

**FINAL COPY
TORRANCE COUNTY COMMISSION
REGULAR MEETING
JANUARY 23, 2019**

Present: Ryan Schwebach, Chair
Kevin McCall, Member
Javier Sanchez, Member

Others Present: Wayne Johnson, County Manager
Belinda Garland, Former County Manager
Dennis Wallin, County Attorney
Sylvia Chavez, Admin. Asst.

1. Call to order

Chairman Schwebach called the meeting to order at 9:08 am.

2. Invocation and Pledge of Allegiance

Pledge lead by Jason Quintana and Invocation given by myself (Sylvia Chavez)

3. Changes to the Agenda

County Manager Johnson informs the Commission that the representatives from the La Joya wind project were not able to attend today's meeting and is asking that it be heard at the February 13, 2019 meeting, that's item 13C. Mr. Johnson asks that agenda item 13B (PNMR presentation) be moved up on the agenda to be heard after 7A.

Commissioner Sanchez mentions that the public hearing was posted to be heard at 9 am and the presentation right after.

County Manager Johnson states that he does not see any problems with the change especially for the folks here to speak on the public hearing or leave it where it is on the agenda it's at the leisure of the board. In looking at the agenda, agenda item 10A is right after public comment and the approval of minutes so it will be here pretty quickly.

ACTION TAKEN: Commissioner McCall makes a motion to approve the agenda with the amendments mentioned by County Manager Johnson, moving 13B to be heard after public comment. Chairman Schwebach seconds the motion.

Commissioner Sanchez was under the impression that 13B would be heard after the public hearing which is 10A.

Commissioner McCall amends his motion to read. **ACTION TAKEN: Commissioner McCall** makes a motion to have item 13B moved to be heard after the public hearing. **Chairman Schwebach** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

4. Proclamations

There were none

5. Certificates and Awards

There were none

6. Board and Committee Appointments

a) Commission: Estancia Valley Economic Development Association (EVEDA)

Myra Pancrazio comes to the podium and explains the contract the County has with EVEDA and the importance of representation on the board by the County. The board meets once a quarter and has an annual meeting. In the meetings they discuss projects in the area and the board members do this under non-disclosure, these projects are not made public due to the negotiations of the project prior to going public. **ACTION TAKEN: Commissioner Sanchez** makes a motion to open the floor for nominations. **Chairman Schwebach** seconds the motion. Nominations begin, **Chairman Schwebach** moves to nominate Commissioner McCall. **Commissioner McCall** seconds the nomination. **Commissioner McCall** moves to close the nominations. **Chairman Schwebach** seconds the motion. No further discussion, all in favor. Commissioner McCall appointed to the EVEDA board. **MOTION CARRIED.**

7. Public Comment and Communications

Albert Beckwith, retired Vietnam vet who resides in Torrance County, he bought his property two years ago. Mr. Beckwith states that his property has been trashed by local businesses and other residents. The cars that travel on his road go over the posted speed limit of 35, he has made law enforcement aware of the situation but no one has been out to enforce the speed limit. His road does not have a street sign and during the holiday season he needed an ambulance and had to stand outside his home with a flashlight to get the ambulance to come to his residence. Mr. Beckwith wants to be a good neighbor and live in peace and he feels if he is obeying the laws so should everyone else.

8. Approval of Minutes

a) January 9, 2019

Chairman Schwebach calls for a motion to approve the Commission Minutes. **ACTION TAKEN: Commissioner Sanchez** makes a motion to approve the January 9, 2019 Regular Commission Meeting Minutes. **Commissioner McCall** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

b) January 17, 2019

ACTION TAKEN: Commissioner Sanchez makes a motion to approve the January 17, 2019 Special Commission Meeting Minutes. **Commissioner McCall** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

9. Approval of Consent Agenda

Chairman Schwebach calls for a motion to approve the Consent Agenda. **ACTION TAKEN: Commissioner McCall** makes a motion to approve the January 23, 2019 Consent Agenda. **Commissioner Sanchez** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

10. Adoption of Ordinance/Amendment to County Code

a) Public Hearing & Final Action: An Ordinance Increasing the Number of Commissioners from 3 Members to 5 Ordinance 2019-1

County Manager Johnson explains the purpose of the public hearing and that statutorily it requires a unanimous vote by the Commission to move forward. In December the Commission voted on this and it received a vote of 2 in favor, 1 against therefore it did not pass. It was republished and being brought before the Commission again for another vote. County Manager Johnson explains that the County has done work with Research and Polling for this project and if this dies today, Research and Polling is willing to keep the contract and be paid for the work already done which is in the amount of \$9,000.00 (+ or -) or if it moves forward it will be for the contractual amount of \$14,000.00.

Commissioner Sanchez would like to read a proclamation of support for the Commission to move to a 5 member board before the floor is opened for public comment. At this time Commissioner Sanchez reads the proclamation that is echoed from the following agencies, Village of Willard, Town of Mountainair, Town of Estancia, Mountainair Public Schools, La Merced de Manzano Land Grant, La Merced de pueblo Taji que, La Merced de pueblo Chilili, Torreon Water Assoc., Estancia Municipal Schools and the Village of Encino.

Public Comment:

Jason Quintana, President of the La Merced de Manzano Land Grant-reiterates a letter that has been read before the Commission at a previous meeting. The letter explains that the Manzano Land Grant as well as 3 other land grants sits within the southern part of the County which all lie within district 3's boundaries. The letter further details that the City of Moriarty is split between the two Commission Districts giving the northern part of the county a disproportionate advantage of coverage. Therefore the La Merced de Manzano Land Grant urges the Commission to move forward with a 5 member board. In the past the Commission has sanctioned and or created a regional solid waste authority and regional water authority without the input or knowledge of the land grants. The treaty of Guadalupe Hidalgo in 1912 was incorporated into the states constitution, which is part of the state's legal and cultural heritage and the land grants deserve to be properly represented and support a 5 member Commission.

Fred Sanchez, Taji que makes the comment that he does not understand why people are against more representation. When he joined the military he was told he would be fighting for democracy and liberty and now as an old man he would like to see more democracy.

Mayor Ted Hart, City of Moriarty explains that he is not against a 5 member Commission but the timing is wrong. The 2020 census will show the true numbers of where the County's population

sits. Mayor Hart states that what he is hearing is representation, people want more representation and his understanding is that each district represents the same amount of people. All municipalities are required by state law to have 5 members, Mayor Hart mentions that all 5 members gets paid annually less than what 1 Commissioner gets paid in one year. The funding for 2 more Commissioners can be used for other things such as emergency services. He asks for things to be prioritized and really think things through before making a decision for 5 members.

Charlene Guffey, Torrance County Resident explains that she stated a “Torrance County Resident” because she sees the County as a whole not in districts. Ms. Guffey explains that in Commission District 3 at the last election there was change and recently in Commission District 1 and 2 there was a change. She mentions that at the last meeting Commissioner Schwebach stated that the County needs to go to the next level, Ms. Guffey believes in order to take the County to the next level there has to be change. With government, change is never easy or the timing is never right but it needs to be done. The 2020 census is being brought up, yes it’s a year away but with the timing of this it may take up to a year to have this finalize and completed. The precincts will eventually need to be changed due to growth and that will be additional monies for the County. This is tax payer’s money and the Commission needs to be mindful of the way the money is being spent. Ms. Guffey states that she has spoken with her Commissioner, Commissioner McCall and he has said he wants change, Commissioner Schwebach has said he wants change and Commissioner Sanchez wants change, each of you have been elected to do what is in the best interest of the public and the majority of the public want better representation and a 5 member Commission. With a 5 member Commission you have better coverage of the needs of the people within each district. Ms. Guffey doesn’t just see one Commissioner as her Commissioner but she sees all Commissioners as her Commissioner. In each district you are going to hear the same needs which are, more jobs, a hospital and more emergency services.

Elizabeth Howells, Torrance County Resident/MESD Board Member mentions that she agrees with Mayor Hart at the school district they wait till the census is out to do any redistricting. Ms. Howells states that she did research, she was researching the poorest County’s in the state and the poorest County is San Miguel County and they have 3 Commissioners. The medium annual salary per household is \$27,000.00 in San Miguel County and in Torrance County it is \$32,000.00, she doesn’t understand why Torrance County cannot do this process with 3 Commissioners. Why the need of the additional salaries for the 2 new Commissioners when they are other things that need to be taken care in the County. The gentlemen earlier stated that he needed roads signs out where he lives. Ms. Howells states that her road could use some work, it has not had new material in 12 years the money for new Commissioner’s salary could be better used on projects like these. The people in the southern part of the County are stating they need more representation, she suggests that they talk more with Commissioner Sanchez. She would like to see the new Commission be given the time and opportunity to change things and see how the process will work.

Commissioner Sanchez mentions that San Miguel has a 5 member Commission not 3 like Ms. Howells has stated.

Jennifer White, Torrance County Resident she states that she lives in District 1 and lives down the same road as Ms. Howells. She feels that we should work with the 3 Commissioners we have now and use the money for the 2 new Commissioners position for other things like roads and better pay for deputies. There are several openings at the Sheriff's department. Ms. White would like to see the \$85,000.00 spent on better pay for deputies and roads in the northern part of the County.

Michael Godey, Tajiique states that to answer the question on the amount for the Commission salary, it has been mentioned to lower the amount that the Commissioners get paid. That may decrease the overall budget for the 5 member Commission. What he has seen is that the representation has not been good. He is not part of a land grant but he believes in the philosophy of the land grants. Historically in NM there has been conflict, the conflict being that the larger businesses are represented by the Anglo community and have more community involvement, more sharing and better representation. Though Mr. Godey is predominantly white he believes in what the land grants are saying and believes there need to better representation. The northern part of the County is being better represented than the rest of the County, the County needs a 5 member Commission. If the current Commission wants to wait like Mayor Hart has suggested that is fine but the Commission needs to make that decision and move forward with the process.

Andrew Gutierrez, Member of the Tajiique & Chilili Land Grants states that he just wants to reiterate the support for the 5 member Commission in the proclamation that Commissioner Sanchez read earlier.

Kathleen Jesse, Torrance County Resident states that she came before the Commission in support of the 5 member Commission last month. Ms. Jesse agrees with Commission Sanchez, Torrance County has been a 3 member Commission since 1903. In 1903 Torrance County was a rural/wild territory but now Torrance County is more developed and needs better representation. The need for a 5 member Commission is needed due to the things that are happening with the 2016 Estancia basin water committee plan. They are talking about transporting water from the southern part of the County and this is the time for better representation of the southern part of the County. Roads are also an issue throughout the County, Ms. Jesse lives off of La Parra Rd and it was affected by the dog head fire and gets flooded when there is moisture. She is thankful for the services that are available now in the County but believes there could be better representation by more individuals on the Commission.

Mary Wilson, Resident of Abo states that she is delighted to have Commissioner Sanchez as her Commissioner and the need for more representation is not a reflection of the job Commissioner Sanchez is doing for his district. Ms. Wilson would like to have the comments from the December meeting incorporated into today's meeting. She believes that there needs to be more diversity to the Commission and 5 members will help with that. It is known that the northern part of the County has more population than the rest of the County but it will still be nice to have more representation from a more diverse group of Commissioners. Ms. Wilson is acquainted with Brian from Research and Polling and she is sure that he has given the County accurate information on the numbers for the redistricting numbers. She feels that those numbers will not be that far off from the 2020 census and waiting for those numbers of the census to see that there will be this big change is just a fallacy. Having 5 members will bring the County into the 20th century.

Erminio Salas, Torreon Resident asks why people wouldn't want a 5 member Commission. We all want fair and equal representation.

Jose Mora, Resident of Abo states that the County has had its ups and downs throughout the years. Why not have 2 more resources for the County in becoming a 5 member Commission. Economic development is a problem in the County and having 5 members in the Commission will help the County only get better. There will be more participation with more members, striving to make Torrance County better.

Myra Pancrazio, EVEDA informs the Commission that the data from the census shows that there was a decline in the population. The population from the 2010 census for Torrance County was 16,900 but the Department of Treasury does a mid-term population and at that time the population for the County declined to 15,400. The COG uses this data from the UNMBBE for a lot of their projects when population needs to be determined. Ms. Pancrazio is just wanting to state the facts.

County Manager Johnson mentions that the information that Research and Polling was using was from the 2010 census, the only difference they did was to minus the number of inmates held out at CCA.

Jason Quintana states that there is an advantage to having 2 more members to the board, there can actually be conversations between fellow Commissioners without it being considered a quorum. Mr. Quintana points out that having 5 members on other boards seems to work just fine.

Chairman Schwebach states that this concludes the public comment section and now there needs to be a motion to discuss this in order to move forward because without the motion to discuss the item will die.

Commissioner Sanchez states that he has further information to give that needs to be considered. The question is how do we achieve better representation for the County? Most everyone here today was here for the detailed presentation that Commissioner Sanchez gave last month but to review the matter further for the 2 new Commissioners, he would like to give more information. Commissioner Sanchez states that he has used the census data from many decades starting in 1910 to the present and throughout the years there has been incline and decline. In 1970 the population was 5,290 which was an all-time low for the County in its existence but then in 1980 the population rose to 7,491. In 1981 the lines were drawn up for the Current Commission districts, since then there has been 3 different census 1990, 2000 and 2010. In 1990 the population rose to 10,285 in 2000 the population rose again to 16,911 but in 2000 there was a small decrease to 16,383 and currently it is 15,999. Commissioner Sanchez explains that there has been redistricting for the Senate and Representatives districts however the Commission districts have not been changed, the County missed the opportunity to redistrict from 1980 to current.

Since 1980 the population has double in size but the Commission districts have not changed. He explains that within the County there are 4 land grants and 5 municipalities, the Land Grants being Manzano with population of 54, Tajique with population of 148, Torreon with population of 244 and Chilili (*there was not a population given*). The Municipalities consist of Mountainair with population of 859, Willard with the population of 242, Encino with population of 76, Estancia with

population of 1,590 and Moriarty with 1,793. Moriarty which is the largest municipalities is split between two Commission districts which gives ample representation. Commissioner Sanchez states that from a numerical standpoint it is unbalanced. What is weighing the population is the unincorporated population between Moriarty and Edgewood and Moriarty and Estancia. Commissioner Sanchez explains that the communication between the constituents and Commissioners primarily goes through the municipalities and that communication is used to disseminate information to the public. And it is apparent that the representation is disproportionate and the need for more representation is there due to the numbers. The census will not change the error in geography that has caused this issue but going to a 5 member Commission will.

Commissioner Sanchez also looked at Counties that had 5 member Commissions to do a comparison, he looked at their population, the amount of their budget, the amount of municipalities and land grants they had. When looking at the information for the smaller Counties which include Catron, Colfax, Harding, Mora, Quay, Guadalupe, Sierra, Torraine and Union which have the 3 member, Colfax County would be the most like Torraine County. They have a population of 13,640 their budget is 14 million and they have 6 municipalities. If we look at the 5 member Commission Counties we would look to Roosevelt County which their population is 20,000, budget is 11 million and they have 12 municipalities. Lincoln County is another, their population is 20,000, budget is 48 million and they have 7 municipalities but the one that is most like us would be Socorro County, they have 17,800 in population, 14 million in budget and 2 municipalities. Commissioner Sanchez states that there is almost a trend to adopt a 5 member Commission for a County our size with the amount of budget we have.

With time our budget will increase to cover the additional cost for the new positions. It is overdue, District 1 has Moriarty, District 2 has Moriarty and Encino and District 3 has all the rest, Estancia, Mountainair, Willard and the land grants. If the finances and geography are reviewed it will be shown that a 5 member Commission is needed. The next question would be if we choose to go to a 5 member Commission, how those 2 new positions would be filled, by Governor Appointment or wait until the next election. Commissioner Sanchez urges the Commission to fix the problem now and move to a 5 member Commission.

ACTION TAKEN: Commissioner Sanchez makes a motion to approve Ordinance 2019-1 Increasing the Number of Commissioners on the Board of County Commissioners from 3 members to 5. **Chairman Schwebach** seconds the motion.

Chairman Schwebach states that this was not big on his platform when he ran for this position but it is obvious here today and at the previous meeting that he is seeing an overwhelming response from district 3. He has taken the time to look at the numbers that Commissioner Sanchez has presented and he does recognize the unfairness in the numbers. However Chairman Schwebach doesn't believe those numbers constitutes a 5 member Commission, he does not want to jump into this blindly if they are unsure if this will change the problem. Chairman Schwebach is not opposed to this but feels he is flying in blindly into this and wants more time to research this, therefore today he will not be voting for this. Chairman Schwebach questions on how to move forward with this, how does he sell this to his constituents or is it his job to listen to his constituents. He brings up the demographics of the County and the Land Grants, how do the land grants get their voices

heard and go in the direction they are wanting to go and how can this be done with the existing 3 member Commission. What can the Commission do today to help facilitate their needs?

Commissioner McCall states that he has been here for the presentation of the 5 member Commission and he has heard the concerns. Commissioner McCall has spoken with his constituents and their concerns are providing basic services that the County needs instead of spending additional funding on 2 more Commissioners. So Commissioner McCall did some data research on his own on the cost per household on the Commissioners. With the current Commissioners it is \$20.00 per household and if we move to a 5 member Commission it will increase to \$32.00 per household and at this time he does not feel the additional \$12.00 is warranted. Commissioner McCall feels that we could give the current employees a raise with the money that has been set aside for the new positions. So Commissioner McCall is asking what can 5 Commissioners do that 3 Commissioners cannot. Otero County has a population of 65,000 and has 3 Commissioners. Commissioner McCall states that he and Chairman Schwebach have attended trainings since December and have started a network with other county Commissioners, he is asking that this Commission be given the chance to work through this issue and have a chance to work together as a whole County, he remembers when there weren't Commission lines and you served at large. Does the County need to go back to that? Commissioner McCall is willing to reach across the boundary lines to help represent everyone.

Commissioner Sanchez states that the need has been demonstrated for more representation. There is a misconception that with more representation there will be a lack to services for the County when in fact that is wrong. There have been new positions created, new equipment for the road department and an increase to the starting pay in the road department. The fire department has just recently acquired a new building for all the administration needs. Commissioner Sanchez has spoken with department heads at length to see if there is anything that is or will be sacrificed. There is not and it would be in error to allow this misconception to carry on. If we were to follow Commissioner McCall's data it would cost 3 cents per day per household, Commissioner Sanchez does not feel that 3 cents more a day is a lot to ask for equality, liberty and the things we stand for as Americans. It's a glaring error to allow the misrepresentation to exist in the face of such evidence. Commissioner Sanchez feels that something should be put in place to rectify the problem because to allow it to continue to happen is just wrong.

Commissioner McCall asks Commissioner Sanchez if the misrepresentation is coming from the district lines the way they are currently drawn.

Commissioner Sanchez answers, yes it is.

Commissioner McCall asks if we were to redraw the lines within the 3 Commission districts would that work.

Commissioner Sanchez states that if left with 3 Commissioners there would still be the same result in misrepresentation. With 5 Commissioners it gives the County the liberty to get beyond the issues that have caused this division. This is not a new issue this is an issue that has been going on for decades. With the 3 member system it allows for the concentration of power and it should

not be that way it should be that the power is shared throughout the County not just in one area of the County.

Commissioner McCall asks how it concentrates the power in one area when all Commissioners represent the same amount of constituents.

Commissioner Sanchez replies that with a 3 member system you inevitably end up with 2 against 1 situation.

Commissioner McCall responds that you can end up with 3 against 2 with a 5 member system.

Commissioner Sanchez explains that with the redrawing of the geographic boundaries does not allow for the concentration of power. Commissioner Sanchez mentions that Commissioner McCall brought up Otero County earlier and in that County there was a heated discussion where one Commissioner felt it was always 2 against 1. Commissioner Sanchez wants to move past that and not have issues become political issues.

Chairman Schwebach states that he would like to speak to the opinions on the data that has been given by Commissioner Sanchez. Chairman Schwebach cannot agree or disagree with the data presented but what he can agree with is that Commissioner Sanchez is truly representing the needs and concerns of his constituents. But he points out that there are some downfalls to having a 5 member Commission, gerrymandering and rolling quorums. A 3 member Commission is just as subjectable to this as is a 5 member Commission. In addressing this issue it needs to be done properly and correct as well as for the right reasons. In looking at the numbers they can be addressed both ways, we are having a hard time even justifying district lines if we were to just look at the population numbers but that is not why everyone is here today. You are here today to have a voice and to have equal representation.

So Chairman Schwebach will look to the County Manager and County Attorney to possibly add some ideas. Chairman Schwebach states that he is not ready to move forward with this today because he would like the time to consult with his constituents and to look over and understand the maps and to understand the consequences of moving to a 5 member Commission and with that being said Chairman Schwebach believes in having accurate numbers and the accurate numbers will be with the 2020 census and the budget is not an issue because it can be moved either way for the new positions. Chairman Schwebach goes back to the fundamental issue of district 3 overwhelmingly coming out saying “we need to fix this”, he understands that it’s because of the different land grants, the multiple cities within district 3 and district 2 which covers Encino. Chairman Schwebach questions the demographics and whether or not a 5 member Commission will actually solve the problem, Commissioner Sanchez has presented the information and has stated that it will but now Chairman Schwebach would like to take the time to study that data. So Chairman Schwebach questions County Manager Johnson and Attorney Dennis Wallin what questions need to be asked in order to ensure that this is done right.

County Manager Johnson states that he is not taking a side one way or the other but wants to inform the Commission that redistricting is about the population numbers. He explains that when you have small communities, i.e. the land grants you have to band them together within a certain

district. With a 5 member Commission your ideal number for each district is 3153 in population, you cannot deviate from the number by + or – 5% of the population within one district and you cannot pack a district either. So you cannot put all minority groups or all the land grants in one district and it cannot all be done just in geography, though it may come into to play at some point. Those are all things that Research and Polling look at when coming up with the mapping for redistricting. County Manager Johnson encourages the Commission to have the most recent data to make the decision, with the 2020 census there will be changes that will need to be made in 2021. So it is up to the Commission to make the decision to move forward with this and reminds the Commission that by state law it requires a unanimous decision to move forward.

Commissioner Sanchez states that to answer Commissioner McCall’s question, in looking at the problem Commissioner Sanchez states that he is not opposed to staying with a 3 member Commission, if the maps can be shifted for better representation. He is just asking that they don’t oppose each other but identify a way that the Commission can move forward. Commissioner Sanchez would like to develop a set of questions and work together to answer them. He suggests having workshops to work through some of those questions, get input from the public.

Commissioner McCall states that he concurs with Commissioner Sanchez and encourages having public hearings and workshops at different times and at multiple places in the County and have them in the evening. A lot of people cannot attend during the day due to their work schedules.

Chairman Schwebach states that he agrees with that and wants to work & solidify how to get this done. He explains that the water planning committee was tasked with coming up with a 40 year plan. The process was done from each Community to take their water resources in their hands and come up with a plan that will dictate their plan. The process was done by forming committees and those committees had to understand what the parameters were that they were to work in to come up with the plan. From those parameters they sought out public input to develop the plan but before they had the public hearings they went out to the communities to get their input on times and dates for the public hearings. That is how Chairman Schwebach envisions this process to be but with the information in front of him today he is not ready to make a decision. Chairman Schwebach would like to see if a 3 member Commission or 5 member Commission would fix the problem because from what he has seen and heard from Commissioner Sanchez is that their needs to be more representation. Chairman Schwebach encourages the public to reach out to him and to talk about this, he wants to explore different ways of thinking on solving this issue for better representation.

Dennis Wallin, County Attorney explains that the purpose in hiring outside professionals is to get the type of information needed to make this kind of decisions. Mr. Wallin encourages the Commission to go back to the presentation Research and Polling presented. All the information and geography does come in to play because the districts have to be compact and contiguous under the constitution but the districts are population based and public has to understand that the districts are going to follow the population. So if there is a disparity in representation in the southern part of the County and the county doesn’t have the population base what may end up happening is there may be more districts in the northern part of the County, so he wants everyone to keep that in mind as we move forward. Mr. Wallin states that there has been a lot of good reasons for going to a 5 member Commission and strong rationale but reminds everyone that population is the key.

Research and Polling identified where the population was and he advises the Commission to follow the advice and information provided by these consultants.

Commissioner Sanchez mentions that he has touched on the maps at previous meetings and he has given information on his beliefs for the best representation. He is willing to start at any point with his fellow Commissioners to see what the best solution on this is, he felt that there was a map that was presented that was viable for the County but he is willing to see if a 3 member Commission will work and have the best representation for everyone involved, then yes, he is willing to look at that as well.

Chairman Schwebach states that he would like to address some of the concerns that he is hearing from the land grants and the southern part of the County and what can we do to fix those problems. He would like to speak to those individuals and get a better understanding of what their issues are and try to address those issues and fix those issues and not just throwing 2 more Commissioners at them. Chairman Schwebach states that it may take 2 more Commissioners or it may take redistricting the current 3 districts with that being said Chairman Schwebach states that he cannot make this decision today but he is willing to work towards fixing the problems.

Commissioner Sanchez asks if the discussion can be deferred so that Chairman Schwebach and Commissioner McCall can do the research that is needed to make a decision.

Dennis Wallin states that what Commissioner Sanchez is suggesting will require a withdrawal of the previous motion and to table to another meeting.

Chairman Schwebach asks if this item is tabled will it be on every agenda until the Commission votes on it.

Dennis Wallin states that normally when an item is tabled it will be on the next agenda but believes with the rules you can table it to a specific time to be heard to allow all the research be done.

Commissioner Sanchez asks if it can be deferred for 30, 60 or even 90 days until all research can be done.

County Manager Johnson replies that he would call it a deferral not tabling it, the Commission can do it to a date certain or whatever the Commission chooses, that motion will be followed.

Chairman Schwebach states that he would like to have public hearings or workshops to hear from the northern part of the County. He would like to have them at different times in the day to accommodate them and their work schedules, he wants to hear their concerns and wants to address those issues.

County Manager Johnson suggests to the Commission to not defer for a long time unless it's to a date certain but the Commission needs to reauthorize republication of the ordinance with the 2 week notification. This will not stop the Commission from doing what needs to be done but the process will need to be done again.

Commissioner Sanchez states that if we are truly committed to this, then he sees no reason not to defer this so that all proper research can be done and to show those stakeholders that are vested in this that we are willing to look at this and makes some changes.

Commissioner McCall replies that with that being said, the information needed to make a decisions will be the data from the census. He agrees that he does not want to push it out a year but he wants good data to make an informed decision.

Chairman Schwebach states that he agrees that the numbers will play a role in determining the lines but feels that it is crucial to solve the problems and then let the numbers and lines follow. Chairman Schwebach feels that there could be a potential that lines are put down and those lines could amplify the problems. So he is willing to go 90 days but for the record he does not know if he will have a decision in 90 days and he is not willing to say that a decision will be made in 90 days. He wants everyone to understand that it may take longer than 90 days for a decision to be made, he is here to fix a problem and not to create new ones.

ACTION TAKEN: Commissioner Sanchez makes a motion to remove his previous motion and makes another motion to defer Ordinance 2019-1 for 90 days. **Chairman Schwebach** seconds the motion. No further discussion, all in favor. **ITEM DEFERRED FOR 90 DAYS.**

11. Adoption of Resolution

a) Road Department: Resolution to send the Torrance County Road List to the NMDOT

Leonard Lujan, Road Foreman comes before the Commission to present Resolution 2019-04, this is done on an annual basis. The list is comprised of all the miles maintained throughout the County and helps in receiving funding for those maintained roads. The County receives anywhere from \$24,000 to \$26,000 a month for the maintained miles which helps offset the cost of fuel and material used.

Commissioner McCall asks Mr. Lujan if this list is up to date.

Leonard replies, that yes it is.

ACTION TAKEN: Commissioner Sanchez makes a motion to approve Resolution 2019-4 Torrance County Road List to the NMDOT. **Commissioner McCall** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

13. Discussion

b) Presentation by Representative from PNMR in regards to IRB-PILOT Payments

Gary Barnard with PNMR is here today to talk about the proposed 50 megawatt solar system that is coming to Torrance County. The project is near I-40 in Moriarty on 500 acres, 20% of this project will be within the Moriarty city limits and the other 80% is in the County. It will be constructed in 2019 and operational by the end of 2019, this project is very environmental friendly. This project is associated with Facebook, this is their way of giving back green energy. There were different sites sought out for this project and Torrance County won. Affordable Energy won the

bid which they are a NM based company and the construction work will be done by locals in the area as well. At this point the property is ready to be purchased and move forward. Mr. Barnard explains that the IRB process is a little bit different than with projects. Solar project sites can be put anywhere and the wind projects need to be where they will be in the best area of production. The solar project will not require a lot of County involvement, the project comes with very little disruption to the surrounding area. The construction takes anywhere from 6-9 months, during construction there will be small amounts of water used to keep the dust down and there will be no need for new roads. The existing roads that are there will be used for ingress and egress from the site.

Mr. Barnard goes over the figuration of how the dollar amount for the PILOT is drawn up, he states that you take the total tax payment and use 30% of that for the PILOT. With larger projects they have the flexibility financially for a higher amount. So if the project is worth 4.9 million in taxes the PILOT will be 1.4 million. So when coming up with numbers we were thinking of numbers that will be meaningful and helpful to the County and also beneficial to the Company. So that is where the 30% is coming from, and PNMR wants to be the same as with other Counties. They want the playing field to be the same across the board.

Commissioner McCall asks about the access to the project, will there be new roads developed or will the existing roads be used because right now there are only 2 roads that could be used to access the project site.

Brian Reynold, Project Manager replies that they will be using 2 access roads which are Britton Rd and off of Rt. 66.

Commissioner McCall asks if the county road will be sufficient enough to use with the heavy equipment that will be going in and out of the road.

Mr. Reynold states that they will work with the road department if additional base course needs to be added to the road but the existing roads are fine for access to the project site.

Commissioner McCall asks about the decommissioning of the panels, who will be responsible for that.

Mr. Barnard explains that the expected life for the panels is 40 years, there could be some upgrades done to the panels within the 25 years of the expected PILOT to the County which could give it a further life span.

Commissioner McCall replies that could mean more IRB's for the County correct.

Mr. Barnard replies, we might, usual production is 80-85% for a panel and they can run for 40-50 years. But he explains that almost everything used in the project is reusable and can be recycled.

Commissioner McCall mentions that locally we will all benefit from this project, we will be able to utilize the energy from these solar panels and it will not increase our bill.

Mr. Barnard explains that there is no contract for the energy to go west but the electricity from the panels will go where ever the electricity is bought and paid for. This electricity is being set up

to offset the fossil use of energy that Facebook will be using at their data center in Valencia County from PNM.

County Manager Johnson asks about the project with Sandoval County which is similar in size to what is being proposed here. Did they accept the same terms?

Mr. Barnard explains that he cannot divulge that information but they are just about done wrapping up the final details on that project.

Chairman Schwebach thanks Mr. Barnard for being here today and for the information and informs him that he will be hearing from the County very soon.

11. Adoption of Resolution

b) Finance Department:

A) Resolution 2019-05

Ms. Amanda Tenorio explains to the Commission that she is presenting them with a budget increase for funds received for EMS for Superior Ambulance Service. **ACTION TAKEN: Commissioner Sanchez** makes a motion to approve Resolution 2019-05 Budget Increase. **Chairman Schwebach** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

B) Resolution 2019-06

Ms. Tenorio presents the Commission with another resolution for line item transfers, this does not change the overall budgets these are just transfers from within each departments own budgets. **ACTION TAKEN: Commissioner Sanchez** makes a motion to approve Resolution 2019-06 Line Item Transfers. **Chairman Schwebach** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

12. Approvals

a) Planning and Zoning: Finding of Fact & Conclusions of Law

Steve Guetschow, Director of P/Z presents the Commission with the finding of facts and conclusions of law from the Gravity Pad LLC appeal that was approved at the last Commission meeting. Mr. Guetschow explains that Mr. Wallin went through the document and fixed some of the typo's that were in the document. He asks the Commission if they would like him to read the conclusions, they are 9 points to it.

Chairman Schwebach asks if this needs to be read into the record.

Dennis Wallin states that the document itself will be a public document held in the Clerk's office. Dennis reads a portion of the conclusion and the additions to the document.

ACTION TAKEN: Commissioner McCall makes a motion to approve the Findings of Fact and Conclusions of Law for Gravity Pad LLC Appeal. **Chairman Schwebach** seconds the motion. No further discussion. 2 in favor Commissioner Sanchez opposed. **MOTION CARRIED.**

13. Discussion

A) Torrance County Clerk: Requesting a Special Meeting on February 6 or 7th to Canvass the Special Vaughn School Election.

Ms. Linda Jaramillo, County Clerk informs the Commission that there is a Special all mail bond school election going on right now for the Vaughn School District, Election Day is February 5. The Commission is the canvassing board and will need to canvass the election within 3 days of the election. Ms. Jaramillo explains that there are 99 voters in Torrance County and the special meeting should not take very long, of the 99 ballots out we have received 18 in and 6 are undeliverable and 75 out. Ms. Jaramillo feels that in total there will be about 30 ballots to canvass. The canvassing process consist of looking over the rosters and tapes and making sure everything was done right.

Chairman Schwebach suggests February 6th at 9am, everyone is in agreeance with that. So the Special Meeting is set for February 6th at 9am to canvass the Special Vaughn School Election.

14. Executive Session: Pursuant to NMSA 1978 Section 10-5-1 (H) (8) to discuss the purchase, acquisition or disposal of real property.

- 1) PNMR Solar Project IRB/PILT
- 2) La Joya Wind Farm IRB/PILT

ACTION TAKEN: Commissioner McCall makes a motion to go into Executive Session. **Commissioner Sanchez** seconds the motion. Roll Call Vote: District 1-Yes, District 2- Yes, District 3- Yes. **Executive Session starts at 11:48am**

Reconvene

ACTION TAKEN: Commissioner McCall makes a motion to reconvene from Executive Session. **Commissioner Sanchez** seconds the motion. Roll Call Vote: District 1- Yes, District 2- Yes, District 3-Yes. **Reconvened at 12:07pm**

Chairman Schwebach states that the only thing discussed in executive session, was the negotiations with PNMR. **ACTION TAKEN: Commissioner Sanchez** makes a motion to authorize County Manager Johnson to enter into negations with PNMR within the parameters set by the Commission. **Commissioner McCall** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

Chairman Schwebach gives the following statement from the closed meeting from January 17th at 3pm. Only those items published on the closed meeting agenda were discussed and no action was taken from the closed meeting. Chairman Schwebach asks for a motion for this. **ACTION TAKEN: Commissioner McCall** entertains a motion for the report from the closed meeting held on January 17, 2019 at 3pm. **Commissioner Sanchez** second the motion. No further discussion, all in favor. **MOTION CARRIED.**

15. Announcement of the next Board of County Commissioners Meeting:

A) February 13, 2019 at 9am at the Torrance County Administrative Building

Chairman Schwebach asks his fellow Commissioners if there are any items that needed to be added to the agenda.

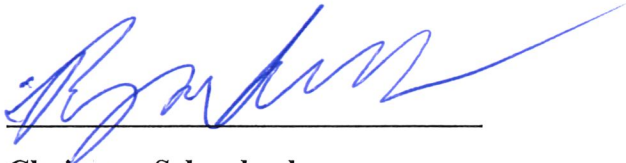
Commissioner Sanchez states that the workshop for EVSWA

Chairman Schwebach asks how to proceed with the timing of the workshop

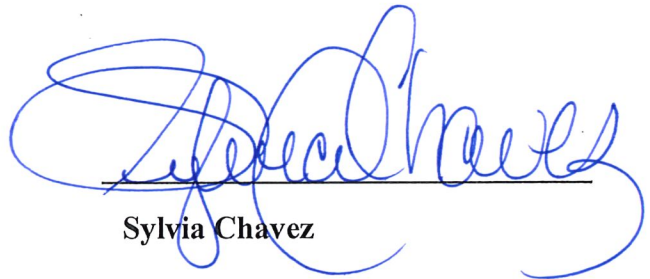
County Manager Johnson suggest setting a time for the meeting and if it goes long, you can state the workshop will begin once the meeting has ended. 1 o'clock is set up for the workshop.

Adjournment

ACTION TAKEN: Commissioner Sanchez makes a motion to adjourn. **Chairman Schwebach** seconds the motion. No further discussion, all in favor. **Meeting adjourned at 12:11pm**



Chairman Schwebach



Sylvia Chavez

2-13-19

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 KSNM.