - A. Conservation Districts are regulated by Section 8 of the Zoning Ordinance;
 - B. Section 8(B) sets out the permissive uses for property within a Conservation District;
 - C. Section 8(B)(3) allows for low intensity production agriculture;
 - D. Section 8(B)(4) allows for the "cultivation and harvesting of plants and croplands;"

OUT

- E. Section 8(C) sets ~~of~~ the conditional uses allowed within a Conservation District;
- F. Section 8(C) does not discuss the cultivation of plants and crops;
3. Section 5, ¶42 defines the Zoning Officer as “the official person designated as the principal administrator and enforcement officer of this Ordinance.”
4. Section 19 of the Zoning Ordinance establishes the Zoning Officer as the individual who administers the provisions of the ordinance.
5. Section 23 of the Ordinance allows the Zoning Officer to review proposed water use and determine whether referral to the appropriate agency is warranted.
6. As part of his administration of the Ordinance, the Zoning Officer determined that the land owner intended to bring water in from an outside source or obtain approval for any water use from the New Mexico State Engineer’s Office.
7. As a result, the Zoning Officer determined that referral was not required.
8. Further, the Zoning Officer determined that medical marijuana was either a plant, a crop, or both.
9. Based on that determination, the Zoning Officer informed the land owner that an application for conditional use was not required.
10. No later than May 18, 2015, the Zoning Officer was contacted by other landowners from ~~with~~ ^{within} the Conservation District. The landowners were represented by Ms. Linda Filippi for purposes of their protest and appeal.
11. Ms. Filippi raised three concerns in her May 18, 2015 email:
 1. Medical marijuana may violate federal law and therefore the zoning ordinance;

2. Medical marijuana is the production of pharmaceuticals;
 3. Whether the proposed water use would be low intensity.
12. The Zoning Officer determined that federal drug laws do not pertain to this situation; that the zoning ordinance does not differentiate the production of medical marijuana from any other crop or plant; and the water use proposed by the land owner was satisfactory under the Ordinance.
 13. On June 1, 2015, Ms. Filippi requested to present her comments to the Planning and Zoning Commission.
 14. On June 3, 2015, Ms. Filippi made a statement in opposition to the proposed use before the Planning and Zoning Commission.
 15. There was no action item associated with the June 3, 2015 statement; therefore, the Planning and Zoning Commission took no action.
 16. Ms. Filippi subsequently filed the instant appeal and brought the matter before the Board of County Commissioners for review.
 17. At its regular meeting on July 29, 2015, the Board allowed testimony and exhibits.
 18. The testimony included testimony that the landowner was trucking in water from outside the County.
 19. At the Board's regular meeting, held August 12, 2015, the Board announced that it had voted to deny the appeal and affirm the Zoning Officer's interpretation of the Ordinance.

CONCLUSIONS OF LAW

1. The Zoning Ordinance, as part of the administration of the Ordinance, provides the Zoning Officer with sufficient authority to make a determination as to whether a proposed use requires an application to the County.
2. The Zoning Officer was within his authority when he determined that the cultivation of plants within a Conservation Zone was allowed by the Ordinance.
3. There is no basis under the Zoning Ordinance to support a finding that medical marijuana is not a plant or a crop as contemplated by the ordinance now in effect; therefore, the cultivation of medical marijuana is a permissive use in a Conservation District, provided that the proposed water use satisfied the Zoning Officer's concerns and is in compliance with any requirement from the New Mexico State Engineer.
4. Insufficient evidence has been presented to support reversing the Zoning Officer's determination.
5. Under the Ordinance, in effect today, the cultivation of medical marijuana is a plant or crop.
6. Based on the testimony provided at the July 29, 2015 meeting, the proposed use is low intensity agriculture.
7. Commercial use, as contemplated by Section 8 of the Zoning Ordinance, does not include the production of plants and crops for sale offsite.
8. Therefore, there is an insufficient basis to reverse the Zoning Officer; accordingly, his determination is hereby affirmed.

Entered this 26th day of August, 2015.

ACTION TAKEN. Commissioner Frost makes a motion to approve the Findings of Fact/Conclusions of Law Planning & Zoning Appeal, Filippi, et al. Chairman Candelaria seconds the motion. Commissioner Frost asks Mr. Wallin to define 'Conclusions of Law'. Mr. Wallin explains that in this instant the Finder of Facts is the Commission and the 'Conclusions of Law' are the laws that the Commission applies the facts to; they are legal conclusions that result from the findings of fact. Mr. Wallin further explains that essentially the Commission is 'finding' that the Zoning Officer was in his authority to make the determination that he made. This is subject to further appeal and any aggrieved party can appeal this decision to District court. Madam Commissioner DuCharme comments that only Ms. Filippi's name is listed on this document. She asks why the name of the landowner involved here is not listed. Mr. Wallin replies that Ms. Filippi is the appellant; the landowner's name is not necessary here. Madam Commissioner DuCharme states that the following statement is very troublesome to her because she imagines the consequences of it:

therefore, the cultivation of medical marijuana is a permissive use in a Conservation District, provided that the proposed water use satisfied the Zoning Officer's concerns and is in compliance with any requirement from the New Mexico State Engineer.

She is also troubled by the statement:

4. Insufficient evidence has been presented to support reversing the Zoning Officer's determination.

Madam Commissioner DuCharme states that the fact that they are a business and the fact that they have to bring water from outside shows that they are doing something that is not (in line) with what the Conservation district was established for. She states that for these reasons, she cannot support this document.

The Commissioners vote. Roll Call Vote: District 1 – Yes, District 2 – No, District 3 – Yes **MOTION CARRIED.**

6. Request Sub-Part of Mi Ranchitos Road be accepted for maintenance-

Chad Hamilton, Resident Mr. Hamilton speaks. He states that this is about the 9th time that he has come before the Commission on this issue. The sub-part of Mi Ranchitos road is becoming very dangerous. Last year, they had a bus slide of the

road completely and hit a phone box which damaged a resident's fence line. The road has become very bumpy and in the winter, when it snows, the road becomes impassable and the residents have to park on a different road and walk to their homes. A few years ago Ms. Tapia, who was a Commissioner at the time, was going to try to approve the road for maintenance but it never happened. The number one concern of the community is the safety of the children who live there and have to walk about a 1/4 mile to get to their school bus. They are asking the County to adopt and maintain approximately 1/2 mile of road. He states that the road damages vehicles consistently and that emergency vehicles cannot drive through it. He met with Madam Commissioner DuCharme and she has come out and viewed the road. Chairman Candelaria clarifies with Mr. Hamilton that the road belongs to a subdivision and is not a County maintained road. Mr. Hamilton states that the owner of the subdivision has died and no one knows for sure who owns the road and who is responsible for maintaining it. Chairman Candelaria states that before the County can accept a road it has to be brought up to County specs. Ms. Ansley comments that there is a statutory process that must be adhered to in order for us to adopt a road. The stipulation that a road must be brought up to County specs before it can be adopted is something that the County Commission created. Mr. Hamilton comments that Mr. Freyburger, a previous Commissioner, stated at a Commission meeting that if they approved one new road, they would have to approve them all. Hummingbird lane was approved and adopted; why not Mi Ranchitos? Mr. Hamilton states that, with the road in such bad condition, it is getting expensive to live there and it might be time to move out; none of the residents have the money it would take to bring the road up to County specs. He worries that someone may get hurt on this road. He further states that the residents have been asking for this road to be adopted well before it was stipulated that a road had to be brought to County specs before adoption. Madam Commissioner DuCharme comments that she has talked to Mr. Hamilton at length about this issue. She reiterates that the Commission must follow the policy that is in place. We just went through a very rigorous process to update our Road Policy. However, if this policy doesn't work for the community, maybe we need to make more changes. Madam Commissioner DuCharme asks Mr. Wallin if it is required by law to have the stipulation in the ordinance that a road must be brought to County specs before adoption. Mr. Wallin replies that this is a policy that the County proposed and the Commission is in control of County policy; it is not a statutory requirement. In the Subdivision Act there are some state law requirements for new subdivisions, however this is not a new subdivision. Chairman Candelaria reminds all that the actual funds that are devoted to roads are very limited. Mr. Hamilton thanks the Commission for their time and the Commission thanks Mr. Hamilton for presenting his concerns. **NO ACTION, ITEM DIES.**

7. Fair Board Invoice for Services Rendered without a Purchase order in Place – Ms. Olivas, Purchasing Director, speaks. An accounts payable was turned in she did not recognize. There was no purchase order in place and there had been no communication sent to Ms. Olivas about the purchase. Mr. Wallin comments about this invoice. When the pig barn on the Torrance County Fairgrounds was demolished, the electricity had to be cut off. In preparation for the Fair, the electricity had to be turned back on. Gustin Electric was called out to switch the power back on. Per the Procurement Code, there should have been communication with Ms. Olivas to have a purchase order created and there was not. The amount of the invoice is \$800.00. After some discussion, Chairman Candelaria calls for a motion. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve payment of the Fair Board invoice for services rendered without a purchase order. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

8. 2017-2021 Infrastructure Capital Improvement Plan and Ranking- Ms. Annette Ortiz, Deputy County Manager, speaks. Today, she presents the Commission with our current ICIP; this is our wish list of projects we want funded by the State Legislature. Our top 5 requested projects need to be ranked and the entire list needs to be turned in to the State by September 1st. She reviews the ICIP with the Commission. They remove the request for funds for a Computer Aided Dispatch and Record Management System as this project has already been funded. Madam Commissioner DuCharme asks if there is an anti-donation issue with the Duran water system improvements request. Mr. Wallin states that, in his opinion, there is not. After some discussion, the Commission ranks their top 5 requested projects:

1. County Road Upgrade, Improve, and Repave
2. County Fair Ground Improvements
3. New Senior Center Facility
4. Duran Water System Improvements
5. Upgrade County Computer Software

A complete list of the ICIP Project Summary is included in the file for this meeting. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve the 2017-2021 Infrastructure Capital Improvement Plan and Ranking. Chairman Candelaria seconds the motion. No

further discussion. The Commissioners vote. All in favor, none opposed.
MOTION CARRIED

9. Resolution 2015-38 Adoption of the 2017-2021 Infrastructure Capital Improvement Plan. Ms. Annette Ortiz, Deputy County Manager, speaks. The ICIP must be adopted by resolution. All documentation hereto attached. **ACTION TAKEN** Chairman Candelaria makes a motion to approve Resolution 2015-38 Adoption of the 2017-2021 Infrastructure Capital Improvement Plan. Commissioner Frost seconds the motion. Ms. Ortiz clarifies that this ICIP is for fiscal years 2017-2021. Ms. Ansley further clarifies that this plan is updated each year and each year it is projected out another year. The current Commission and future Commissions can update this plan at any time. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

***Department Requests/Reports:**

10. Resolution 2015-39 Resolution Establishing Fees for Assessor Database Commercial Requests Ms. Ansley, County Manager, speaks. She spoke with Mr. Huss, County Attorney, this morning. He informed her that he believes that these fees should not be established by resolution, but rather by ordinance. He also stated that he has some concerns about the proposed fee amounts 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. The Commissioners vote. All in favor, none opposed. **ITEM TABLED.**

11. Letter of Interest for Appointment to the Estancia Basin Water Planning Committee Ms. Ansley speaks. As Mr. Guetschow mentioned earlier in the meeting, three letters of interest have been received for this position: letters from Ms. Linda Jaramillo, Mr. Erminio Salas, and Mr. William (Bill) Larson. Ms. Jaramillo addresses the Commission. She states that this item has come before the Commission several times so at the last Commission meeting, she decided to step up to the plate and submit her name for consideration. This morning she was told that the Chairman of the committee would prefer having someone with more agricultural experience. She states that she still wants to be considered. She reads her letter of interest for the Commission:

Dear County Commissioners,

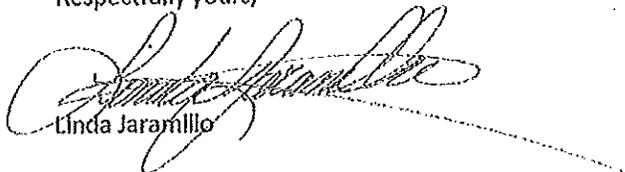
I would like to submit my name as a committee member on the Estancia Basin Water Planning Committee. I have lived in Torrance County for 61 years. I grew up in Willard, New Mexico and came to school here in Estancia. At an early age I understood the importance of water due to the fact that our only source of water was a well with a bucket and a pulley. No wasted water in our household.

I lived in Mountainair for 15 years, in town, and out of town on a ranch. On the ranch well issues were constant and being 20 miles from town made it difficult when the well went down. I lived in Tajique for 5 years with a well of our own and also owned around 2,000 acres that we subdivided and in some lots we provided wells. We were fortunate to have a well witcher, Mr. D'Spain, who always found us a good source of water before we dug a well. That is not always the case for some people.

I lived above Torreon close to Sherwood Forest for 5 years with a beautiful stream running through our property when we had plenty of snow in the winter. I have a cabin at Fort Sumner Lake with the lake just across the street from me. I have a well share agreement with 4 of my neighbors and a couple of years ago we had to go deeper with our well and pay for a new pump. It was very expensive even with 5 of us sharing the cost.

I moved here to Estancia in 1997 and have lived here for over 18 years. I have enjoyed the luxury of a town water system but am still very careful not to waste water. Water is essential for all living things and a blessing and a resource we must protect and that is why I would like to be on the Estancia Basin Water Planning Committee.

Respectfully yours,



Linda Jaramillo

She also notes for the Commission that she was told she had to submit her letter in time to be placed on today's agenda, which she has done.

Mr. Guetschow speaks. He reads the following letter from Mr. Erminio Salas who could not be present at today's meeting:

To whom it may Concern:

My name is Eiminio Salas
It was mentioned to me
that there is a vacancy on
the Estancia Valley Water
Basin Community, I am interested,
I am presently Vice pres. of the
Torreon Asegura Assoc, and
a volunteer fire & Rescue dept,
and a board member of the
Torreon Land Grant Commission
I believe being with Water Basin
Community I can give some input.
& WATER SYSTEMS OPERATOR FOR TORREON WATER SYSTEM.

Sincerely

Eiminio Salas

Mr. Guetschow now reads the following letter from Mr. Bill Larson, who also could not attend today's meeting:

Mr Guetschow :

Please place my name into consideration to serve on the Estancia Basin Water Planning Committee.

I was raised on an irrigated dairy farm near Moriarty.

After receiving a Bachelors of Science in agriculture from New Mexico State University I taught high school vocational agriculture at Moriarty High School for 3 years.

While in North East Kansas I taught vocational agriculture 5 years and worked in a John Deere Tractor Parts Department for 2 years.

January 1982 to June 1986 I taught Vocational Agriculture at Moriarty High School .

Since 1981 I have , along with my brother Don Larson have owned property near Moriarty which includes irrigated and dryland farming and native pasture near Moriarty .

My brother Don Larson and I are involved with water rights on the above mentioned properties.

Thanks for your consideration.

William A (Bill) Larson
224 Saline Pump Road
MORIARTY, NM

Chairman Candelaria speaks. All the candidates are uniquely qualified and all are thanked for their interest in this very important committee. Chairman Candelaria states that he knows that for months no one was interested in submitting a letter of interest for this committee. Ms. Jaramillo stepped up to the plate and submitted her name and he is grateful that after so many months she was willing to do this. All documentation hereto attached. **ACTION TAKEN** Chairman Candelaria makes the motion to appoint Ms. Linda Jaramillo to the Estancia Basin Water Planning Committee. Madam Commissioner DuCharme seconds the motion. Commissioner Frost comments that we have three good choices but Linda Jaramillo stepped up and volunteered to do this. Madam Commissioner DuCharme comments that when we have more than one candidate and we need to make a choice, we have to be fair. It would be fair to choose Ms. Jaramillo because we didn't have candidates up to this point and when we didn't have candidates, she wanted to help out. Also, she submitted her letter of interest according to our rules and she is present today and the other candidates are not. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

**County Manager Requests/Reports:*

12. Ratification of Resolution 2015-37 Indigent Burial Ms. Ansley speaks. At the last Commission meeting, she presented the Commission with a resolution authorizing the cremation of a decedent that was being stored at the office of the medical investigator. The Commission agreed to sign the resolution at that time. Today, the resolution needs to be ratified. All documentation hereto attached. **ACTION TAKEN** Commissioner Frost makes a motion to Ratify Resolution 2015-37 Indigent Burial. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

13. Reorganization of County Manager's Office- Ms. Ansley speaks. She put this item on the agenda, but is not ready to go forward with it yet. Once a new Finance Director is hired, she may be ready to discuss her ideas for the reorganization of her office with the Commission. All documentation hereto attached. **NO ACTION TAKEN, ITEM DIES.**

14. Update

Ms. Ansley presents the following written update:

Manager's Report – August 26, 2015

1. At the last Commission meeting, Commissioner DuCharme asked me to give a report of the auction results from the last public auction, which was held in June. The County items sold generated \$4,130.78. The titles have been delivered and the check has been received and deposited.
2. The old TCPO van (12- passenger) that we failed to include in the last auction was put out for bid; it will be in this weeks' paper. We'll accept bids on the vehicle and depending on what we receive, we'll be rid of it.
3. I was reminded that EMWT did ask the Commission for fiscal support during the budget process. They weren't granted any funding. They would like to know what the status of their request is.
4. In 2007, the Commission appointed a financial oversite committee and a grant committee. Ms. Kayser has chaired the grant committee for the last 8 years and does not want to do this anymore. If the Commission wants to keep the grant committee alive, we need to revise that policy and

appoint a committee. *(The Commission wants to continue a grant committee).*

5. The Claunch-Pinto Soil and Water Conservation District has been helping us with a landscaping grant application that is due today. Attempts to get this application seen by the members of the grant committee was unsuccessful. If the Commission approves, this application will be signed and submitted today and will need to be ratified at the next Commission meeting. There is an in-kind match that will be met by the Claunch-Pinto Soil and Water Conservation District, as well as by the other two districts that will be putting money into this. *(The Commission agrees to this).*

Chairman Candelaria explains that an 'in-kind' match can be met with either labor or administrative duties, etc. - not money.

Madam Commissioner DuCharme thanks Ms. Ansley for the follow-up on her questions and concerns. She states that she is continuing to receive complaints from residents about Heritage Road. She asks Ms. Ansley if Heritage Road has been scheduled to be worked on. Ms. Ansley replies yes, it is scheduled to be worked on sometime in mid-October.

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:

Threatened & Pending Litigation 10-15-1 (h)(7):

- a. Rogers v. TCSO
- b. Miller v. White & Ballard
- c. Gonzales v. Baca

ACTION TAKEN: Commissioner Frost makes a motion to go into Executive Session. Madam Commissioner DuCharme seconds the motion. Roll Call Vote: District 1-Yes, District 2-Yes, District 3-Yes. **MOTION CARRIED.**

Executive session starts at 11:28 am.

***Reconvene from Executive Session**

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.**

Regular Session reconvenes at 12:11 pm.

Chairman Candelaria states that during Executive Session only the items listed above were discussed and no action was taken.

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.

Leonora Lovato Romero, resident, speaks. She states that she is here today again to voice her opposition to the medical marijuana greenhouse in Loma Parda. She knows that the vote was 2-1. She gives each of the Commissioners a penny and talks about the Lincoln Memorial on the penny as a symbol of the American Spirit, of unity, and of our values. She states that she hopes we can rebuild our common values as a people for our County. She uses her pennies to give a demonstration symbolizing the need for the Commission to listen to the people of Loma Parda. She states in closing that she is very disappointed in the 2-1 vote. She thanks Madam Commissioner DuCharme for supporting the people who voted for her and for taking the time to dissect every paper and everything she reads; it takes patience, time, and guts.

Charlene Guffey, resident, speaks. She wants to speak about item # 3. **Discussion of updating the EVSWA Ordinance 94-12.** She states that all counties in New Mexico have faced difficulties covering the costs of their solid waste services. These counties are updating their out of date ordinances that will work towards a long term goal, not just putting a band-aid over it. All counties throughout New Mexico are supporting their solid waste services by additional local government funding sources; subsidizing. Besides the revenue obtained from permit fees, the service can be funded 100%. It is time for Torrance County to start subsidizing this service; change your ordinances. Torrance County should be proud of how their transfer stations and landfill are run. There are other counties that are

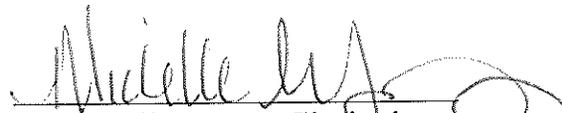
modeling after us. Let's continue this high standard to keep our service up to date. We all need to pay our fair share for this service.

Art Swenka, resident, speaks. The municipalities who own EMW continue to fund EMWT. They had Mr. Swenka to ask the County for funding a few weeks ago and he is here today to remind the Commission to not forget about them. They are requesting \$35,000.00. Chairman Candelaria comments that they will look at the budget again and determine what is feasible.

***Adjourn**

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to adjourn the August 26, 2015 Commission Meeting. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.** Meeting adjourned at 12:24 pm


Chairman Candelaria


Michelle Jones, Clerical

9/9/2015
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.