

**Final Copy
Torrance County Board of Commissioners
Commission Meeting
December 9, 2015**

Commissioners Present: **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:

Commissioner Frost calls the December 9, 2015 meeting to order at 9:01 am. He welcomes all those present to the meeting and leads us in the pledge. Mr. Fred Sanchez, Torrance County resident, gives the invocation.

Chairman Candelaria is not in attendance at today’s meeting.

Approval of the Meeting Minutes:

Commissioner Frost asks for a motion to approve the November 25, 2015 Regular Meeting Minutes. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the November 25, 2015 Regular Meeting Minutes. Commissioner Frost seconds the motion. Madam Commissioner DuCharme comments that the minutes are written very well and are accurate, however she is requesting an addition to agenda item #9 on page 12. She requests the addition of, “that extremely inappropriate remark by Mr. Saline”. The remark will be added to the minutes. The Commissioners vote to approve the minutes with the requested addition. All in favor, none opposed. **MOTION CARRIED.**

Approval of the Meeting Agenda:

Commissioner Frost asks for a motion to approve today’s agenda. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve today’s

Commission Meeting Agenda. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Consent Agenda:

The Consent Agenda will be reviewed for approval later in today's meeting.

Action Items

Items to Be Considered and Acted Upon

Department Requests/Reports:

1. Updates:

Linda Jaramillo, County Clerk, speaks. She informs all that she has added the list of the names of the people who were recently purged from the TC voter rolls to the Clerk's website. Residents can review the list. If a residents is on the list and believes this to be an error, they can come to the Clerk's office and reregister to vote. Along with the purged voter list is an explanation of the purge process. Ms. Jaramillo states that there has been talk in the public that County Clerks have purged certain parties. Ms. Jaramillo give the number of voters purged by party so everyone can know it was a uniform purge:

Democrats:	450
Republicans:	508
Declined to state:	300
Independent:	48
Green:	7
Libertarian:	1
PAF:	1

If anyone has any questions about this purge, they can contract the Clerk's office.

Madam Commissioner DuCharme reminds all that tomorrow is the last day to pay taxes without penalty. Ms. Barela, TC Treasurer invited Madam Commissioner

DuCharme to her office to show her the improvement that have been made; all geared towards providing excellent customer service. Madam Commissioner DuCharme further states that she recently attended a gathering at the Memorial of Perpetual Tears. The gathering was beautiful, but also very sad. The Christmas tree was beautifully decorated with ornaments, but also had pictures of victims of DWI. It is a somber reminder to be careful, thoughtful, and safe during this Holiday Season and every day.

Commissioner Frost asks Madam Commissioner DuCharme to comment about her recent meeting concerning the wind farm. She states that they are starting the project. It will take approximately 18 months to complete. Training is available through CNM to prepare people who are interested in working on the project. EVEDA representative Myra Pancrazio will hopefully attend a Commission meeting soon to explain about this project in more detail.

Commissioner Frost comments that as he was doing his early morning work the other day, he spotted police officers already at work, Trucks moving from the solid waste transfer stations and also spotted our Road Department workers already on the job well before sun-up. Good Job and many thanks!

2. 2015 End of Year Safety Performance Award Presentation- Nick Sedillo, Safety Officer Mr. Nick Sedillo speaks. He received one nomination for this year's Safety Award. He reads the nomination, which states that this individual is very safety conscious and helps with the RAP program in her office. She makes sure everyone in the office practices safety rules and is a great example of safety. This person has taken all the mandatory safety training. She started her employment with the County in 1999 and has been accident free for 6,141 days. This year's Safety Performance Award winner is Ms. Linda Kayser, Deputy County Clerk. Ms. Kayser will receive a plaque and a Safety jacket. Congratulations Linda! **NO ACTION, DISCUSSION ONLY**

3. Request Permission to Purchase Brush Truck from Houston-Galveston Area Contract for Duran Fire Department- David Crabb, Dist. Chief Ms. Ansley speaks. Chief Crabb informed her that he would not be able to attend today's meeting and asked that the Commission table this item. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to table. Request Permission to Purchase Brush Truck from Houston-Galveston Area Contract for Duran Fire Department. Commissioner Frost seconds

the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED, ITEM TABLED**

4. NMFA Loan Documents for District 3 Fire Engine Purchase Ms. Ansley speaks. She reminds the Commission that the County has been working on approving the loan and fire truck order, etc. for a new fire truck for the District 3 Fire Station. As part of the process for the NMFA, the following documents need to be approved and signed by the Commission and returned to Bond Counsel so the loan can be closed:

- a. **Resolution 2015-52** all documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve Resolution 2015-52. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**
- b. **Loan Agreement** All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the NMFA Loan Agreement. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**
- c. **Intercept Agreement** All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the Intercept Agreement. Commissioner Frost seconds the motion. Madam Commissioner DuCharme asks for clarification on when payments will begin. Ms. Ansley explains that the loan will not close until late January 2016, and the first intercept will not come until the beginning of the fiscal year- July 2016. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

5. Approval of MOA Between Torrance County and San Juan County for Jail-Based treatment of Convicted DWI Offenders- Tracey Master Ms. Master speaks. This is an MOA between Torrance County and San Juan County for Jail-Based treatment of convicted DWI offenders. There are some offenders that will be referred by the courts for this type of treatment. It is a 28 day program. This is the only program in the State that will accept out-of-county offenders. It is pay-per-use; there is no payment unless the County utilizes their services. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner

DuCharme makes a motion to approve the MOA between Torrance County and San Juan County for Jail-Based treatment of Convicted DWI Offenders.

Commissioner Frost seconds the motion. Madam Commissioner DuCharme asks how we will pay for this program. Ms. Master replies that the program is paid from the local DWI grant and distribution fund which comes from DFA, Local Government Division. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

6. Approval of Contract Between Torrance County and Torrance County Counseling for Treatment of Individuals Convicted of Alcohol-Involved Domestic Violence Incidents- Tracey Master

Ms. Master speaks. This is a contract between Torrance County and Torrance County Counseling for treatment of individuals convicted of alcohol-involved domestic violence incidents. This is contract # FY2016-03-DWI in the amount of \$3,000.00. Again, the funding would come from the local DWI grant and distribution fund which comes from DFA, Local Government Division. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the contract between Torrance County and Torrance County Counseling for the treatment of Individuals Convicted of Alcohol-Involved Domestic Violence Incidents. Commissioner Frost seconds the motion. Madam Commissioner DuCharme asks if we are in compliance with procurement on this item. Ms. Master answers yes. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

7. Request Approval of 2016 Planning & Zoning Board Meeting Schedule- Steve Guetschow-

Mr. Guetschow speaks. He presents the Commission with the proposed Planning and Zoning Board 2016 meeting schedule for their approval. P&Z Board meetings are generally scheduled for the first Wednesday of every month. Submission deadlines for each meeting are approximately 27-29 days prior to the meeting. The P&Z Board approves of this proposed schedule. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the 2016 Planning & Zoning Board Meeting Schedule. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

8. Request Approval of Professional Services Agreement Between Torrance County and NM Primary Care Association- Michelle Castillo Ms. Castillo speaks. She is here to request the approval of the Professional Services agreement between the Torrance County Project Office and NM Primary Care Associates. It is a \$50,000.00 grant matched by her other grants within the department that she has held for the last few years. Ms. Ansley comments that this grant agreement is for FY2015; we are already in the latter half. Ms. Castillo concurs and states that we thought a signed agreement was already in place and have already been receiving funds. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the Professional Services Agreement between Torrance County and NM Primary Care Association. Commissioner Frost seconds the motion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

***Commission Matters:**

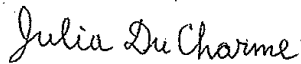
9. Discussion of Revisions to Solid Waste Ordinance 94-12- Julia DuCharme Madam Commissioner DuCharme speaks. She states that the revisions for this ordinance were presented to the Commission at the last meeting, but the Commission did not have a chance to discuss them. She further states that she was told several times by Mr. Saline that if the Commission wants to make changes to the proposed ordinance revisions, the Commission can. Commissioner Frost comments that we already have a process in place for this item and he believes that the next step is for the Commission to study the document and the proposed revisions, and the next step would be to have the Public Hearing which is scheduled for January 13th. He suggests that the Commission follow the procedure that they started with. Madam Commissioner DuCharme states that she has already studied the ordinance and she already has some changes that she wants to see. She reads the following handout into the record:

Recommended Revisions to Solid Waste Ordinance 94-12

1. This ordinance should apply to any contractor selected by the Torrance County Commission to collect solid waste in Torrance County. I therefore suggest the wording particular to EVSWA be eliminated or changed to "any contractor selected by Torrance County to collect, transport, recycle, or dispose of solid waste in the unincorporated areas of Torrance County."

This would involve eliminating paragraph 2 on page 1, and replacing the Estancia Valley Solid Waste Authority by "any contractor selected by Torrance County to collect, transport, recycle, or dispose of solid waste in the unincorporated areas of Torrance County" in E. of Section 15.

2. Near the end of page 1, replace Solid Waste Management Fee by "Solid Waste Disposal Fee" consistent with the top of the page. Several changes are suggested under Section 13, now called the "Solid Waste Disposal Fee." Under A, the County imposed solid waste disposal fee shall not be collected from residences served by alternate disposal, such as private haulers. The point is that trash should be regularly collected at every occupied residence. Residences already compliant with the solid waste ordinance using private haulers should not be double billed. A. under Section 13 should read: "Payment of a solid waste disposal fee should be the obligation of the responsible party for each occupied residence located in the unincorporated area of Torrance County. The fee may be collected by the contractor providing the disposal service." Under B, the first sentence should refer to a solid waste disposal fee, rather than management fee. The second sentence in B. obligating the County for uncollected fees or discounts should be eliminated or made the responsibility of the disposal contractor. Under old E, I recommend that the 50% reduction for low income folks be retained. The only changes needed here are replacing "Solid Waste Authority" or "Authority" by "the solid waste disposal contractor," and solid waste management fee by solid waste disposal fee. Old Section G. for vacant residences should be eliminated. No waste disposal is needed for vacant residences and therefore no fee should be charged.
3. Under Section 14, Liens: This provision is not being followed now. The liens are initiated and enforced by the EVSWA, not the County, as stated. I recommend that the County Clerk verify the basis for any lien placed and that this verbiage be inserted in paragraph B. Specifically, the second sentence of B. should read "For purposes of this section, such actions shall be taken by the County Clerk after verification of the basis for the lien." Under C, I recommend that "costs of enforcement, including attorney's fees" be eliminated and replaced by "and costs incurred in filing the lien."
4. Any resolution establishing fees should also refer to the "solid waste disposal fee" that reflects the true cost of collection and disposal of waste from occupied residences in the unincorporated areas of the County not served by other acceptable solid waste disposal contractors.


Julia DuCharme,

Torrance County Commissioner, District 2

Madam Commissioner DuCharme states that these are changes or additions to the ordinance that she wants to see. She further states that, at the last meeting, when

she was talking about Lincoln County, Ms. Ansley commented that the company that was selected by RFP to do solid waste services for Lincoln County was going bankrupt. Madam Commissioner DuCharme states that she heard directly from the Lincoln County Manager that the company is reliable and is doing well. Madam Commissioner DuCharme further states that she heard directly from the company in question and they said that they are doing very well; they hired needed people, are buying equipment, and will be starting in January to service Lincoln County. She now states that recently Commissioner Candelaria showed her pictures of Lincoln County with garbage laying around garbage bins there and saying that their system is not working well. She wants to point out that the private hauler has not started working there yet.

Ms. Jaramillo, County Clerk, comments about Madam Commissioner DuCharme's suggestion that, "the County Clerk verify the basis for any lien placed", stating that she does not think this is part of her duties as County Clerk to be verifying any of this. She states that her office works with the EVSWA- they verify addresses and we give them copies of our recordings. They have everything they need to place the liens, it is not the Clerks job to police this. Ms. Jaramillo further states that if a lien is brought in for recording and it contains a notarized signature, she does not have the right to say that the lien is not in proper order.

Ms. Ansley comments that the committee that was tasked with proposing revisions to the ordinance did want to take out "EVSWA" and replace it with "contractor". However, Mr. Wallin, as legal counsel, said that would not be acceptable because EVSWA is quasi-governmental and a "contractor" might not be. Madam Commissioner DuCharme comments that at the last meeting Mr. Saline stated that the ordinance is not about the EVSWA, it is about Torrance County. She asks Mr. Wallin if there is any legal basis for the County not being able to eliminate paragraph 2 of the current ordinance. Mr. Wallin replies that he will consider her input on this and give her an opinion. He states that the goal is to get an ordinance and a resolution that serves the needs of the County for solid waste collection and disposal and also serves the citizens of the County. Madam Commissioner DuCharme asks that the ordinance be put on the TC website along with notice of the Public Hearing. Commissioner Frost thanks all for their comments and recommendations. We cannot make any decisions today. We will move forward to the Public Hearing. **NO ACTION, DISCUSSION ONLY**

10. Request to Call for a Public Hearing Regarding a Project to be Financed by GO Bond- Julia DuCharme Madam Commissioner DuCharme speaks. She wants to hear from the public on this and she thinks the public wants to be heard. She is asking to have a Public Hearing on January 27, 2016. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to call a Public Hearing regarding a project to be financed by the GO Bond on January 27, 2016. Commissioner Frost seconds the motion. Commissioner Frost asks Ms. Jaramillo if there is time to have a public hearing. Ms. Jaramillo, Clerk, states that a public hearing can be held on this date, but too many public hearings, plus the need for a Commission meeting to adopt the election resolution will be cutting the time frame very close. Mr. Harrigan with RBC Capital Markets in Albuquerque, had stated that there was a 75 day period in which we had to start, but she spoke with him again the other day and he said if the Commission adopts the resolution for the Bond question that the 75 day rule would basically be nullified. Ms. Jaramillo reminds the Commission that the resolution for an election must be published 56 days before the election. The last day we can hold a Special Election is April 18th; the resolution must be published 56 days prior to this date. According to Mr. Harrigan's deadline, a project must be picked by approximately February 2nd. Ms. Jaramillo and Ms. Ansley comment that if we miss these deadlines the bond question can still be added to the ballot for the General Election in November 2016. But, as we know, if the Commission waits for this election, the public's taxes would have decreased and the bond question will also include a tax increase. Madam Commissioner DuCharme states again that if the Commission does not hold the Special Election and puts the bond question on the ballot for the General Election, the County would save the \$18, 000 or \$27,000.00 it would cost to hold the Special Election. Ms. Jaramillo clarifies that \$18,000.00 would be the cost of an all-mail Special Election, and \$27,000.00 would be the cost of a Special Election with precinct workers and alternate voting. Ms. Jaramillo recommends having Mr. Harrigan come in and talk to the Commission about this item again. Public Hearings must be published two weeks before the hearing. Commissioner Frost asks if have enough time to discuss and vote on this at the next Commission meeting. Ms. Ansley replies yes. No further discussion. The Commissioners vote; one in favor, Commissioner Frost opposed **MOTION DENIED. ACTION TAKEN:** Commissioner Frost makes a motion to discuss this item at the next Commission meeting. Mr. Wallin suggests inviting Bond Counsel to attend the next Commission meeting. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

11. Request to Remove David Saline as a representative of Torrance County from EVSWA Board of Directors- Julia DuCharme Madam Commissioner
DuCharme reads the following into the record:

**Request to Remove David Saline as a representative of Torrance County from
EVSWA Board of Directors**

I questioned David Saline at the last Commission meeting concerning his potential conflict of interest regarding recommended revisions to Torrance County Ordinance 94-12. The rewrite of this ordinance seemed to me and to other constituents of my district, to favor the EVSWA rather than to serve the interests of Torrance County citizens. Mr. Saline refused to answer my question concerning payments to his company by the EVSWA over the last year. Instead of answering, he responded with a vulgar statement and left the room. Not only was this inappropriate in response to a question from an elected official but indicative of great sensitivity to his company, Second to None's, involvement in EVSWA payouts.

I participated in a public meeting hosted by the Attorney General's Office in Estancia on October 29, 2015 that included detailed discussion of the laws regarding the Governmental Conduct Act. The law, Chapter 10, Article 16 NMSA 1978 defines EVSWA Board members as "public officers," subject to strict requirements when receiving contracts from a government agency. My interaction with AG personnel at that meeting, and Mr. Saline's bizarre response to my question, has motivated me to dig deeper into the public record.

I found that Mr. Saline was placed on the EVSWA Board of Directors during FY14. A special audit report on EVSWA, requested by the Office of the State Auditor for that year, showed that the Authority paid \$18, 343 for vehicle repairs and maintenance to Second to None. Second to None is owned by David Saline, who now serves as Vice Chairman of the Board. Public records show that the Authority paid Second to None every month in FY15 for services, for a total of \$25,226 in that fiscal year, a substantial increase over FY14. The Chairman of the Board, Bill Williams, also now works as an employee of David Saline at Second to None.

Although Mr. Saline revealed his substantial interest in Second to None as an EVSWA contractor when he became a Torrance County representative on the Board, he has since received contracts that apparently were not awarded pursuant to the required competitive process.

For purposes of the Governmental Conduct Act a "contract" is "an agreement or transaction having a value of more than one thousand dollars (\$1,000) with a state or local government agency." The Governmental Conduct Act (bottom of page 23 of the GCA) indicates that the only competitive process acceptable for contracts with companies involving a public officer is sealed bids. The public record shows that sealed bids were not used in contracting for services from Second to None.

An example of unacceptable contracting between EVSWA and Second to None is detailed in the minutes sent to me for the EVSWA Board Meeting held on September 17, 2015 (already FY16). A roll off truck experienced engine failure. Mr. Ellis received an offer from the company doing the inspection of \$20,000 to perform the repair. Second to None (David Saline) was presented with the offer and said they would do it for \$10,000. Mr. Ellis commissioned the work through Second to None. No sealed bids, or offers from other potential repair companies, were ever allowed.

In summary, Mr. Saline has an obvious conflict of interest involving his company and his position on the EVSWA Board of Directors. I believe our Commission should remove him immediately as a representative for the County.


Julia DuCharme,

Torrance County Commissioner District 2

Madam Commissioner DuCharme further states that listening to the comment Mr. Saline said at the last meeting, she had two thoughts: he doesn't care if he has this position as a public officer or not, or he thinks that the Commission will allow him to be in that position regardless of his behavior. She further states that she thinks both options are unacceptable. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to remove Mr. Saline from the Board of Directors for the EVSWA. There is no second. **MOTION DIES**

Approval of the Consent Agenda:

Commissioner Frost asks for a motion to approve the Consent Agenda, approval of warrants and indigent claims. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the Consent Agenda. Commissioner Frost seconds the motion. Madam Commissioner DuCharme asks about invoice # 21120715 from EVSWA in the amount of \$8,521.52. The item description states RESOLUTION 2014-18 INV# 1541 & 1542 FOR RD CLEAN UP. Mr. Dan DeCosta clarifies that this is a P&Z Code Enforcement Clean-up of lot 26, block M of Green Acres Subdivision. This is a government to government to transfer and is exempt from procurement. Mr. DeCosta states that the property has been cleaned up and a lien has been placed on the property owner. The Commissioners vote; all in favor, none opposed **MOTION CARRIED.**

12. Selection Process of Roads for Paving – Julia DuCharme Madam

Commissioner DuCharme speaks. She asks Mr. Leonard Lujan, Road Foreman for his assistance with this item. She states that at one of the Commission meeting last February, Mr. Lujan presented the Commission with a list of roads that the Road Department was planning on working on. The Commission was asked to approve this list. The Road Department would then request funding from the State to work on those roads. Madam Commissioner DuCharme asks Mr. Lujan to explain a bit more about this process. Mr. Lujan states that every year, on the last day of February, the Road Department has to provide a list of roads they plan to work on in the following fiscal year. Roads are chosen in several different ways: who is calling and complaining, what roads have not had material on them, which roads need to be re-done, etc. The Road Department also asks the Commission for input with this selection process. The Road Department does not request miles to repair, they request a fund amount per project. The total amount requested each year is approximately \$400,000.00. Mr. Lujan explains the many factors that go into the cost of working on a road; the condition of the road, the materials needed, the distance of the road, the distance from the pit to the road, the man power needed, etc. He also clarifies for Madam Commission DuCharme that the Road Department does not ever **pave** roads, they chip seal. Madam Commissioner DuCharme states that she would like to be involved in this process. She further states that she wants approximately equal mileage of roads being repaired to each Commission district and approximately the same amount of money for repairs given to each Commission district. Mr. Lujan replies that this will pose a bit of a problem because the money is given to Torrance County, not to each Commission district.

Mr. Lujan further explains that if they split the funds up this way, they will get less work done on areas that really need it. Madam Commissioner DuCharme states that the last list of roads that was brought up for approval had no roads in District 2. Mr. Lujan states that there were projects in District 2; he lists current projects from this District that they are working on. Madam Commissioner DuCharme states again that she wants to be involved in this process. Mr. Lujan replies that this is fine, they ask for Commission input every year. Madam Commissioner DuCharme asks for the list of proposed roads earlier in the process. Mr. Lujan agrees to try to do this. **NO ACTION, DISCUSSION ONLY**

13. Steering Committee for Comprehensive Plan Development with CDBG Planning Grant

Ms. Ansley speaks. She comments that this item was tabled at the last meeting. She states that she has not been soliciting for letters of interest, but she did already receive one from a gentleman who is interested in participating. Madam Commissioner DuCharme requests that the County Manager's office place an advertisement in both local newspapers and on the TC website asking for volunteers who would like to participate on this committee. Madam Commissioner DuCharme suggests asking for volunteers before deciding on how many members the committee should have. Commissioner Frost reiterates that interested parties need to remember that participation on this committee will be a big commitment. Ms. Ansley asks for more clarification; does the Commissioners already have people in mind, do they want to ask for letters of recommendation, and how many members to they want. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to advertise the need of the County for people to serve on the Steering Committee for the Comprehensive Plan Development with the CDBG Planning Grant. There is no second. **MOTION DIES** Mr. Steve Guetschow, Planning and Zoning Coordinator, suggests that steering committee members should be familiar with the various ordinances and regulations that govern the County. They should also have some ideas about where the County's growth potential is. The Commission asks Mr. Guetschow to use his P&Z expertise to make some recommendations to the Commission about what they should be looking for in a potential committee member. They can use these recommendations in their preparation to advertise and select members. Mr. Guetschow will present his recommendations at the next Commission meeting. **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 **MOTION CARRIES, ITEM TABLED**

***County Manager Reports/Requests:**

14. Request County Pay Employee's Portion of Insurance for First Month of New Insurance Plan Ms. Ansley speaks. The County has been going through the process of changing insurance plans. We pay our current plan with the State at the end of every month. We will pay our new plan at the beginning of every month. This will create an issue for one month only- January. After some discussion, Mr. Wallin clarifies that the County is asking the Commission to allow the employees to pay their first month's contribution to the new insurance plan in arrears. The County would pay the insurance premium and the employees would reimburse the County for that payment. If the Commission approves this, the County will need to have the employees acknowledge, in writing, that the County is doing this and that if the employee is terminated at some point in time, the County will recoup any advance payment that has been made. All documentation hereto attached.

ACTION TAKEN: Commissioner Frost makes a motion to float the employee's portion of insurance for the first month of the new insurance plan. The employees to pay their first month's contribution to the new insurance plan in arrears. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

15. Request Approval of 2016 Holiday & Commission Meeting Calendar- Annette Ortiz, Deputy County Manager Ms. Ortiz speaks. She presents the Commission with the proposed 2016 Commission Schedule and 2016 Holiday Closure Schedule for their approval. Commission meetings will continue to be scheduled for the 2nd and 4th Wednesday of every month. Ms. Ortiz explains the December 26, 2016 Christmas Observance Holiday. She states that Christmas 2016 will fall on a Sunday. The Federal Reserve, the banks, the post office, etc. will all be observing Christmas on Monday December 26th. Commissioner Frost comments that he thinks this is appropriate. Madam Commissioner DuCharme asks why Friday, November 25th is listed on the Holiday Calendar. Ms. Ortiz and Ms. Ansley explain that the County has employees that work on Fridays. Employees that do not work on that Friday will get a Floating Holiday that they can take at any time 30 days before or 30 days after the actual holiday. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the 2016 Holiday & Commission meeting calendar. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

16. Update

Ms. Ansley informs the Commission that she has received the final insurance spreadsheet listing all who have enrolled. At the next Commission meeting, she hopes to address whether or not the County can pay a higher percentage of the employees insurance. She states that the goal of getting a less expensive benefits package was to get more employees enrolled. She states that we were quoted 134 insured, and we now have 157 enrolled and we are still “money ahead”.

Madam Commissioner DuCharme comments that as a Commission, they have to do two jail inspections each year. She asks if the Commission needs to do their second inspection now in December. Ms. Ansley states that she discussed doing the inspection in January with the Sheriff and with one of the District Judges, who would like to attend. Mr. Wallin comments that because we operate on a fiscal year, inspecting in January and July should meet the requirement, but he will check into this.

Public Requests:

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

Michael Godey, resident, speaks. He suggests public hearings for the GO bond project selection and suggests that the Commissioners conduct town meetings. He comments that he believes that the Commission did not follow the Open Meetings Act the last time they had Public Hearings for proposals as one of the meetings was not published on the TC website.

Fred Sanchez, resident, speaks. Regarding the EVSWA, he states that when he thinks of it, he thinks of favoritism, unfairness, arrogance, and conflict of interest. He states that he does not understand how in 2015, they can get away with such conflict of interest. He further comments that he is confused by our County Manager; he does not know who she is representing. He states that it seems our County Attorney would look into it. He states he attended an EVSWA meeting and no one would speak to him and they gave him dirty looks when he had every right to be there. He tells a story of a man who was treated very unfairly by the EVSWA; he states that EVSWA is government when they want to be and non-government when it's good for them. He states that government should have a heart and common sense.

Charlene Guffey, resident, speaks. With regards to TC Ordinance 94-12, she states that the proposed changes of the ordinance come before the Commission due to the hostile criticism towards the service that the EVSWA has been providing the 150 citizens that are refusing to pay for the service. She states that on behalf of the 3,952 citizens that do pay, she wants to thank them for bringing these unfair discounts to light. She states we citizens would like to see the new changes and updates that reflect that all need to pay in full for the service that the County provides. With regards to the GO Bond, Ms. Guffey suggests again the idea of building a hospital. She states that she knows that this project is large and a great wish. She is also in favor of a new Sheriffs building and a new Road Department building located by the new 911 center.

Leonard Lujan, resident and TC Road Department Foreman, speaks. He speaks about the solid waste issue. He states that there are already some private haulers out there and they are destroying our roads; they are out there no matter what. He asks if the County does go with private haulers, who is going to go out there and pick up all the trash that is left out on the side of the roads. Some subdivisions have private haulers and when the Road Department goes out there to maintain the road, the trash barrels are out in the middle of the road and the residents won't move them, they want the Road Department drivers to move them. He wants the Commission to really consider the ramifications of using a private hauler. Private Haulers will destroy the roads and it will not look the way it looks now out here.

Dan DeCosta, resident and TC Code Enforcement, speaks. He states that from what he see, the EVSWA is doing a good job. In his job as TC Code Enforcement, he states that the EVSWA treats him very well. Referring to the invoice that was paid to the EVSWA for the recent clean-up that was mentioned earlier, Mr. DeCosta states that if he had used a private hauler, that bill would have been double; when the EVSWA takes dumpsters, they don't charge tipping fees, they only charge the cost of the dumpster.

Tracey Master, resident and TC DWI Coordinator, speaks. She also speaks about the EVSWA, stating that she is not a fan, however, she is also not a fan of cleaning up the end of her street. She has not had to do this in several years because of the EVSWA. She states that she has a private hauler and her trash goes

to Sandoval County, so she does not benefit directly from the EVSWA, but her community and her area benefits. She states, if we are going to say I don't use it, why should I have to pay for it, what is going to happen when residents start to say that they don't have kids and should not have to pay for the schools?

EXECUTIVE SESSION

As Per Motion and Roll Call Vote, Pursuant to New Mexico State Statute Section 10-15-1, the Following Matters will be discussed in Closed Session:

- 1. Deliberations regarding appeal to allow a mobile home 1976 or older to be brought into the County and permitted at 6 North Dakota Ct, contrary to County Resolution 2005-19 Section- 10-15-1(H)(3).**
- 2. Aztec Lathe & Plaster VS. Torrance County- 10-15-1 (H)(7).**

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-Absent. **MOTION CARRIED.**

Executive session starts at 11:35 am.

***Reconvene from Executive Session**

Pursuant to Open Meetings Act, Section 10-15-1 (J), Commission report from closed meeting:

- a. Consider and act upon Appeal, if necessary**
- b. Consider and act upon Matters, if necessary**

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.**

Commissioner Frost states that in Executive Session, they discussed the two items listed. With respect to 1. Deliberations regarding appeal to allow a mobile home 1976 or older to be brought into the County and permitted at 6 North Dakota Ct, contrary to County Resolution 2005-19 Section- 10-15-1(H)(3), they decided to

wait and continue deliberations at the next meeting when they have a full Commission Board.

Regarding 2. Aztec Lathe & Plaster VS. Torrance County- 10-15-1 (H)(7), they discussed the item and no action was taken.

***Adjourn**

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to adjourn the December 9, 2015 Commission Meeting. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.** Meeting adjourned at 12:07 pm

Commissioner Frost

Michelle Jones, Clerical

Date

The video of this meeting can be viewed in its entirety on the Torrance County NM Website. Audio discs of this meeting can be purchased in the Torrance County Clerk's Office and the audio of this meeting will be aired on our local radio station KXNM.