

**Final Copy
Torrance County Board of Commissioners
Commission Meeting
September 23, 2015**

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

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

Call Meeting to Order:

Chairman Candelaria calls the September 23, 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 September 9, 2015 Regular Meeting Minutes. Commissioner Frost points out an incorrect sentence in the minutes. On page 15 of the minutes, it states that, "Mr. Wallin states that we will **not** take testimony from the public who signed up to speak." This sentence should read, "Mr. Wallin states that we will **now** take testimony from the public who signed up to speak." This correction will be made to the minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the September 9, 2015 Regular Meeting Minutes with the correction as listed above. Chairman Candelaria seconds the motion. The Commissioners vote; two in favor, Madam Commissioner DuCharme abstains. **MOTION CARRIED.**

Approval of the Meeting Agenda:

Chairman Candelaria requests that agenda item #7 be moved up on the agenda to be heard after item #1. His fellow Commissioners agree to this change. **ACTION**

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

Approval of the Consent Agenda:

Chairman Candelaria asks for a motion to approve the Consent Agenda, approval of warrants and indigent claims. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Consent Agenda, approval of warrants. Madam Commissioner DuCharme seconds the motion. There are no indigent claims. The Commissioners vote; all in favor, none opposed **MOTION CARRIED.**

Action Items

Items to Be Considered and Acted Upon

***Department Requests/Reports:**

1. Updates:

Janice Barela, County Treasurer, speaks. She states that she appreciates the Commissioners understanding in regards to the Treasurers Finance report not being turned in on time; she has been working diligently to insure that the report is as accurate as possible and will be presenting this report as soon as it is ready. For 2014, we are 92.18 % collected and we are 96.75% collected for 10 years. Ms. Barela informs the Commission that mobile home liens were mailed out on time; this year Torrance County mailed out 754 mobile home liens. As of yesterday, there were still 670 active mobile home liens. Her office was not able to red tag every delinquent mobile home this year, but her goal is to tag every one next year. Ms. Barela recently restructured her office. After reviewing her budget, she was able to restructure her positions and give her employees a much deserved increase in their compensation. Chairman Candelaria compliments Ms. Barela on her efforts to help her associates. Lastly, Ms. Barela informs all that she has been working with a company, PAYGOV.US, to see about getting credit card payments in our offices. In the past, our offices have only been able to accept cash, checks, or money orders from customers. Ms. Barela is confident that this company will provide excellent customer service to our customers, as well as to the County. Mr.

Wallin has already reviewed and approved the contract with this company. As this service will be free for the County, the contract will not require Commission approval. However, Ms. Barela will provide the Commission with a copy of the contract for review. On-line payments with PAYGOV.US will begin in January 2016, when the contract with our current online provider ends. In-office payments will begin within the next week in the Clerk's office.

Madam Commissioner DuCharme asks Ms. Barela who places the mobile home liens. Ms. Barela explains that the County places the liens and also releases the liens. Ms. Barela further explains that once mobile home owners are delinquent one year, a lien is placed along with a \$25.00 Treasurer's fee. The owner must pay the fee, penalties and interest, and then the taxes due before the lien is released.

Betty Cabber, County Assessor, speaks. Her office can also assist the Treasurer's office with red tagging of delinquent mobile homes. Ms. Cabber reminds the Commission that on October 5th, her Assessors will be going out and reassessing the town of Willard.

Annette Ortiz, Deputy County Manager, speaks. She takes this opportunity to introduce our new Finance Director, Ms. Amanda Tenorio. She is highly qualified and we are very fortunate to have her on board. Welcome Ms. Tenorio!

Commissioner Frost speaks. The other day he had to drive to Estancia. He gave himself plenty of time to make the drive because of the potholes on one of the roads he takes. He was pleasantly surprised to find that the road had been chip sealed; it looked wonderful. Thank you Road Department!

Madam Commissioner DuCharme speaks. She apologizes to her constituents for not being present at the last Commission meeting; she was traveling. She also praises the Road Department for their excellent work on Heritage Road; it looks wonderful. Madam Commissioner DuCharme now states that she disagrees with the Commission's decision to allow the County building to be closed for one hour per month for employees to gather uninterrupted. She states that she wants to get along with all the County employees, but thinks this decision is wrong. Taxpayers paid for it and participation from the offices should be voluntary. There could be peer pressure to participate in this socializing; it should be done after work or on weekends, not during the work day. Also, it took authority away from Department Heads to schedule this kind of meeting for their employees; she is very disappointed.

Chairman Candelaria speaks. The State Fair was last week and some of our County residents participated and did very well. It takes a lot of hard work to bring animals to that kind of standard to do well; Congratulations to the kids who participated and to the parents and to all who helped out. This kind of participation makes our County look good!

Ms. Ansley requests that items #6 and #7 be heard now. The Commission agrees to this.

6. Cancellation of Contract between Torrance County and the State of NM Risk Management for Insurance. Ms. Ansley, County Manager, speaks. As the Commission knows, we have been discussing looking at other options, other than the State's insurance plan, for benefits. We put out an RFP for brokers and awarded the RFP to Rydeski & Co. Rydeski & Co. did a lot of work and came back with numbers and plans from some private insurance providers. Ms. Ansley provided the Commission with some estimates at the last Commission meeting:

	Joy Fyl	
	Current	Proposed
HMO	\$57,203.83	\$47,992.08
PPO	\$2,832.95	\$2,203.49
Dental	\$3,578.92	\$3,326.05
Vison	\$629.06	\$926.70
Life*	\$365.40	\$1,062.00
LTD*	\$733.20	\$1,027.39
STD*	?	\$2,056.93
Admin Fee	\$113.10	\$2,500.00
	\$65,456.46	\$61,094.64

In the proposed number, we cover all eligible (105EE) for Life, LTD, STD.
Even if you cover all for STD, you save the County:

\$52,341.84

Wth Better Benefits.

\$77,013, if we don't purchase short-term

At that time, she also informed the Commission that if we were going to cancel our insurance plan with the State we would have to give them 90 days' notice. If we are going to move forward with trying to broker our own insurance plan, we have to cancel with the State by Oct. 1st. **ACTION TAKEN:** Commissioner Frost makes a motion to cancel the Contract between Torrance County and the State of New Mexico Risk Management for Insurance. Chairman Candelaria seconds the motion. Ms. Ansley introduces Ms. Paula Mendonca from Rydeski & Co. Chairman Candelaria confirms that there will be savings to the County with a new plan. Ms. Mendonca states that they looked at a United Health plan, but the Presbyterian plan seems to make the most sense as the costs are very compelling and the majority of our employees are already on a Presbyterian plan. Ms. Ansley interjects that yes, the recommendation from Rydeski & Co. is that we go with a Presbyterian Health plan. Most of our employees are in an HMO. Presbyterian offers an HMO and a PPO. Ms. Ansley recommends that if there are families that are interested in a PPO, we set a limit on what we would pay for that PPO and if the employee wants to upgrade, they could pay up to that plan. The bids also included dental, vision, long term disability, and the standard life that we currently have. We currently pay 70% of an employee's insurance. Depending on how many employees sign up, etc., perhaps that percentage could be increased to 80 or 85%. Many counties are considering moving away from the State's insurance plan. No further discussion. The Commissioners vote; all in favor, none opposed.

MOTION CARRIED

7. Contract between Torrance County and Rydeski & Co. for Insurance

Broker Services Mr. Wallin speaks. He has reviewed this contract; it is a consultant agreement in our standard Professional Services form. Basically, it is an agreement between Torrance County and Rydeski & Co. for them to handle the aspects of negotiating, finding, and comparing insurance for us as a professional insurance broker. **ACTION TAKEN.** Chairman Candelaria makes a motion to approve the Contract between Torrance County and Rydeski & Co. for Insurance Broker Services. Commissioner Frost seconds the motion. Ms. Ansley interjects that the amount of this contract is \$2500.00 per month and it is renewable on a yearly basis, with 3 additional 1 year options to renew. Representatives will be here Nov. 2-4 to get everyone signed up and to meet with employees one-on-one to get their insurance implemented. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

2. Review of the FOG's Audit of the Torrance County Website Madam Commissioner DuCharme speaks. She states that she put this item on the agenda. She asks Mr. Nick Sedillo for help with presenting this item. The bulk of this audit was done by Mr. Frank Cardoza, a UNM Law student and FOG intern. Madam Commissioner DuCharme states that she is a proud member of the Foundation for Open Government. She states that she thought this would be a perfect opportunity for us to look at our Torrance County Website and discuss and hear everybody's opinion about it; what works, what doesn't, and what kind of improvements can be made. The website audit is attached below:

Website Audit

City/County: _____ Torrance County _____

- **Financial (18)**
 - Budget
 - Overall and by department, agency, or board budgets. (3) for current year (2) for previous years. (5)
 - Budget analysis report. (1) (1)
 - Register
 - Check register, for both written and electronic checks, by department, agency, or board, showing payments to individual vendors. (4) (0)
 - Spending
 - Interim financial reports by department, agency, or board through the most recent month or quarter. (3) (0)
 - Audits
 - Copies of or links to financial and operational audits, both internal and external, performed for the current year. (3) (3)
 - For the past 3 years. (1) (1)
 - Taxes
 - Property and other tax rates. (1) (1)
- **Accountability Data (17)**
 - Employees
 - The name, position/title, and salary of every employee/official. (5) (0)
 - Vendors
 - A database of current vendors and their contracts, plus those for the current year (3) (0)
 - For last 3 years. (1) (0)
 - Contracts
 - Copies of current contracts. (2) (0)
 - Copies of contracts or the last 3 years (1) (0)
 - *Contract and vendor information is not available.
 - Open contracts available for bid, plus bidding rules and requirements (2) (2)
 - Grants
 - Grants or subsidies for economic development (1) (0)
 - Campaign Finance Info
 - Any information about the current administrations campaign finance information (2) (0)
 - *Not provided in the county clerk section of the website where the election information is found.

- **Public Meetings (23)**
 - Rights
 - A clear statement of individual rights of access and to speak at public meetings, with links to state law and to any supplemental local provisions. (3) [0]
 - Notice
 - Annual schedule of all regular meetings, with time and place, for all boards, commissions, and committees. (3) [3]
 - Videos
 - Videotapes of past meetings posted to an accessible area. (2) [2]
 - Agendas
 - Advance posting of agendas for upcoming meetings (3) [3]
 - Packet
 - Citizen's copy of agenda materials given boards members. Would include texts of bills/resolutions/ordinances, and of supporting reports and memoranda. (4) [4]
 - Minutes
 - Posted within 10 days of approval at meeting. (3) [0]
 - Minutes reflect votes of individual board members. (1) [0]
 - Archived for the past 3 years (1) [0]
 - *The last minutes posed are from 2013
 - OMA Policy
 - Resolution of OMA policy for current year. (3) [3]
- **Contact Information (3)**
 - Elected
 - Contact info (1) [1]
 - Term of office and next election date (1) [0]
 - Appointed
 - All senior administrators and department heads (1) [1]
- **Public Records (21)**
 - Rights
 - A clear statement of an individual's right of access to records (2) [0]
 - Links to the text of state laws and to any supplemental local regulations or policies (2) [0]
 - *State statute is cited.
 - Links to any information resources available for persons seeking public records (1) [1]
 - Procedures
 - Local procedures or policies on accessing public records, including guidelines to assist citizens making records request, including fees, and suggestions on how to minimize those costs (3) [0]
 - *No suggestions on minimizing costs for public records are provided.
 - Information on electronic access to public records and formats in which data is available (1) [0]
 - Officers
 - Contact information for all records custodians or others charged with assisting the public in providing access to public records, by department, agency, or board. (2) [2]
 - FOI Page
 - Open Records Request page that presents all of this information in one place. (2) [2]
 - FRLs
 - Frequently requested information is indexed and posted (1) [0]
 - Tracking
 - Website feature for tracking of records requests, whether made online or otherwise. (2) [0]
 - Ordinances

- City code or ordinances access (3) [3]
 - Jobs
 - Job vacancies with county or city are posted on website (2) [2]
- Website Functionality (9)
 - Downloadable
 - Information can be downloaded in form that is easily searched and sortable. (2) [2]
 - Searchable
 - There is a homepage search box that allows search by key word, phrase, or activity, and by agency, department, or board. (2) [2]
 - One-Click
 - Most information can be found with a single click/drop-down menu from home page. (2) [2]
 - Site Index
 - A readily accessible site index of all pages, features. (2) [0]
 - Feedback
 - Users are invited to comment on website, functions. (1) [1]
- Frequently Sought Information (9)
 - Building, Zoning
 - Links to building and zoning regulations and maps. (2) [2]
 - Hearing schedules and agendas. (1) [1]
 - Public Safety
 - Easy access to police crime reports, by neighborhood. (1) [0]
 - Assessments
 - Links to property assessments. (1) [1]
 - Information on assessment appeals process. (1) [0]
 - Information on filing for assessment exemptions. (1) [1]
 - Searchable website provided to acquire property assessment. (2) [0]

Score Total: _____ **52** _____

Comments:

Madam Commissioner DuCharme asks Mr. Sedillo if he is familiar with this audit. He is not. Mr. Sedillo comments that there are three administrators to the TC website. When the County had a committee set up in 2010 to work on the website, they asked the Department heads for wish list items that they wanted on their pages. The site is very basic with additions and deletions as requested by the Department heads. Mr. Sedillo states that the calendar was recently updated. There has been talk that we are going to revamp the entire website to give it a more modern look. He reminds all that changes cost money and elaborate changes cost more money so people need to keep costs in mind when recommending or requesting updates. Ms. Ortiz, Deputy County Manager, asks for patience with regards to the updates on the website as we do not have a person whose sole job is the site.

Madam Commissioner DuCharme states that she would like to see more information on the site and she wonders about the additional cost. Mr. Sedillo replies that the cost will depend on the information requested. Some requests could be easily accomplished, some may require the assistance of an outside source.

Copies of the audit have been distributed to members of the audience. Madam Commissioner DuCharme explains how the audit was scored. Each item has two numbers. The first number is the highest possible score for the item, and the second number is the actual score:

- Public Meetings (23)
 - Rights
 - A clear statement of individual rights of access and to speak at public meetings, with links to state law and to any supplemental local provisions. (3) [0]
 - Notice
 - Annual schedule of all regular meetings, with time and place, for all boards, commissions, and committees. (3) [3]

In the example above, in the Public Meetings category there are a possible 23 points. For Rights, we scored 0 out of a possible 3 points. For Notice, we scored 3 out of a possible 3. Overall, our TC website scored 52 points out of a possible 100. Madam Commissioner DuCharme points out that in the Accountability Data category we scored 2 out of a possible 17 points. She asked the Executive Director of the FOG about this category and she said that we don't have specific laws that require this information on the site, but it is a best practice. There is discussion about the difficulty or ease of putting some of the requested information on the site. There is also discussion about where certain items should be placed on the site. Madam Commissioner DuCharme makes specific requests for the County Commissioner page.

Chairman Candelaria asks when this audit was conducted and how many people participated in the audit. Madam Commissioner DuCharme replies that Mr. Cardoza conducted the bulk of the audit and that several other county and municipal websites were audited.

Ms. Betty Cabber, TC Assessor, comments that she would have appreciated having this information sooner, along with an explanation of what it detailed. She asks again when this audit was conducted, because certain information that the audit states is missing, is actually available on her department page. She states that she did not receive a copy of the audit until today's meeting. She suggests that she and her fellow Department heads get together for a special meeting at another time to look over this audit in detail and discuss it. Ms. Ortiz also suggests discussing the audit and any proposed changes at another time. Madam Commissioner DuCharme thanks Mr. Sedillo, Ms. Ortiz, and Ms. Olivas for their help with the presentation

of this agenda item. All documentation hereto attached. **NO ACTION, INFORMATION ONLY**

3. Findings of Fact/Conclusions of Law- Planning and Zoning Variance by Charles (Pat) Padilla Mr. Wallin, County Attorney, speaks. These are the Findings of Fact/Conclusions of Law that the County Attorney has drafted as a result of the appeal of the Planning and Zoning Board's determination on the request for a Variance by Charles (Pat) Padilla. Mr. Guetschow reads the following document into the record:

**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 September 9, 2015 considered an appeal of the Planning and Zoning Board's denial of a variance of area requirements for a division of land, upon a vote of 2 for and 0 against, enters the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On or about March 9, 2015, a landowner owning property within an Rural Community Preservation Zone District filed an application for variance of land area in a proposed division of property.
2. At the Planning & Zoning Board meeting on April 1, 2015 the matter was tabled after the applicant failed to appear.
3. At the Planning & Zoning Board meeting on May 6, 2015, the matter was tabled after both a motion to approve and a motion to deny the application for variance died for lack of a second.
4. The matter was on the agenda for the June 3, 2015 Planning & Zoning Board meeting but the applicant requested that it be tabled.

5. The matter was on the agenda for the July 1, 2015 Planning & Zoning Board meeting, but the applicant again requested that it be tabled.
6. At the August 5, 2015 Planning & Zoning Board meeting the matter was again presented by the applicant and upon motion to deny a vote was held and unanimously passed.
7. Rural Preservation Districts are regulated by Section 14.1 of the Zoning Ordinance and Section 14.1 D. sets out the District Standards.
8. Section 14.1 D. 1. states, with certain exceptions which are not germane to this application, that the minimum parcel size within the district will be 40 acres or 1/16 section, whichever is the smaller of the two.
9. Section 22 of the Zoning Ordinance regulates variances and grants the Commission authority to approve a variance from the strict application of, among other things, area requirements.
10. Section 22 D. requires a proposed variance to comply with Section 23 of the Zoning Ordinance related to water usage.
11. Section 22 E. sets out requirements which may be imposed by the Zoning Commission in approving a variance to assure that the requested variance will not cause a significant hazard, annoyance, or inconvenience to owners and occupiers of nearby property and that it will not significantly change the character of the neighborhood or reduce the value of nearby property.
12. At its regular meeting on September 9, 2015, the Board allowed testimony, cross-examination and exhibits.
13. The testimony included testimony that the landowner was proposing community wells and/or well-sharing agreements as well as separate septic systems for each proposed lot.
14. The testimony included testimony from surrounding property owners regarding the potential impact on water sources from the increased number of septic systems and the potential impact on water quantity.

15. The testimony further included testimony from surrounding property owners that the increased density would significantly change the character of the neighborhood.
16. At the Board's regular meeting, held September 9, 2015, the Board announced that it had voted to deny the appeal and affirm the Planning & Zoning Board's denial of the application.

CONCLUSIONS OF LAW

1. The Zoning Ordinance, as part of the administration of the Ordinance, provides the Planning & Zoning Board with authority to make a determination as to whether a proposed variance to the Zoning Ordinance should be granted.
2. The Planning & Zoning Board considered whether requirements could be made to the variance which would ameliorate the impact on the water quality, water quantity, and changes to the character of the neighborhood and decided it could not.
3. The applicant was afforded the opportunity to present testimony and evidence regarding the impact on water quality, water quantity, and changes to the character of the neighborhood.
4. Opponents of the applications were afforded the opportunity to present testimony and evidence regarding the impact on water quality, water quantity, and changes to the character of the neighborhood.
5. Insufficient evidence has been presented to support reversing the Planning & Zoning Board's denial of the variance.
6. Therefore, there is an insufficient basis to reverse the Planning & Zoning Board's denial of the variance and; accordingly, that determination is hereby affirmed.

Entered this 23 day of September, 2015.

All documentation hereto attached. **ACTION TAKEN.** Chairman Candelaria makes a motion to approve the Findings of Fact/Conclusions of Law- Planning and Zoning Variance by Charles (Pat) Padilla. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; two in favor, Madam Commissioner DuCharme abstains. **MOTION CARRIED**

4. Rescind Resolution 2007-62 Reimburse for County Manager's Cell Phone
Ms. Ortiz, Deputy County Manager, speaks. At the last Commission meeting, the Commission approved an employment contract with the County Manager. The agreed upon yearly salary in the contract includes a cell phone allowance and vehicle allowance. As a result, Resolution 2007-62 Reimburse for County Manager's Cell Phone needs to be rescinded. **ACTION TAKEN.** Commissioner Frost makes a motion to Rescind Resolution 2007-62 Reimburse for County Manager's Cell Phone. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks if the County has other at-will employees. The County does; the Emergency Manager, Department Deputies, etc. Madam Commissioner DuCharme asks if other at-will employees have the same deal. Mr. Wallin clarifies that Ms. Ansley's contract specifically states that:

The Employee will also be provided with a cellular telephone and Employer shall pay for all cellular telephone charges incurred. Employee must conduct all county business on the county provided cell phone and on county email.

As a result, Resolution 2007-62 must be rescinded. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

5. Rescind Vehicle Allowance Contract with Torrance County Manager Mr. Wallin speaks. He reiterates that at the last Commission meeting, the Commission approved an employment contract with the County Manager. The agreed upon yearly salary in the contract includes a cell phone allowance and vehicle allowance. As a result, the Vehicle Allowance Contract with the County Manager needs to be rescinded. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to rescind Vehicle Allowance Contract with Torrance County Manager. Chairman Candelaria seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

8. Update

Ms. Ansley does not have an update today.

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.

Michael Godey, resident, speaks. He thanks Madam Commissioner DuCharme for bring up the issues regarding the County website. He thanks the Commission and Planning & Zoning for posting their meeting dates and times on the County calendar. The Tajique and Torreon Neighborhood Watch is hosting a Neighborhood Clean-up this Saturday @ 10:00 am. A dump truck will be available from Thursday- Sunday.

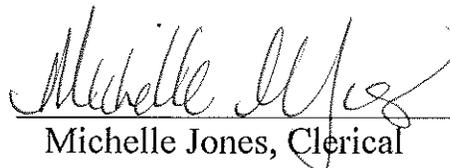
Fred Sanchez, resident, speaks. He thanks Commissioner Frost and Chairman Candelaria for their decision concerning the request for a variance from Mr. Charles (Pat) Padilla. He also comments that he thinks the allowing the County Building to close for one hour a month for the employees to get together is a good idea; it's good for communication and it's good for moral. As a general contractor Mr. Sanchez had over 40 employees at one point, and they would get together for an hour every Friday. It was a paid hour or two; they would socialize and it really helped.

Michelle Jones, (myself), resident, speaks. Ms. Jones takes this opportunity to thank the Torrance County Animal Shelter and the Torrance County Sheriff's office for their recent assistance.

***Adjourn**

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to adjourn the September 23, 2015 Commission Meeting. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.** Meeting adjourned at 10:50 am


Chairman Candelaria


Michelle Jones, Clerical

10/14/15
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.