

**Final Copy
Torrance County Board of Commissioners
Commission Meeting
May 11, 2016**

Commissioners Present: **LeRoy Candelaria- Chair
James Frost-Member, Vice-Chair
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 May 11, 2016 meeting to order at 9:00 am. He welcomes all those present to the meeting and leads us in the pledge. Ms. Nicole Maxwell from the Mountain View Telegraph gives the invocation.

Approval of the Meeting Minutes:

Chairman Candelaria asks for a motion to approve the April 27, 2016 Regular Meeting Minutes. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the minutes for the April 27, 2016 Regular Commission Meeting. 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 agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve today's Commission Meeting Agenda. Madam Commissioner DuCharme seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Consent Agenda:

ACTION TAKEN: Commissioner Frost makes a motion to approve today's Consent Agenda. Madam Commissioner DuCharme seconds the motion. Madam Commissioner DuCharme asks about invoice # 465916 in the amount of \$456.37 to Ms. Janice Barela for reimbursement for snacks & water/pizzas/cookies and cupcakes for the RESPECT Program. Madam Commissioner DuCharme comments that recently Ms. Barnard, a resident, was at a Commission meeting and had some concerns about the RESPECT program; she also requested some documents from the County concerning the program. Madam Commissioner DuCharme asks Ms. Ansley if she received those documents. Ms. Ansley replies that she did. Madam Commissioner DuCharme asks if the County can pay this amount to Ms. Barela and what is the basis for it. Ms. Ansley replies that the purchase was made from Drug Education Fund dollars. The Drug Education Fund has a committee that reviews each request for funds. This is orchestrated through Magistrate Court and the County is just the fiscal agent. Drug Education Fund dollars come from money that is assessed to offenders in Magistrate Court. The committee voted to approve this purchase. Ms. Tracey Master, DWI Prevention Program Coordinator, speaks. She states that for the past several years, the Torrance County DWI Program has worked indirectly with Ms. Barela on the RESPECT Program. Ms. Master states that prevention programs are authorized through the LDWI Program, but we do not put any money into it; we have only used Drug Education Fund dollars. She reiterates Ms. Ansley's comment that the disbursement of these dollars is always done through the Drug Education Fund committee. Ms. Ansley clarifies again that Drug Education Fund dollars are not County funds, they are just housed in the County budget. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of Indigent Claims:

There are Indigent Claims today in the amount of \$2,000.00.

ACTION TAKEN: Commissioner Frost makes a motion to approve today's Indigent Claims. Chairman Candelaria seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Action Items

Items to Be Considered and Acted Upon

Presentation:

New Mexico Regulation & Licensing Division (R.L.D.) Board of Licensure for Professional Surveyors & Eng. Presentation Regarding Rules & Their Authority. Informative Discussion for Decision Makers. Presented by: David Cooper, Glen Thurow & Perry Valdez

Mr. Steve Guetschow, P&Z Director, speaks. He reminds the Commission that Mr. Perry Valdez and members of his organization made a presentation at Mr. Guetschow's Land Use Affiliate. Mr. Guetschow invited them to attend today's meeting and give a presentation to the Commission.

Mr. Perry Valdez speaks. He is the Executive Director for the Engineering and Surveying Licensing Board. They are currently housed in the Tony Anaya Building of the Regulation and Licensing Department. He explains that his board formulates rules and policies to regulate the profession of engineering and surveying. They are comprised of ten board members; six are on an engineering committee and four are on a surveying committee. Five members are professional engineers, three are professional surveyors, and two are public members. Each committee deals with respective issues of their license types. They also have approximately 9000 licensees throughout the state and other licensees throughout the country. They have a staff of 5-8 associates. They generally have five board meetings a year in which their board members review applications and disciplinary cases. For example, if someone files a complaint against an engineer or a surveyor, the board will review the complaint and take action, if necessary, upon the individual's license. The board does not seek compensation for the person who was wronged, but rather will look to see if the engineer or surveyor involved violated the Practice Act or the minimum standards, rules, or policies. They would then address the violation by either going after the individual's license or making them aware of the violation and seeking corrective action. Their agency has been in existence since 1935 and they are the sole state agency that has the power to certify the qualifications of engineers and surveyors.

Mr. Glen Thurow speaks. He is the current Chair of the Board of Licensure. He reiterates that one of the most important functions they have as a board is to hear complaints from the public against engineers and surveyors. These complaints can be brought by anyone, including the County Commission or the County Clerk. He recalls that in 2015 a complaint was filed by the Torrance County Clerk, which his board took action on. One of the most important functions they have is to protect the health and welfare of the public. He encourages anyone who has any questions

or difficulties with either of these two professions not to hesitate to contact them and they will investigate and take the appropriate course of action.

Chairman Candelaria asks about state law vs county law in matters of engineering and surveying. Mr. Valdez clarifies that state law trumps county law.

Ms. Jaramillo, County Clerk, comments that she was the Clerk in 2015 and does not recall filing a complaint with this board. Mr. Guetschow clarifies that the 2015 complaint was actually brought from the P&Z Office.

Mr. Wallin asks what kind of surveyor complaints are typically brought to this board. Mr. Thurow answers that one of the most common complaints that they deal with are surveyors who do not follow the minimum standards for surveying in New Mexico; these are considered to be technical violations. More serious violations involve people who are not duly licensed advertising as surveyors and then finding a licensed surveyor to validate the work that they have done. Mr. Thurow states that they take these violations very seriously and they will not stop until they have put those individual out of business, either by revoking the licensee who has participated or by levying a substantial fine. They are, however, careful not to inject themselves into civil actions; they have no jurisdiction in that area if they find the complaint is simply a contractual disagreement between two parties. They have to see violations of either the engineering and survey Practice Act, the minimum standards, or the administrative code.

Mr. Valdez informs the Commission that their agency is currently working on trying to update their website with disciplinary actions against individuals. You will be able to check on the website to see if an individual is licensed or if an individual has been disciplined. Whenever an individual's license is suspended or revoked, a notice is sent to the county clerks with this information. Their website is <http://www.sblpes.state.nm.us>.

The Commission thanks Mr. Valdez, Mr. Thurow, and Mr. Cooper for their presentation.

Department Requests/Reports:

1. Updates

Javier Sanchez, Emergency Manager, provides the following written update:

Torrance County Commission Update
From Torrance County Emergency Management
May 11, 2016

1. **FY13 Disaster Recovery Grant:** Project 54 is completed. Two additional projects are pending. The grant is valued at \$169,855.22.
2. **Hazard Mitigation Planning Grant:** The final draft of the plan has been submitted and is currently under review by NM DHSEM.
3. **Torrance County EOC Exercise:** An exercise is being planned for late summer 2016.
4. **Torrance County Local Emergency Planning Committee:** Next quarterly meeting will take place in June and an exercise is being planned for late summer 2016. A grant application has been submitted by the Torrance County EM to NM DHSEM's HMEP Grant representative, whereby funds will hopefully be awarded to the county LEPC for an exercise program this year.
5. **WIPP Grant:** Annual project is planned for this project and funds are expected to be expended by the end of June 2016.
6. **2016 CRI Program:** Torrance County's participation in this program for 2016 has been completed. An after-action report & improvement plan regarding the county's portion of the full-scale exercise that took place on April 7-8th has been submitted to NM DOH.
7. **CERT Program:** A training class took place March 18-20th at the Moriarty Civic Center, whereby twelve additional volunteers passed through the program and are in process for becoming fully badged volunteers.
8. **Community Wildfire Protection Plan:** An additional working meeting took place on May 2nd. The plan is intended to be fully revised by the end of June. The public outreach component will include meetings at Torrance County District 2 Fire Station, the Torreón Community Center, and Corona Fire Station.
9. **Disaster Recovery Winter Storm "Goliath":** Actual costs and project summaries for the county have been submitted by Torrance County OEM and NM DHSEM's Recovery Unit. A sub-grant agreement has been signed and submitted to NM DHSEM for approval.
10. **Hazard Mitigation Grant Program:** Applications have been submitted to NM DHSEM for two mitigation projects. Application deadline was March 31st.
11. **FY16 State Homeland Security Grant Program:** An application has been submitted to NM DHSEM including a total of five projects. Application deadline was March 31st.

12. **Torrance County Wildfire Tabletop:** The initial planning conference was held on May 5th. The final planning conference will take place the third week of May with the actual tabletop taking place on May 26th in the Training Room at Dispatch.

Tracey Master, DWI Prevention Program Coordinator, speaks. She informs the Commission that there has been a cut in LDWI funding for FY2017 in the amount of \$17,550.00. As of today, we do not know what the funding amount will be for the Juvenile Adjudication Fund or the Community DWI Program. We do know that they will be moving from the state fiscal year to the federal fiscal year starting in July. Also, defensive driving classes are being offered through the Juvenile Adjudication Fund grant this year.

Ms. Master states that she just received the results of the Local Government Division audit. The Torrance County DWI Prevention Program has had a clear audit for the fourth year in a row. Copies of the audit can be provided upon request. Ms. Master states that we are currently providing prevention education in all three school districts and we continue to fund enforcement; both DWI enforcement and under-age drinking enforcement through the TC Sheriff's Office, the Moriarty Police Department, and the Estancia Police Department. The Smart Choice Ride designated driving program continues its operations and we are working on an updated media campaign to make sure that everybody in the community is aware that it exists. The NM DWI Coordinators Affiliate is also working on a media campaign. Ms. Master is working with the TC Sheriff on a new billboard campaign. The Grant County DWI program has created some radio ads that Ms. Master has sent to KXNM radio to see if they can be modified to work for Torrance County. As all are aware, there have been numerous alcohol involved crashes here in Torrance County and our Law Enforcement officers are out all the time doing the best they can do with DWI enforcement.

Ms. Master takes this opportunity to remind everyone that there will be graduation parties very soon. She states that **IT IS A 4TH DEGREE FELONY TO PROVIDE ALCOHOL TO A MINOR** and she will do her very best to make sure that anyone who does is charged. **DO NOT DRINK AND DRIVE.** It's not worth it, it's stupid, it's irresponsible, and it is a crime.

The Commission thanks Ms. Master her report and all her hard work.

Linda Jaramillo, County Clerk, speaks. She informs all that yesterday, May 10th, was the close of voter registration for the June Primary Election. Also, Early In-

Person and Absentee voting began yesterday. As of end-of-day yesterday, the Torrance County registered voter totals by party are as follows:

<u>Democrat</u>	<u>Republican</u>	<u>Declined to State</u>	<u>Other</u>	<u>Grand Total</u>
3355	4131	1488	388	9362

(A detailed breakdown of voter totals by precinct can be found in the file for this meeting.)

Ms. Jaramillo states that she has already been receiving questions from voters about why certain races or candidates are not on their ballot. She explains that our County has different “ballot styles” which are based on Senate districts, Commission districts, and Legislative districts as follows:

BALLOT SYLE 1

PRECINCTS: 1, 2, 8, 12 and 14

**Senate District 39, Commisssion District 3, Legislative District 70-unopposed-Dem
County Clerk-unopposed-Rep, County Treasurer-unopposed on Rep. side; 2 Dems for County Treasurer**

BALLOT SYLE 2

PRECINCTS: 3, 4, 9, 10 and 16

**Senate Distrct 39, Commission District 3, Legislative District 50
County clerk-unopposed Rep, County Treasurer-unopposed on Rep. side; 2 Dems for County Treasurer**

BALLOT STYLE 3

PRECINCT: 7

**Senate District 39, NO COMMISSIONER, Legislative District 50
County Clerk-unopposed-Rep, County Treasurer-unopposed on Rep. side; 2 Dems for County Treasurer**

BALLOT STYLE 4

PRECINCT: 11

**Senate Distrct 39, NO COMMISSIONER, Legislative District 70-unopposed-Dem
County Clerk-unopposed-Rep, County Treasurer unopposed on Rep. side; 2 Dems for County Treasurer**

BALLOT SYLE 5

PRECINCTS: 5, 13,

**Senate District 19, NO COMMISSIONER, Legislative District 50
County Clerk-unopposed-Rep, County Treasurer-unopposed on Rep. side; 2 Dems for County Treasurer**

BALLOT SYLE 6

PRECINCTS: 6 and 15

**Senate Distrct 19, NO COMMISSIONER, Legislative District 70-unopposed-Dem
County Clerk-unopposed-Rep, County Treasurer-unopposed on Rep. side; 2 Dems for County Treasurer**

A voter's "ballot style" is determined by their voter precinct. Ms. Jaramillo has a list of precinct numbers and precinct locations in her office. This list is also available on her County Clerk webpage.

Amanda Tenorio, Finance Director, speaks. She gives an FY17 budget update. She states that she was able to work with a representative from DFA on the budget last week. She is very grateful for his assistance as she prepares her first budget for Torrance County. She states that she is in the final stages of completing the interim budget, which is due in to DFA by June 1st. This budget now includes District 6, Willard Fire Department and the El Cabo Wind PILT. Our grant funds will have a zero beginning balance until we receive an award letter.

Nick Sedillo, Chief Appraiser, Safety Committee Chairman, speaks. He is here to speak on behalf of risk management. Last year he attended the Risk Manager's Affiliate meeting in Albuquerque. At that meeting, he learned that the NMACO has partnered with Localgov.u. Localgov.u provides a tremendous amount of training that has now been afforded to Torrance County. Mr. Sedillo states that he will get together with Ms. Ansley and Ms. Ortiz to create departments and users and passwords so that County employees can start taking advantage of this great training opportunity. The best part about this is that most of the training is free. The hyperlink is located on the Risk Management web page under:

- New Mexico Association of Counties Online Learning Center.

A list of courses is located in the County Manager's office.

Chairman Candelaria asks Mr. Sedillo if the County offers CPR classes. Mr. Sedillo replies yes. This training is mandatory for the Sheriff's Department and the Road Department. We try to offer a class every quarter, but due to a shortage of trainers, we have not had a class in about a year. Mr. Sedillo is going to try to recruit two new instructors.

Madam Commissioner DuCharme comments that last week she received an email from Mr. Sedillo about a snake. She asks him to speak about this. She also comments that she appreciates when Mr. Sedillo sees a safety issue and shares it with everyone. Mr. Sedillo comments that yes, he emailed about a snake. He saw one recently and took the opportunity to remind others to be aware that snakes will be coming around this time of year and to be on the lookout and aware of their surroundings.

Joseph Ellis, EVSWA Manager, speaks. He informs the Commission that at the last EVSWA Board meeting, the Landfill Engineer gave a new life estimate for the current landfill cell. Last year, it was estimated that there were four years remaining on that cell. Last year, the EVSWA acquired a new heavy compacter that is 50% heavier than the last one and this year the engineer gave a life estimate of 4.8 years for the same cell; very good news.

The EVSWA has been working with the NM Environment Department. Mr. Ellis states that they are interested in expanding our landfill operations. There is a long standing problem in Vaughn with respect to abandoned buildings, which are a safety and health hazard in the town. The town of Vaughn has an existing landfill property that was closed several years ago because Vaughn was not capable of operating a landfill in compliance with regulations. The Environment Department has been working with the EVSWA to see about permitting a new construction and demolition landfill at the site in Vaughn. The landfill would be permitted to the town, but a condition of the permit would be that the landfill be operated by the EVSWA in conjunction with the regional landfill that is located in Moriarty. The EVSWA sees this as an opportunity to not only help the town of Vaughn, but to acquire a new revenue source. The EVSWA completed its annual independent audit on time last November. The audit has been in review at the State Auditor's office. In the auditors review, there were comments about the Authority's cash handling procedures at the office in Estancia and at the landfill. This will result in an audit finding. In response, the office and the landfill will no longer be accepting cash payments beginning July 1st. The EVSWA was also recognized for the safety record by the Municipal League.

Mr. Ellis now introduces the new EVSWA Manager, Andy Miller. Mr. Miller has moved to Torrance County from Florida and is a resident of McIntosh. His background is in private industry, government, municipalities, performing waste cleanup projects, landfill work, water supply and sewer projects. He also has a great focus on safety. He thanks Commissioner Frost for stopping by last Monday to welcome him.

Marcie Wallin, Fair Board Chairman, speaks. She reads a letter that she received from a resident of Encino. Ms. Wallin reads the letter dated April 27, 2016. In the letter, the resident states that she is writing the Commission to ask them to fix the County Fair entrance so that a wheelchair can get through more easily. Her daughter is in a motorized chair and has a lot of trouble getting into the building. Ms. Ansley states that she is working on this.

Venessa Chavez-Gutierrez, La Merced de Pueblo de Tajique President, speaks. She wants to publicly thank Ms. Ansley, the County Manager, for contacting their land grant in regards to asset disposal. She also thanks Mr. Guetschow, P&Z Director, for meeting with the regional land grants yesterday; he met with Manzano, Tajique, and Torreon. Mr. Guetschow spent a lot of time with the land grant representatives discussing various issues and concerns. Ms. Chavez-Gutierrez states that they are keeping their word to the Commission with respect to the use of their community center. She thanks the Commission for allocating that building back to their community. They are working with Ms. Jaramillo, County Clerk, for the election. They will make sure that the space is secure and clean and ready to welcome all those who will be voting this election cycle.

Ms. Chavez-Gutierrez informs the Commission that the Tajique Land Grant is a recognized political subdivision; this change happened in 2004 and 2006. They are also a member of the New Mexico Land Grant Counsel. Those that serve on that counsel are appointed by the Governor. There is also a New Mexico Land Grant interim committee comprised of State Legislators. Ms. Chavez-Gutierrez is also a member of the Land Grant Consejo, a self-organizing board of land grants that volunteered to come together to speak in one voice to the Congressional Delegation and State Legislators.

Ms. Chavez-Gutierrez states that when the Tajique Land Grant acquired the community center, they also acquired the adjacent trash site. They want to create a park adjacent to the community center and have been given funding for this. Rumors are being circulated that the Tajique Land Grant wants to shut down the EVSWA. This is incorrect, Tajique does not want to shut it down; they just want to relocate the trash site. Ms. Chavez-Gutierrez states that they have offered an alternate site which is still off of Hwy 55 within the land grant. They have been told by the EVSWA that they do not have the money to move and if they are asked to move, they might shut down the site completely, which has outraged a lot of people. The funding for the park needs to be spent within the next year or two or it will be lost. Chairman Candelaria states that a dialogue needs to be started to see what can be done and if the County can help with moving this site. Ms. Ansley and Ms. Chavez-Gutierrez will get together to discuss possible options.

Gloria Lovato Zamora, La Merced de Manzano Land Grant Secretary, speaks. She also thanks Mr. Guetschow for meeting with the Land Grants to hear their concerns and suggestions concerning the zoning ordinance. She states that it was a very good meeting; a big success and a big door opened.

Ms. Lovato-Zamora informs all that on May 16th at 5:00 at the Manzano Land Grant Hall, the Merced de Manzano will have their regular meeting, but at this meeting they will open their doors to all the candidates currently up for election. Refreshments will be served and all are welcome to attend.

Jeff Laird, Mission Hills subdivision resident, speaks. He comments about the zoning ordinance. He gives the Commission a hand-out that is included in the file for this meeting. He requests that the Commission reconsider the details of the commercial agriculture in subdivisions portion of the current zoning ordinance draft as listed below:

[REV. ORD. NO. 20 - XXXXXXXX]

~~M. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited within the bounds of Types 1, 2, & 3 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 4 & 5 subdivisions a Conditional Use Permit may be required, however the operation shall be centered on a parcel of 100 acres.~~

DELETE
OTHERS

~~5. Commercial agricultural and horticultural operations are prohibited within the bounds of Types 1 & 2 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 3, 4, & 5 subdivisions a Conditional Use Permit may be required.~~

~~Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited within the bounds of Types 1, 2, & 3 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 4 & 5 subdivisions a Conditional Use Permit may be required, however the operation shall be centered on a parcel of 100 acres.~~

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CONSERVATIVE
RURAL RESID.
8.1.B.4
8.1.B.5
9.C.5
9.06 SECTION 8.1 AGRICULTURAL DISTRICT (A).
11.C.5 A
+ OTHERS

Intent. This zone district is intended to preserve large areas of land traditionally used for farming and ranching operations and other agricultural uses. This district is characterized by arid land and extreme limitations on water resources.

The first page of the handout is the Torrance County Comprehensive Plan from 2000. Mission Hills is designated as residential single family. He states that this would not normally include commercial agriculture of any type. He further states that his subdivision was subdivided with restrictive land use covenants that prohibited commercial agriculture. He states that to pass something now that would seriously affect the value of property in Mission Hills is not acceptable and probably illegal. Mr. Wallin comment that these provisions are meant to restrict commercial agriculture in subdivisions, not to allow it. He clarifies that

commercial agriculture would be prohibited within types 1, 2, and 3 subdivisions and permitted only with a conditional use permit in types 4 and 5.

Commissioner Frost has no update today.

Madam Commissioner DuCharme reminds all that the RFP committee will be meeting this Saturday, May 14th at 10:00 am at the Estancia Library. Madam Commissioner DuCharme is a member of the Foundation for Open Government and she attended a legal workshop that they held for lawyers, public officials, and the public. One of the topics was the cost of copies. When people request information from the county, the cost of copies must not be a deterrent for people and it should not be a money making operation. She wants the Commission to think about this and discuss it and make improvements for our residents.

Chairman Candelaria comments that he attended a PERA meeting. Attendees expressed their concerns about keeping the PERA solvent so retirees can continue to keep the money that they earned.

2. Request to Pay Invoice without Purchase Order for the Torrance County Fair Board- John Perea, Fair Board Ms. Marcie Wallin, Fair Board President, speaks. The amount of the invoice is \$170.40. This was a payment to Estancia Valley Portables. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to pay the invoice without a purchase order for the Torrance County Fair Board. Chairman Candelaria seconds the motion. No further discussion. Madam Commissioner DuCharme asks why a purchase order was not obtained. Ms. Wallin explains that there was a miscommunication between the Fair Board, the Fair Board Secretary, the service provider, and the County. The Commissioners vote: all in favor, none opposed. **MOTION CARRIED**

3. Request to Pay Invoice without Purchase Order for the Torrance County Fire Dept. – Cheryl Hamm, TCDFD-2 Ms. Hamm speaks. The amount of the invoice is \$135.15 to Tavenner's Towing. Ms. Hamm explains that this involved an incident on I-40. A District 2 vehicle broke down. Again there was a miscommunication about handling the payment for the tow. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to pay the invoice without a purchase order for the Torrance County Fire Department. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks

who is responsible for this paperwork. Ms. Hamm replies that the Fire Chiefs handle these things, but there was confusion about who was ultimately responsible and the Chiefs were busy so Ms. Hamm volunteered to handle this. No further discussion. The Commissioners vote: all in favor, none opposed. **MOTION CARRIED**

4. REDW Audit Services Contract Renewal- Leslie Olivas, Purchasing Director Ms. Ansley speaks. This item is not ready to be presented today. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to table this item. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **ITEM TABLED**

5. Award 2016-17 IFB FM Transmitter- Leslie Olivas, Purchasing Director Ms. Olivas speaks. She states that on April 21st, we published an IFB for an FM Transmitter and equipment for KXNM Radio. At the time of close of bid, we received one bid and it was responsive to our requirements. It is her recommendation to award this invitation for bid to Nautel Inc. Their total bid amount was \$37,655.20. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to award 2016-17 IFB FM Transmitter to Nautel Inc. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks if this will be a new transmitter and where it will be installed. Ms. Olivas replies that it will be new and it will be installed on the tower down by Encino. Madam Commissioner DuCharme asks who will be using it. Ms. Ansley and Ms. Olivas reply that the radio station will be using it. Ms. Ansley reminds all that there was a Legislative appropriation in the amount of \$40,000.00 for the radio station for equipment. Due to possible anti-donation issues, the County has anti-donation agreements and lease agreements with the station. Ms. Ansley explains that technically the County will own this equipment and will be leasing it to the station. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

6. 2016-18 Line Item Transfer(s) - Amanda Tenorio, Finance Director Ms. Tenorio speaks. She is requesting approval of Resolution 2016-18 Line Item Transfers. She states that these transfers are within the budgeted funds of the FY15-16 budget. All documentation hereto attached. **ACTION TAKEN:** Chairman Candelaria makes a motion to approve Resolution 2016-18 Line Item

Transfers. Commissioner Frost seconds the motion. Madam Commissioner DuCharme asks about a transfer within the Road Department of \$10,000.00. This money is being transferred from full-time salaries to road materials. She asks if the department will have enough funds for salaries. Ms. Ansley replies yes, the Road Department has been understaffed for several months and they can use these funds for materials to complete their projects. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

7. Ratification of 2016-2017 Fire Department Budgets- Jason Trumbull, Fire Chief Ms. Ansley speaks. The Fire Budgets were due to the State Fire Marshall's Office before April 30th so her office had the budgets signed and submitted already; one on behalf of each district and their substations. The application amounts are basically set by the State Fire Marshall's rules according to the ISO classification of the district, so the funding is consistent each year. The Fire Fund distribution amounts are as follows:

- Fire Admin Building ISO 7 - \$55,401.00
- Dist. 6 Willard ISO 9 - \$39,058.00
- Dist. 5 NE Torrance ISO 6 - \$117,168.00
- Dist. 4 Torreon-Tajique ISO 9 - \$39,058.00
- Dist. 1 Duran ISO 9 - \$39,058.00
- Dist. 3 McIntosh ISO 7 - \$111,002.00
- Dist. 2 Indian Hills ISO 6 - \$117,168.00

All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to ratify the 2016-2017 Fire Department Budgets. Chairman Candelaria seconds the motion. Ms. Ansley and Ms. Hamm explain the fund distribution application forms. Madam Commissioner DuCharme asks why the documents were already signed by the Commission Chair. Ms. Hamm reiterates that the signed budgets were due in to the State Fire Marshall's office by April 30th. Madam Commissioner DuCharme states that she doesn't think that Chairman Candelaria had the authority to sign the documents without the approval of the Commission. Ms. Hamm states that it is her understanding and the State Fire Marshall's policy, or protocol, that they just needed the signature of the Commission Chair. Mr. Wallin comments that this is part of the day to day operations of the County. The Commission can ratify these, but the Chair has the vested authority to approve these on behalf of the County. Commissioner Frost

calls for the question. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

14. Torrance County Proclamation May 2016 Mental Health Awareness Month Ms. Pat Lincoln speaks. Today she is representing the United Way of Central New Mexico. She is on the board of this organization as well as the planning committee. This is an initiative that grew out of the planning committee. One of United Way's priorities is to take a significant look at mental health resources within the central region: Valencia, Sandoval, Bernalillo, and Torrance County. We need to raise awareness, so United Way is asking each County Commission in our central region to adopt a proclamation of Mental Health Awareness Month of May. She reads the following proclamation:



**COUNTY OF TORRANCE PROCLAMATION
FOR MENTAL HEALTH AWARENESS MONTH — MAY 2016**

WHEREAS, 1 in 5 adults experiences a mental health issue every year; and

WHEREAS, mental health is an essential part of overall health; and

WHEREAS, the mental health of our citizens is essential to the continued well-being and vitality of our families, businesses, and communities; and

WHEREAS, mental health issues affect mothers, fathers, sons, daughters, sisters, brothers, neighbors, friends, and co-workers — all of the people in our community and in our lives; and

WHEREAS, there is an average gap of several years between the onset of mental health symptoms and first treatment; and

WHEREAS, early identification and treatment can make a profound difference in successful management of mental illness and recovery; and

WHEREAS, leaving mental illness untreated costs far more than treatment when compared to costs associated with homelessness, incarceration, lost wages, emergency care, early mortality, and lost economic development opportunities; and

WHEREAS, stigma and fear of discrimination keep many who would benefit from mental health services from seeking help; and

WHEREAS, greater public awareness about mental illnesses can change negative attitudes and behaviors toward people with mental illnesses; and

WHEREAS, public education including Mental Health First Aid training and civic activities can encourage mental health among our citizens and help improve the lives of individuals and families affected by mental illness; and

WHEREAS, the 2016 observance of Mental Health Month in Torrance County will help raise awareness of the importance of mental health and that, with proper treatment, there is hope.

NOW, THEREFORE BE IT RESOLVED, this 11th day of May 2016, the Torrance County Commission does hereby proclaim the month of May 2016 as Mental Health Awareness Month in the County of Torrance, New Mexico to increase public understanding of the importance of mental health and to promote early identification and treatment of mental illnesses.

Ms. Lincoln adds that this proclamation has been reviewed by the Partnership for a Healthy Torrance Community and the Torrance United Way Rural Committee, who endorse the proclamation.

Chairman Candelaria comments about how impressed he is with how much United Way gives to Torrance County. He urges people to support the United Way, it does give back to our community. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to adopt the Torrance County Proclamation declaring May Mental Health Awareness Month. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

8. Work Session Proposed GO Bond Projects Mr. Daniel Alsup with the Modrall Sperling Law Firm, speaks. He is working with the County as Bond

Counsel related to the proposed GO Bond election that will be held in August. He will also assist with the following issuance of bonds assuming the election is successful. Today the Commission is discussing proposed projects. Ms. Ansley has presented the Commission with a worksheet listing proposed projects as follows:

Proposed GO Bond Projects	
Project	Estimated Cost
Communications Equipment Upgrade-- new towers, repeaters, microwave equipment and dispatch console equipment to transition to Analog Simulcast Communications.	\$ 1,500,000.00
County Fairgrounds Improvements (I don't have any updated info on this project, but I'm assuming they want a new building, hog barn and arena improvements)	\$ 500,000.00
Improvements to County Roads (Purchase 4 new semis, for material hauling, reclaim and overlay existing chip seal roads in need)	\$ 1,000,000.00
Improvements to County Buildings (Road Department Yard, Security for County Offices, TCSO Office Improvements)	\$ 800,000.00
Total	\$ 3,800,000.00

Mr. Alsup states that he has looked at the list and all the projects look like projects that could go on the ballot to be financed with General Obligation bonds. He states that if it is the Commission's pleasure to approve these projects, he can draw up the questions that would then be put on a resolution calling for the bond election. That resolution would be on the Commission's May 25th agenda.

The Commission decides to discuss the proposed projects and then vote on each project separately. Commissioner Frost asks if persons in the audience can have the opportunity to speak on each proposed project. Chairman Candelaria will allow public comment.

During this work session, Ms. Ansley introduces each proposed project. She gives a brief explanation of the project and the estimated cost of the project. The Commission, along with Mr. Alsup, Mr. Wallin, and Ms. Ansley discuss the details of each proposed project. The Commission takes public comment on each project and discusses all the pros and cons. Several Torrance County residents give public comment.

Ms. Ansley presents the first proposed project- **Communications Equipment Upgrade**. She explains that this would include new towers, repeaters, microwave equipment, and dispatch console equipment to transition to analog simulcast communications. This would be an upgrade to the communications system in Torrance County for Dispatch, Law Enforcement, and Fire- Municipal and Countywide. She explains that in 2013 the County was required to switch from a broad band system to narrow banding, which narrowed our areas of communication, creating several “dead spots” within the County. We have areas in the County where we “lose” officers, “lose” firefighters, and “lose” EMTs, creating a very dangerous situation.

Converting to analogue simulcast communications is a great way to broaden our communications for all of our emergency services.

The Commission discusses this project. Commissioner Frost states that this project will benefit every person in the County. It is clarified that if any of the projects end up costing more than the GO Bond allocated amount, the Commission can vote to allocate dollars from another fund to make up the difference.

Madam Commissioner DuCharme asks about the bond questions. She asks what the difference is between saying ‘allocate x-amount of dollars’ vs ‘allocate **UP TO** x-amount of dollars’. Mr. Alsup explains that he has never seen a question that allocates an exact dollar amount, the reason being that if the costs come in under that exact amount, the extra dollars could not be used for any other project. There is more discussion about how detailed or broad the ballot questions should be. Mr. Alsup recommends that the questions be broader in order to have more flexibility.

Madam Commissioner DuCharme questions whether GO bond money can be used for this type of project. Mr. Alsup states that it can.

The following persons give public comment on this project:

Michelle Jones

Tracey Master
Art DuCharme
Johnny Romero
Michael Godey
Cheryl Hamm
Nick Sedillo
Jesse Lucero
Gloria Zamora

The Commission discusses the second proposed project- **County Fairground Improvements**. Commissioner Frost comments that he is in favor of this project. He knows that currently we are paying approximately \$10,000.00 a year to rent tents for the fairgrounds. A lot of residents and their children in the County use the fairgrounds which could help with voter turnout for this special election.

Madam Commissioner DuCharme clarifies with Ms. Wallin, the Fair Board President, that the County leases the building from the Town of Estancia. She asks what the Fairground building is used for. Ms. Wallin replies that the building is rented out throughout the year for weddings, wedding receptions, funeral receptions, 4-H Club meetings, etc. There is a \$250.00 rental fee that goes to the Fair Board fund. Ms. Wallin states that if the election is successful, they are hoping to build a new multi-purpose building on the fairgrounds that could be used for a multitude of different purposes. Ms. Wallin presents a display board from a different county with a similar building displayed; the proposed building would be approximately 100ft x 200ft. Madam Commissioner DuCharme comments that she is in favor of this project, but she does not think we should put this kind of expensive building on someone else's property. Ms. Wallin clarifies that it is a 99 year lease. Madam Commissioner DuCharme states that the County has property; she wants to move the fairgrounds to property owned by the County.

Commissioner Frost states that we cannot afford to move the fair to another location. He further states that the fair has been here in Estancia for many years, it is a tradition and it is located in a lovely spot. Adding a new building here will add value to the whole County. It's a perfect location, why would we consider putting two or three times this amount to start a whole new location.

Chairman Candelaria states that a new multipurpose building would not only compliment the County, it would complement the City of Estancia; it's a win-win situation. Estancia has the beautiful park and the swimming pool right there in the

same location. He states that this is why he stands behind this project. It will become a family oriented facility for a variety of functions.

The following persons give public comment on this project:

Hank Van Es
Dennis Wallin
Michael Godey
Annette Ortiz
Michelle Jones
Johnny Romero
Steve Guetschow

Ms. Ansley introduces the third proposed project- **Improvements to County Roads**. She states that the Road Department is in desperate need of new rigs to haul material. When we acquire rigs, they usually already have a few million miles on them, the maintenance costs on them can be very high, and they spend a lot of time broken down. Ms. Ansley states that if we were able to purchase 4 new rigs, we could keep them running all the time hauling material that we already own. Ms. Ansley talks about the need to reclaim and overlay our some of our most damaged existing chip seal roads; the cost to do this would be approximately \$55,000.00 per mile. Commissioner Frost comments that no one would argue that our roads need working on; he is in favor of this project. He also agrees that we need this equipment.

Madam Commissioner DuCharme asks how many belly dumps and semis we currently have. Ms. Ansley replies that we currently have 4 belly dumps and 5 semis. Madam Commissioner DuCharme asks how much a new semi will cost. Ms. Ansley replies that a new day cab rig would cost approximately \$100,000.00. Madam Commissioner DuCharme asks about the life time of a rig. Ms. Ansley replies that a rig could last approximately 25 years.

Madam Commissioner DuCharme asks how Santa Fe County asks voters about road projects on bond issue ballots. Mr. Alsup replies that he thinks a road question could read something like, 'Shall Torrance County New Mexico be authorized to issue up to \$1.0 million dollars in General Obligation bonds for the purpose of constructing and repairing public roads and bridges and purchasing capital equipment for such projects'. Madam Commissioner DuCharme states that Santa Fe County is very specific in their questions about roads. They list the specific

roads they are planning to work on. Mr. Alsup comments that his firm works with Santa Fe County and he does not remember the questions being that way, but they could be. He states that a question could be that specific, but it does not have to be. Madam Commissioner DuCharme comments that she thinks this question is too vague and asks who will decide how to spend this money and on what roads. Should voters decide what roads this money is spent on? Mr. Alsup replies that it can be decided however it is normally decided; at the Road Department level or the staff level or the Commission level; whatever the normal process is. If you name a specific road on the bond question, you are restricted to use the bond money only on that road. Mr. Wallin concurs with Mr. Alsup about not being too specific about what roads will be repaired with the bond money; it is too restrictive. Once the money is available, the Road Department can make suggestions and the Commission can decide. Ms. Ansley explains the process of reclaiming and overlaying a road.

Chairman Candelaria comments that a carpenter is only as good as his tools. He is in favor of this project and of purchasing new equipment. He states that properly operating equipment will increase productivity. Down time from a broken rig is very costly.

The following persons give public comment on this project:

Johnny Romero
Hank Van Es
Michelle Jones
Michael Godey
Linda Jaramillo

Ms. Ansley introduces the fourth proposed project- **Improvements to County Buildings**. As proposed, this project could encompass moving the Road Department to a new location outside of Estancia, adding new security measures to the County offices, possibly moving the Sheriff's office to a new location in the Judicial Complex and making improvements to the existing Sheriff's office.

Ms. Ansley explains that the Road Department could be moved outside the city limits to property that the County already owns. The Sheriff's office could take over the Road Department's old location to use as they see fit. Adding security to the County offices would include possibly adding additional exits to the Clerk's and the Treasurer's Offices and possibly adding security glass to the front counters.

Improvements to the existing Sheriff's office could include improvements to the old evidence room, etc. There are a lot of other building improvements that can also be considered if the funds are approved. Improvements to the Judicial Complex and to the Senior Centers could also be included.

Commissioner Frost is in favor of this project. Moving the Road Department out of Estancia would be beneficial to the local residents as well as the County building employees. He also agrees that security in the offices is very important.

Madam Commissioner DuCharme asks Ms. Ansley for clarification on Sheriff's office improvements. She asks again for more specific details to be added to the bond question about this. She wants the voters to know exactly what they are voting on and how their money will be spent. Mr. Alsup comments that you could have a single question which encompasses all of these project, or the projects could have separate questions; you can do it either way.

Madam Commissioner DuCharme talks about the poor condition of the bathrooms at the District 3 Fire Station. She asks Ms. Ansley if the County has funds to make these repairs or if this can be paid for with bond funds. Ms. Ansley replies yes, District 3 should have contacted her about this and the repairs could have already been made. And yes, these kinds of repairs could be made with these bond funds.

Mr. Alsup recommends parsing out these projects somewhat and attaching a broad dollar amount to the projects.

Chairman Candelaria comments that we do need improvements to our buildings for security and to assist our handicap customers and our senior citizens. We need more ramps and hand railings and better security and emergency exits in our offices. He also sees many benefits to moving the Road Department out of the city limits.

The following persons give public comment on this project:

Michael Godey
Cheryl Hamm
Art DuCharme
Linda Jaramillo

The Commission separates **Improvements to County Buildings** into two projects: **Road Department Yard Improvements**, and **Improvements to County Buildings**

Commissioner Frost suggests an approximate cost for each project as follows:

- Communication upgrades \$1.4 million
- County Fairground Improvements \$.7 million
- Improvements to County Roads \$1.0 million
- Improvements to Road Dept. Yard \$150,000.00
- Improvements to County Bldgs.- Security & Offices \$550,000.00

The Commission votes on each project separately.

ACTION TAKEN: Commissioner Frost makes a motion to approve the proposed GO Bond project Communication Equipment Upgrade- \$1.4 million. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks Ms. Ansley if she has any written information to justify this estimate. Ms. Ansley replies that she only has the information that she has received from the communications meetings that the County has had. She has Advanced Communications working on a written proposal, but she has not received it yet. Ms. Ansley states that she was told the system would cost 2.0 million. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

ACTION TAKEN: Chairman Candelaria makes a motion to approve the proposed GO Bond project County Fairgrounds Improvement- \$.7 million. Commissioner Frost seconds the motion. Madam Commissioner DuCharme has commented that she believes that this money would be better spent improving the County Fairgrounds if the Fairgrounds were located on County property and not within the Municipality of Estancia. Chairman Candelaria and Commissioner Frost disagree. Chairman Candelaria states that it is a win-win for the County and for the town. The Fairgrounds are currently located adjacent the pool and the park in Estancia and the County has a 99 year lease with the Town for the property that the grounds are located on. Madam Commissioner DuCharme asks Chairman Candelaria if he would invest his own money in property that was not his. He replies that if he had a 99 year lease he would. Madam Commissioner DuCharme states that she can be generous, but not with public money. She thinks it is a great project, but we will

invest this money and still not be owners of the property. She states that on this basis she cannot support this project. No further discussion. The Commissioners vote; two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED**

ACTION TAKEN: Commissioner Frost makes a motion to approve the proposed GO Bond project Improve County Roads- \$1.0 million. Chairman Candelaria seconds the motion. This question will also encompass purchasing Road Department equipment including 4 semis. Madam Commissioner DuCharme asks Mr. Alsup if the purchasing of the semis can be staggered over a several years. Mr. Alsup replies yes, the County would have up to four years after a successful bond election to issue the bonds. He states that the Commission could issue any portion of the 1.0 million dollars at any interval between the election date and four years thereafter. He explains that if the County issues more than one series of bonds (one series in 2016, one in 2017, one in 2018 for example) that will cost the County extra money as there are transaction costs associated with each issuance. There would also potential interest rate risk. However, entities do issue bonds every two years; this is not unheard of. Madam Commissioner DuCharme asks about the transaction fees. Mr. Alsup replies that the costs can vary depending on several different factors, but he gives an approximate cost of \$40,000.00. Madam Commissioner DuCharme asks about possibly listing how many miles of road could be improved with these funds. Mr. Alsup recommends not doing this, but does suggest educating the public about how the bond proceeds could be spent at public hearings or with printed materials. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

ACTION TAKEN: Commissioner Frost makes a motion to approve the proposed GO Bond project Road Department Yard - \$150,000.00. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks Ms. Ansley about the cost of this project. Earlier in the meeting, Ms. Ansley gave a quote of \$70,000.00 for a new Road Department building. Madam Commissioner DuCharme asks what the other remaining \$80,000.00 will be used for. Ms. Ansley replies it could be used for a fence around the yard, an entrance, graveling and dirt work around the yard, etc. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

ACTION TAKEN: Commissioner Frost makes a motion to approve the proposed GO Bond project Improvements to County Buildings- \$550,000.00. Chairman Candelaria seconds the motion. This will include making securing improvements to County offices, making improvement to the TC Sheriff's office, etc. Madam Commissioner DuCharme asks how the Commission will insure that the work that is proposed will actually be the work that is done. Mr. Wallin comments that the Commission will still be making the final decisions based on what the various departments present to the Commission for approval. The Commission will have the final say. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

Mr. Alsup thanks the Commission and informs them that he will have the bond questions and the election resolution ready for approval at the next Commission meeting.

9. Adoption of Revisions to Torrance County Zoning Ordinance Mr. Steve Guetschow speaks. At the last Commission meeting, Commissioner Frost had asked for the addition of the state requirement on square footage to require a building permit (200 square ft. minimum). The Commission also directed Mr. Guetschow to meet with the representatives of the Land Grants concerning revisions they may want for the VCP and RCP zone districts, which are within their grants. Mr. Guetschow did meet with the representatives and the meeting went very well. Mr. Guetschow has presented the Commission with the latest red-line additions as listed below:

PG. 2 SECTION 4. DEFINITIONS

B. Definitions. The following definitions apply to this ordinance:

5. "Building" means any relatively permanent enclosed structure having a roof. Buildings meeting New Mexico Regulation & Licensing Construction Industries Division size standard for a required building permit are subject to the provisions specified in Section 19.F.1 of this ordinance. Local land grant heirs refer to Sections 14.C.2 and 14.1.C.7 of this ordinance for special provisions within those zone districts.

[REV: Ord.No.20__-__, XX/XX/XX]

PG. 20 SECTION 11. RURAL RESIDENTIAL DISTRICT (RR).

C. DISTRICT STANDARDS. The following standards apply to all land uses within this zone district:

5. Commercial agricultural operations are prohibited within the bounds of Types 1 & 2 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 3, 4, & 5 subdivisions a Conditional Use Permit may be required. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited. [REV: Ord. No. 20-__-__, XX/XX/XX]

At this time, Mr. Jeff Laird, resident of Mission Hills subdivision, is allowed to comment. In summary, Mr. Laird states that the restrictive covenants for Mission Hills subdivision state, in part, that, " 2) RESIDENTIAL USE The property shall be for residential use only. No commercial business or enterprise shall be conducted or allowed on any property" Mr. Laird does not want the zoning ordinance to have a provision for a conditional use permit for commercial agricultural operations in any type of subdivision in the County. Mr. Wallin explains that those restrictive covenants were put in place by the subdivider. It is the responsibility of the subdivider or the homeowners association of the subdivision to enforce the covenants, not the County. Mr. Guetschow points out that anyone wanting to have a commercial horticultural business on their property would still have to come before the Commission for permission and the Commission would have to comply with any restrictive covenants on record for the property involved.

PG. 34 SECTION 14.0 VILLAGE COMMUNITY PRESERVATION DISTRICT (VCP). [REV: Ord. No. 2001-2, 3/14/01]

C. DISTRICT STANDARDS. The following standards apply to all land uses within this zone district:

2. All structures shall be located with a front setback of no less than 15 feet. Local land grant heirs desiring to build a free standing accessory structure less than 200 sq. ft. in size will provide a letter to the current land grant board to be kept on file should the County desire to review the improvement: and
[REV: Ord. No. 20-__-__, XX/XX/XX]
4. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis shall obtain written consent from the land grant governing body and are prohibited within 300 feet of a church, school, or daycare center.
[REV: Ord. No. 20-__-__, XX/XX/XX]

Mr. Guetschow explains that the 300 foot distance comes from state statute.

PG. 35 SECTION 14.1 RURAL COMMUNITY PRESERVATION DISTRICT (RCP). [REV: Ord. No. 2001-2, 3/14/01]

C. DISTRICT STANDARDS. The following standards apply to all land uses within this zone district:

1. Minimum parcel size will be forty acres or 1/16 section, whichever is the smaller of the two, with the following exceptions:
 - a. Parcels smaller than the minimum parcel size which existed upon the effective date of these standards shall be allowed to remain and may be transferred at a future date by sale, inheritance or other legal means provided that such parcels are not divided into smaller parcels except as allowed by Section 14.1.C.1.b. regarding collateral for a mortgage. These non-conforming parcels may be reconfigured through legal means of survey so long as the resulting parcel is not smaller than the original parcel. [REV: Ord. No. 20-__-__, XX/XX/XX]
6. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis shall obtain written consent from the land grant governing body and are prohibited within 300 feet of a church, school, or daycare center. [REV: Ord. No. 20-__-__, XX/XX/XX]
7. Local land grant heirs desiring to build a free standing accessory structure less than 200 sq. ft. in size will provide a letter to the current land grant board to be kept on file should the County desire to review the improvement.

PG. 59 SECTION 19 ADMINISTRATION

F. Development Review Permit. For purposes of this Ordinance, with respect to any premises within the jurisdiction of Torrance County: [REV: Ord. No. 2001-2, 3/14/01]

1. No accessory structure or building meeting current New Mexico Regulation & Licensing Construction Industries Division size Requirement for a building permit (200 sq. ft. at the time of this printing), nor mobile home, shall be placed, constructed, or installed, nor;
[Rev: Ord. No. 20__-__, XX/XX/XX]

Mr. Guetschow explains that this change addresses the current regulation from the Construction Industries Division requirement for a free standing storage building and to cover the County in the event that they change their regulation.

Madam Commissioner DuCharme states that she was just presented with these revisions today and she needs more time to review them. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to table this item. There is no second. **MOTION DIES**

ACTION TAKEN: Commissioner Frost makes a motion to adopt the revisions to the Torrance County Zoning Ordinance. Chairman Candelaria seconds the motion. No further discussion. Madam Commissioner DuCharme states that she is not able to make a decision on this item without reviewing it. The Commissioners vote; two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED**

10. Request Torrance County Sheriff Dept. Investigate the Torrance County Road Department Project performed on Cuervo Canyon Road Madam Commissioner DuCharme speaks. She states that at the last Commission meeting, Mr. Hank Van Es expressed his concerns about the state project that had been done on Cuervo Canyon Road West. She states that she knows that this road is in Chairman Candelaria's Commission district. She asks him if he is aware of the situation. He states that he knows everything about it. She asks him if he has any concerns about it. He replies that he does not. Madam Commissioner DuCharme asks Mr. Van Es about what happened when he went to the Assessor's Office to find out if there was an easement the property. Mr. Van Es states that he first went to the Clerk's Office and received a copy of the deed for the property in question. The deed had no restrictions for an easement or a road. He then went to the Assessor's office and asked them if they had any legal documentation showing that there was an easement on the road; they had none. After that, he went to Rural Addressing and spoke to the person working there. He asked him what legal documents he used when preparing a map because the County map was being used as the official document to determine where County roads exist. Mr. Van Es was told that the Road Department determines what roads are maintained as County Roads. He states that from what he can tell from the notice to proceed the road is 1.2 miles long, yet at .8 miles there is a private property sign and a cattle guard. He states that his conclusion is that that road is private and that road was improved by state funds. Madam Commissioner DuCharme asks Ms. Ansley why the work on this road was done on a Saturday. Ms. Ansley replies that the contract stated that all work would be done by December 31st. The determination was made by the Road Department that in order to get the road work completed, they needed to work Friday and Saturday, which are both regular days off. Madam Commissioner DuCharme asks how many days the Road Department worked on that road. Ms. Ansley replies that she believes it was 6 days; they started on Monday and

completed on Saturday. Madam Commissioner DuCharme states that from December 5, when the road was completed, to December 31st is a long time, why not finish on Monday or Tuesday instead of Friday and Saturday. Ms. Ansley replies that the department was scrambling to get all the state work done. They were hurried because of the snow and in fact ended up having to ask for an extension. Madam Commissioner DuCharme reads from the NM County Commission handbook; she reads a portion about ethical principles for public servants and managing public funds. She states that she wants to act, has the handbook states, with diligence, responsibility, loyalty, and honesty.

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to request Sheriff White to investigate state project done on Cuervo Canyon Road West in December of last year. Chairman Candelaria seconds the motion. Commissioner Frost states that usually things like this end up getting investigated by the state. He states that he hates to do something that pits one of our departments against another. He thinks it's wrong; we have enough dissention without stuff like that. He has no problem with it being investigated, but it makes him wonder- if someone plowed his road before someone else's, could that be investigated? If the Assessor assessed someone else's property cheaper than his, could he have that be investigated? He reiterates that he has no problem with it being investigated, but he thinks that it is wrong to have it investigated by the Sheriff. Ms. Ansley comments that she understands that the state police have already been consulted. She states that from staff perspective, they have no problem with this being investigated. They are fully confident in what they have done. She states that with respect to the easement issue, there probably is not a granted easement on that road, as there probably is not a granted easement on 95% of our County roads. They operate on County roads via prescriptive easement, which is not specifically defined within statute; it's specifically described by a judge. If someone wants to petition that this road be challenged in District Court and a District Judge make that opinion, they can do that. But then that should be done for all 1000 miles of our County roads, not just this 1&1/2 miles in particular, Ms. Ansley further states that in the Road Department, on the old hand written map from 1961, this road is clearly marked as a County Road. And in an old inventory from 1959, this road is also defined. The Commissioners vote; two in favor, Commissioner Frost is opposed. **MOTION CARRIED**

11. Appoint Replacement to Estancia Basin Water Planning Committee TC Municipal Developer/Utility Position No action will be taken on this item today. It will be put back on the agenda when it is ready to be presented. **NO ACTION TAKEN.**

12. Amended & Restated Bill of Sale Regarding Equipment & Rescission of Consignment of Guard Lease El Cabo Wind No action will be taken on this item today. It will be put back on the agenda when it is ready to be presented. **NO ACTION TAKEN.**

13. Sublease Agreement for El Cabo Wind LLC No action will be taken on this item today. It will be put back on the agenda when it is ready to be presented. **NO ACTION TAKEN.**

***County Manager Requests/Reports:**

15. Update

Ms. Ansley presents the following written report:

Manager's Report

May 11, 2016

1. The County has a board position open on the Estancia Valley Solid Waste Authority Board, as well as the Estancia Basin Water Planning Committee Board. The notices will be published in each paper during the week of May 15 and May 22, 2016. The deadline for letters of interest shall be June 1, 2016 and the interviews and appointments are scheduled for June 8, 2016.
2. We are currently short 5 positions in the road department, but since we increased the starting wage, we've received quite a few applications, and we hope to have those positions filled in the next couple weeks.
3. The Sheriff's Department is fully staffed with law enforcement officers, as of this week, and that's the first time in several years, so we're very excited about that. We have a group of deputies who are definitely going to be assets to our communities.
4. In the past few meetings, the Commission has been required to address a complaint, submitted to the Attorney General's Office, regarding the solid waste disposal fees in Torrance County. We received a copy of the response from the Attorney General's Office, and I'd like to read it into the record. She reads the following letter:



Attorney General of New Mexico

HECTOR H. BALDERAS
Attorney General

May 4, 2016

Manuel Romero
P.O. Box 984
Estancia, New Mexico 87016

Re: Complaint regarding Solid Waste Disposal Fees in Torrance County

Dear Mr. Romero:

This letter responds to the complaint that you submitted to the Attorney General's Office regarding fees charged by the Estancia Valley Solid Waste Authority (EVSWA) pursuant to Torrance County Ordinance 94-12. You complained that state statute authorizes a board of county commissioners to charge fees only to persons who "use" county disposal sites and disposal systems, citing NMSA 1978, § 4-56-3(E) & (F); that County Ordinance 94-12 requires assessment and collection of fees for Torrance County residents who do not "use" the EVSWA disposal sites and system; and therefore County Ordinance 94-12 is unlawful as it pertains to residents who do not actually use such sites and the system.

By letter dated March 23, 2016 and copied to you, I requested a response to your complaint from Torrance County Manager Joy Ansley. Enclosed is the response, dated April 5, 2016, from Torrance County counsel, Dennis K. Wallin, which includes a legal opinion on the issue you raise.

The opinion observes that counties have broad authority under state statute to establish a disposal system for "garbage" and "refuse". In particular, state statute authorizes a board of county commissioners to "determine that the collection and disposal of refuse is in the interest of public health, safety and welfare, and regulate such collection and disposal within the county." NMSA 1978, § 4-56-3(C). The opinion points out the statutory provision applicable to your complaint regarding Subsection (F) regarding establishment of and assessing fees for disposal systems.

P.O. Drawer 1508 Santa Fe, New Mexico 87504 -1508 (505) 827-6000 Fax: (505) 827-5826 www.nmag.gov
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The purpose of Ordinance 94-12 is to establish a system of solid waste collection to protect Torrance County environment from illegal dumping. Section 4-56-3(F) does not define "users" of the disposal system, but can be interpreted to include all residents of a county in order to protect public health, safety and welfare because all residents produce solid waste. As such, Ordinance 94-12 is a valid use of the Torrance County's authority under statute.

If you and other residents of Torrance County object to Ordinance 94-12, you may continue to advocate before the Torrance County Commission for amendments.

Please note that this letter is not a formal Attorney General opinion, authorized pursuant to Section 8-5-2(D), or an informal Attorney General advisory letter.

Please feel free to contact me with questions you may have or if you would like to discuss our response. I may be contacted at 505.827.6695 or tfox@nmag.gov.

Sincerely,



Tannis L. Fox
Assistant Attorney General

Enclosure

C: Joy Ansley, Torrance County Manager
Dennis Wallin, Wallin, Huss & Associates, LLC
Cholla Khoury, Director, AGO Consumer and Environmental Protection Division

Ms. Ansley informs the Commission that it has been brought to her attention that there has been a representative from the Department of Transportation who has been contacting some of the County offices regarding East Martinez Road. There has never been any documentation that this is a County road, but the DOT is indicating that they plan to turn this road over to the County. They have not yet contacted Ms. Ansley or Mr. Lujan, Road Foreman. Ms. Ansley is asking for assistance from the Commission and Mr. Wallin because this road is an asphalt road and the County is not equipped to maintain an asphalt road. Chairman Candelaria comments that he has seen instances where the state has given roads back to the County. The state has the responsibility of getting the road ready for the County to accept it.

Ms. Ansley informs the Commission that last week there was a break in at the County pit property. Someone cut the hinges off the gates, drove into the pit, broke in to the new loader and stole the radio and about 60 gallons of fuel. This is the third time this property has been broken into in the last 8 months. Cameras are being installed at the site. It will cost about \$1000 to replace the radio.

16. Request Change to Regularly Scheduled June 22 Commission Meeting

Date The date of the Commission meeting is being changed because it conflicts with the Association of Counties meetings. The Commission agrees to change the date to June 29th. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to change the regularly scheduled June 22 Commission meeting to June 29, 2016. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

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.

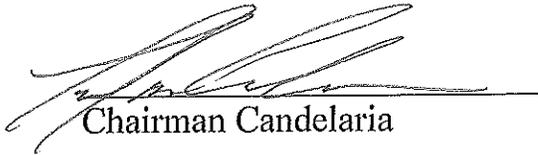
Michael Godey, resident, speaks. The Tajiique Torreon Neighborhood Watch is having a neighborhood cleanup this weekend.

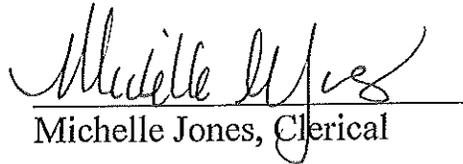
Fred Sanchez, resident, speaks. He states that the work done on Cuervo Canyon road was obviously favoritism. He suggests that the Commission and staff have ethics training. He states that he worked for the City of Albuquerque and he has had the training; it is nothing to be ashamed of. He states that there are some things in ethics that we don't automatically understand.

Cheryl Hamm, resident, speaks. She states that her comments are directed to Madam Commissioner DuCharme. She states that last week it came to light that a couple of the volunteer members of a Fire Department in Madam Commissioner DuCharme's District came to her with allegations of fraud on the part of Fire Admin. in District 2 regarding a support trailer that is being built. Ms. Hamm states that she wants to clarify that District 2 paid for the trailer; \$10,000.00 up front. They have put most of the equipment in it. It was decided at a Chiefs meeting that all the Chiefs would put in for what was left to do. The trailer was built for the use of Torrance County, not just the Fire Department. It has been built for rehab, for search and rescue, and for large structure fires with an air compressor to refill the SCBA tanks. Ms. Hamm heard that if any District 3 equipment was found on this trailer, District 3 was going to file it as stolen. She clarifies again that from the beginning, this trailer was meant for Torrance County, for everyone. The implication that they are stealing or misusing District 3 funds has angered her greatly.

*Adjourn

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to adjourn the May 11, 2016 Commission Meeting. Chairman Candelaria seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. MOTION CARRIED. Meeting adjourned at 3:06 pm.


Chairman Candelaria


Michelle Jones, Clerical

5/25/16
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.