

**FINAL COPY  
TORRANCE COUNTY BOARD OF COMMISSIONERS  
COMMISSION MEETING  
FEBRUARY 13, 2019**

**COMMISSIONERS PRESENT:** RYAN SCHWEBACH -CHAIRMAN  
KEVIN MCCALL –DISTRICT 1  
JAVIER SANCHEZ –DISTRICT 3

**OTHERS PRESENT:** WAYNE JOHNSON-COUNTY MANAGER  
LINDA JARAMILLO- COUNTY CLERK  
KRISTIN OLIVER-HR DIRECTOR  
YVONNE OTERO-ADMIN. ASST.

**1.) CALL MEETING TO ORDER**

Chairman Schwebach calls the February 13<sup>th</sup>, 2019 Commission Meeting to order at 9:05 A.M.

**2.) PLEDGE AND INVOCATION**

**Pledge lead by Yvonne Otero**

**Invocation lead by Nick Sedillo**

**3.) CHANGES TO THE AGENDA**

Wayne Johnson states that he is requesting that item 13-B be deferred until another meeting. The members needed more information and are not ready to present at this time. Mr. Johnson requests that Mr. Mark Stacey, with Avangrid, be allowed to present in their place. Mr. Johnson states that he ran this by legal and was informed that because it is a late add it is for discussion only and no action can be taken.

**4.) PROCLAMATIONS**

There were no items presented

**5.) CERTIFICATES AND AWARDS**

**A.) NM Counties Awards (Nick Sedillo) New Mexico Counties 2019 Legislative Conference Awards**

Nick Sedillo back in January the New Mexico Counties presented Torrance County with the Risk Awareness and a Workers Compensation Safety Award during the annual New Mexico Counties Legislative Conference. Torrance County completed their 11<sup>th</sup> year of R.A.P. and reduced there multi-line claims by 24%. This award is offered through NM Counties R.A.P.

through better risk awareness and safety practices. Torrance County was also recognized with a Workers Compensation Safety award for achieving a positive claim trend and lowering the frequency of workers compensation claims. The county was awarded a \$7,000.00 contribution refund. This money will go back into the safety committee budget. This is how we disburse anything having to do with safety to the departments. The safety committee is a self-sustaining fund outside of the general fund. The budget is small and is anywhere from \$12,000.00 to \$17,000.00 per year, but we can afford up to 110 employees when their requests come through. Mr. Sedillo states that he is grateful for the fun and for the employees and their efforts towards safety.

**Chairman Schwebach** tells Mr. Sedillo that he and his staff do a wonderful job and thanks him.

**Nick Sedillo** replies, thank you, it is much appreciated. When you see the employees if you could let them know as well. The employees are the root of the safety committee.

## **6.) BOARD AND COMMITTEE APPOINTMENTS**

### **A.) CLERK: Appointment of Board of Registration by County Commission**

**Linda Jaramillo** states that the names that are before the Commission were presented by the Chairman of the Republican Party, Mr. Melvin McNeil. Both the Republican Party Chair and the Democratic Party Chair were contacted and she received no response from the Democratic Party Chair. The names that Mr. McNeil gave are, Hayle Catallo (Democrat), Shanon M. Torok (Republican), Lillian Dial (Republican), Carolyn McNeil (Republican), and Rubena Miranda (Democrat) that was suggested by Ms. Jaramillo.

Ms. Jaramillo states that she gets a purge list from the Secretary of State's office. The list is derived from voters that were sent out a change of address notice card, because they changed addresses with USPS, in August of 2016. The voters are given a chance to respond to the notice by returning the card with an updated address, or request to be removed from the database. Some chose to update, while some are returned to us as undeliverable, and some chose to not respond at all. The voter is placed as inactive when they do not respond, but if they vote in any election they are then placed back as active in our database. If they do not respond, have not voted in any election, or we get the card returned as undeliverable, they are then placed on this purge list so that we can remove them from our database.

The list that we have compiled consists of 277 inactive voters. The board's job is to review each of the voters on this list and see that they haven't voted. Ms. Jaramillo hands out an example list of what the board will be looking at, and explains to the Commission what will be done.

**Wayne Johnson** states that it's not quite clear how the board is constituted. If it pleases the Commission he can explain or Ms. Jaramillo can explain what the Commissioner's involvement is here.

**Linda Jaramillo** states that the Commission's job is to appoint the board. The choice of the Commissioner's is based upon the list of names the party's give you in rank from 1-5.

**Wayne Johnson** states that among the top 3, only 2 can be from the same party the 3<sup>rd</sup> has to be from the opposite party. The alternates also have to be from different parties.

**Linda Jaramillo** states that the top 3 are 2 Republicans and 1 Democrat.

**Chairman Schwebach** states that from this list numbers 1-3 can be the committee and 4-5 can be the alternates. Chairman Schwebach asks for a motion to approve the Board of Registration Appointments. **ACTION TAKEN: Commissioner McCall** makes a motion to approve to appoint Shannon M. Torok, Hayle Catallo, & Lillian Dial to the Board of Registration (as suggested by Melvin McNeil, Republican Party Chair) and Carolyn McNeil & Rubena Miranda as the alternates. **Commissioner Sanchez** seconds the motion. **Wayne Johnson** asks Chairman Schwebach if the alternates are both from different parties. **Chairman Schwebach** replies, yes, they are. No further discussion, all Commissioners in favor. **MOTION CARRIED**

**Linda Jaramillo** states that she will be contacting these voters that the Commission appointed and have the board come in at the end of February to get these voters purged. Once this is completed she will notify the Secretary of State's office and the voters on the list will be purged and removed from the database.

## **7.) PUBLIC COMMENT and COMMUNICATIONS**

**1.) Shannon Cobb**, from Estancia, states that when she attended the first Commission meeting, she was surprised to hear that the two newly elected Commissioners had met prior to taking office, to arrange for the hiring of a new County Manager. Everyone appreciated the comments in support for County Manger Belinda Garland. She is ok with the decision of the Commission to bring in a new manager, but they should have followed the standard practice and advertised for the position. She states that Commissioner Sanchez said it best that it was legal, but not the right thing to do. Ms. Cobb states that she could not let this go and requested to view the contracts of Ms. Garland and Mr. Johnson. In comparing the salaries, the base salary was increased by \$10,000.00 for the new manager, and the vacation/annual leave is 26 days. Ms. Johnson reads from the contract. This was a great deal and when he arrived he got a check for \$5,000.00, what she sees as a signing bonus. Again she states that this is all legal, but she is asking the Commission as we go forward, the keep in mind the fiduciary responsibility that the commission has to the public.

**2.) Estancia FFA Students, Jonathon Aday, Andrew Lujan, & Hezekiah "Heze" Ortiz.** Jonathon Aday, with the Estancia FFA Livestock Judging team, states that in the beginning of January they competed in the National Western Livestock Judging Contest and we placed second as a team, with Daniel Lujan, who could not be here because he is in college. Daniel placed high in the contest, Jonathon placed 9<sup>th</sup>, Andrew placed 20<sup>th</sup>, and Heze placed 45<sup>th</sup>. The team qualified for a trip to Scotland. It is a 2 week-long trip to see how agriculture works in Scotland and the team will be judging two contests in Scotland and Ireland. The team is currently fundraising to get the extra money needed. The School Board has donated \$10,000.00, but the cost per student is about \$5,000.00, and there will be about 6 kids going.

Heze Ortiz states that the team has raised a total of about \$15,000 but still need at least \$15,000.00. The team will be learning about agriculture in Scotland, judging contests, and above all will be presenting Torrance County and Estancia. Jonathon states that the team is asking if they can get any support from the county since they are representing not only the small town of Estancia and the small county of Torrance, but New Mexico as well.

**Chairman Schwebach** congratulates the team and states that he has a few questions for them. First question is, when is the trip?

**Jonathon Aday** states that the trip will be from June 19<sup>th</sup> and returning July 2<sup>nd</sup> or 3<sup>rd</sup>.

**Chairman Schwebach** states that he would need to look into the legality of the county being able to donate money and asks Mr. Johnson if he can look into this and get all the detail and get in on the agenda for a March Commission meeting. Again Chairman Schwebach congratulates the team.

## 8.) APPROVAL OF MINUTES

A.) **Commission:** Minutes of the January 23<sup>rd</sup>, 2019 Administrative Meeting. Motion to approve the January 23<sup>rd</sup>, 2019 Meeting Minutes.

**Chairman Schwebach** asks for a motion to approve the January 23<sup>rd</sup>, 2019 Commission Meeting Minutes. **ACTION TAKEN: Commission Sanchez** makes a motion to approve the January 23<sup>rd</sup>, 2019 Commission Meeting minutes. **Commissioner McCall** seconds the motion. No discussion, all Commissioners in favor. **MOTION CARRIED**

## 9.) APPROVAL OF THE CONSENT AGENDA

**Chairman Schwebach** asks for a motion to approve the consent agenda. **ACTION TAKEN: Commissioner McCall** makes a motion to approve the consent agenda. **Commissioner Sanchez** seconds the motion. No discussion, all Commissioners in Favor. **MOTION CARRIED**

## 10.) ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE

A.) **FINANCE:** Public Hearing on Low Income Property Tax Rebate Pursuant to NMSA 7-2-14.3

Conduct a Public Hearing

Motion to introduce for adoption a low-income property tax ordinance

**Wayne Johnson** states that this a statutorily required hearing that we are required to have every 2 years. This is a low income property tax rebate. Those that have a yearly income of or below \$24,000.00 can qualify for this. This Ordinance has only been enacted in two counties (Los Alamos and Santa Fe). When analyzing the budget impact it could impact up to a 3<sup>rd</sup> of the budget. It would be hard to predict how this would impact the county because of tying property taxes to actual income. The demographic of the county and the impact it would have

to the county would be significant and severe. We are required to hold a public hearing for this every two years.

**Chairman Schwebach** states that we will now begin the public hearing on Low Income Property Tax Rebate Pursuant to NMSA 7-2-14.3 and asks if there is anyone that would like to speak on this.

**Betty Cabber** states that this has never been done before. She thinks this could be a hardship, the taxpayer would still have to pay the full amount of their taxes, but could come in and request a rebate from the county, but not completely sure.

**Wayne Johnson** states that the rebate would come directly from DFA, then DFA would charge back to the county the amount of that rebate. Bernalillo County puts that rebate at about \$15,000,000.00 in their budget. They have not passed this ordinance, even though they are a county with a budget of about \$300,000,000.00, that \$15,000,000.00 would be a significant hit to their overall budget. Yes, our demographics are quite different from Bernalillo County but the loss is still significant. It's difficult to make a determination the percentage of our budget that would take a hit, but it could be up to a 3<sup>rd</sup> of our budget.

**Betty Cabber** states that she looked at this before she left the county, it would be a very hard financial hit to the county.

**Chairman Schwebach** asks if there is anyone else that would like to speak on this topic. If there are none the comments are now closed. Chairman Schwebach asks if the Commissioners have any comments.

**Chairman Schwebach** asks if there is a motion to approve Low Income Property Tax Rebate Pursuant to NMSA 7-2-14.3. **NO ACTION TAKEN**

**PUBLIC HEARING IS NOW OVER.**

## **11.) ADOPTION OF RESOLUTION**

**A.) COMMISSION:** Resolution No. 2019-07-Support the EMWT Regional Water Association's Request for Capital Outlay in the 2019 Legislative Session. (Commissioner Schwebach)

**Chairman Schwebach** states that there is a proposed letter of support in the packet giving support to EMWT. They have nearly \$3,000,000.00 available in federal funds, but they need a matching fund. They are currently talking to the state to acquire some of those matching funds. Part of this would be putting a water system in the McIntosh area. The location being talked about is the El Rancho Grande area, a lot of those homes are without water as some of the wells have gone dry. Through many years of planning EMWT honed in on this area to start this project.

**Wayne Johnson** states, for clarification, this is not the specific letter that EMWT sent out. Mr. Johnson states that he worked this into a resolution format for the Commission so that it would be stronger moving forward when it is provided to EMWT in support for their work.

**Chairman Schwebach** asks if there are any questions.

**Commissioner Javier** asks who the Capital Outlay request is being made to, is it the Legislators?

**Wayne Johnson** replies, yes, that is correct. Mr. Johnson states that he would also provide the letter to EMWT or their distribution and let them handle that part of it.

**Commissioner Sanchez** states that there has been a few concerns brought to his attention from people in his district concerning this project. The concerns are coming from the Town of Mountainair and all 4 land grants. Commissioner Sanchez states that he hopes EMWT would continue to engage them with every opportunity and maximize their outreach to these entities.

**Chairman Schwebach** states that he agrees with Commissioner Sanchez comment.

**ACTION TAKEN:** **Chairman Schwebach** would like to make a motion to approve Resolution No. 2019-07-Support the EMWT Regional Water Association's Request for Capital Outlay in the 2019 Legislative Session. No second. **MOTION DIES**

**Kathleen Jesse** states that many people don't know about nor have read the Estancia Basin Water plan. The Estancia Basin includes more than Torrance County. The proposed pipeline would be coming from the south and sending water north, would include more than Torrance County, is that correct?

**Chairman Schwebach** states that the guidelines within EMWT is to keep within the economic valley. They have collaborated with EBRA on defining the economic valley, which would include Edgewood, but not into Tijeras or Albuquerque, not past the Galisteo Basin. The concept is a delivery system to move water within the Valley primarily. Water goes both ways, it can go south as well. There is a large advantage to having a pipeline that can deliver water, the water can be delivered into Estancia instead of getting a new well, in the event they were to run out of water. The water would come from actual wet water, it's not paper rights. There would be a reduction overall water use in the municipalities. The water planning committee does support this. Most of the towns support this, but is not quite sure where the town of Mountainair stands on this. This is not the pipeline that came in years ago that was going to pump water into Santa Fe.

**Kathleen Jesse** states that 2 weeks ago that request was overturned, because it would jeopardize 100 wells in the area. We are pumping 79,000 acre feet out of this area for agriculture. The proposal wants to add 50,000 more acre ft. that would make it a total of 139,500 acre ft., which is close to the max we can pull. **Chairman Schwebach** states that he would like to know where these numbers are coming from. Ms. Jesse states that the numbers are coming from the Estancia Basin Water report dated 2016, and the board to which Chairman

Schwebach sat on at that time. **Chairman Schwebach** states that he is aware of the report and would like to mention that he is no longer a member on that board.

**Kathleen Jesse** states the water supply is expected to decline by 2060 and that 24% of the wells will go dry, if drought is considered, and at pumping now 47% of the wells will go dry. In her opinion this proposal is detrimental to her particular in district 3. This area faces serious problems. The plan is to drill 32 wells that are 2,500 feet deep to divert this water.

**Chairman Schwebach** states that Ms. Jesse is referring to brackish water, at the depth of 2,500 ft. that is a whole other angle. Chairman Schwebach states that he personally has worked on this for quite some time and he supports this. As the law reads for water in the state of New Mexico, is that it's a private water right that is granted to the user by the state of New Mexico. The state has the right to move the water to any part of the state as they see fit for the public use of the entire state. This includes Albuquerque, however once a community takes matters into their own hands and states that they have proven beneficial use and have plans for this water, it will make it much harder to move the water into Albuquerque or Santa Fe. If left alone, private water holders will find a way to move the water to the highest bidder, this will prevent that. The State Engineer will look at the pipeline that a region as put together to move the water within the region. The State Engineer will not allow anyone to move the water outside of the region when there is already a functional pipeline to do it.

**Kathleen Jesse** states that she is requesting more public discussion on this topic so that the people in her district and other districts in the county will have a better understanding of this and how they will be affected.

**Chairman Schwebach** states that this has been out for a long time.

**Kathleen Jesse** states that there were meetings held in Mountainair on this subject and the Town of Mountainair and the Land Grants signed a JPA to prevent this pipeline from happening. There is resistance to this and there are people that don't understand this.

**Chairman Schwebach** states that water is a major issue. He thanks Ms. Jesse for her time and asks what the pleasure of the board is.

**Michael Godey** states that he went to some earlier meetings and was upset. The only representation was along the corridor of Willard, Estancia, Moriarty, etc. This wasn't a guarantee that the land grants would be represented. If this effects everyone then you need support from everyone within the basin. Even though the issue with pumping water into Santa Fe got turned down, it's still very vulnerable. How do you prevent this from getting into the wrong hands?

**Johnny Romero** states he was hoping a rep from EMWT would be present. Mr. Romero states that he understands what they are trying to do with this pipeline. His concern, that he has never been able to get a straight answer on, is when EMWT gets this pipeline in, will it be their water only, or will private entities be able to push their water through that pipeline as well.

**Chairman Schwebach** replies that the concept can go both ways. A private entity could pay the pipeline to deliver the water to Moriarty or Estancia. Estancia is the water authority to deliver to the homes in the area. There are many different concepts with this pipeline. Chairman Schwebach states, he placed this on the agenda, he is willing to defer this until the next meeting and try to get a representative from EMWT. He states that there are people within his district that their wells are going dry and are moving out and leaving homes vacant, and he is going to move forward with this. He has looked into this, so that those that have concerns will get some more information and people that you can talk to help you understand the concept.

**Johnny Romero** states that he appreciates Chairman Schwebach for doing that. There are a lot of people that may be misinterpreting this topic.

**Chairman Schwebach** states he has sat on this committee, and has been talked about many years ago. It takes the matter of water into the hands of community through the municipalities and the county. Through your elected officials you have some say so as to what that water does. It also follows the guidelines with not moving the water out of the valley. To really understand this, you need to understand the water laws within the state of New Mexico. It's not as easy as saying the water is here, so I am going to use it, it doesn't work that way. There are rights that need to be looked at. Chairman Schwebach states he is willing to defer this, but he will push the envelope at the next meeting.

**ACTION TAKEN:** **Commissioner Sanchez** makes a motion to defer this item until the next meeting. **Chairman Schwebach** seconds the motion. No discussion, all Commissioners in favor. **ITEM DEFERRED.**

**Dick Green** states that he has been involved with water in the valley for quite some times. We are mining the water and all the isotope studies show that nicely. The water is dropping at 1 to 5 feet depending on where the hydrology is in the basin. We all need to be cognoscente of the best use of the water. It is interesting how you are putting the approach on using the water for beneficial use within the county and not be allowed to move the water out of the county. We are mining the water, it is not going to be there forever.

There are predictions from a 2016 study that half the wells in the county will be in a depletion zone. We need to use that as a framework in considering this pipeline.

**B.) MANAGER:** Resolution No. 2019-08 Approval of the creation of classified service appointment "Term"

**Wayne Johnson** states that this is a resolution to create a new identified position within the county called a "term" position. There are times you can obtain funding for a position that are full time FTE's from other sources outside the county. We have the ability and the funding to hire 2 full time EMT's for the county through the E-911 fund. This gives us 2 years in which to find the funding for these positions. This particular position has all the rights of a classified position, but it is tied to funding. If we are unable to find the funding for these positions within the county, then we would have to let these people go at the end of the term. This came about



because there is a need within the southern part of the county for EMS service. This would help improve that service.

**Chairman Schwebach** asks if there is any discussion or questions from the Commission. **ACTION TAKEN: Commissioner McCall** makes a motion to approve Resolution No. 2019-08 Approval of the creation of classified service appointment “Term.” **Commissioner Sanchez** seconds the motion. No discussion, all Commissioners in favor. **MOTION CARRIED**

**C.) TREASURER:** Resolution No. 2019-09 Cash on Hand Policy

**Tracy Sedillo** states that this resolution establishes a cash on hand policy. There is currently cash on hand that is kept in the building for change drawers in that type of instances. There is no policy that would allow us to regulate or change the amounts that is kept in those drawers. The auditors asked that we have some sort of policy on place for that. This is the policy that is before you today.

**Chairman Sanchez** asks if there are any questions or comments from the Commission.

**Commissioner McCall** states that he has looked through the resolution extensively and Ms. Sedillo did a great job on this resolution. All the checks and balances are there and different people signing and making sure all the cash on hand is handled properly.

**ACTION TAKEN: Commissioner McCall** makes a motion to approve Resolution 2019-09 Cash on Hand Policy. **Chairman Schwebach** seconds the motion. No discussion, all Commissioners in favor. **MOTION CARRIED**

**D.) DWI:** Resolution No. 2019-10 authorizing the County to submit an application to the DFA, Local Government Division to participate in the local DWI Grant & Distribution Program & Delegating Authority.

**Tracey Master** states that the Commission has before them Resolution 2019-10 which allows Torrance County to apply for Grant & Distribution funding from DFA local government division special programs bureau LDWI. Ms. Master is requesting authorization to submit an application. This has been in place since about FY93.

**Chairman Schwebach** asks if there are any questions.

**ACTION TAKEN: Commissioner Sanchez** makes a motion to approve Resolution No. 2019-10 authorizing the County to submit an application to the DFA, Local Government Division to participate in the local DWI Grant & Distribution Program & Delegating Authority. **Chairman Schwebach** seconds the motion. No discussion, all Commissioners in favor. **MOTION CARRIED**

## 12.) APPROVALS

### A.) DWI: Assurances

Tracey Master states that this document for the Local DWI Grant & Distribution states that the county will follow all rules and regulations set in place by the local government division as we implement our local DWI prevention program in Torrance County. Ms. Master is requesting the Commission's approval for this statement of assurances.

**ACTION TAKEN:** Chairman Schwebach makes a motion to approve the Statement of Assurances Local DWI Grant & Distribution Program. Commissioner Sanchez seconds the motion. No discussion, all Commissioners in favor. **MOTION CARRIED**

### B.) DWI: MOU

Tracey Master states the Commission has before them the MOU between Torrance County DWI Program & DFA Local Government Division Special Programs Bureau LDWI the driving while intoxicated program. This document is similar to the previous but this document enters into HEPA & protection of the health information for those individuals that participate in treatment provided by the Torrance County DWI Prevention Program. Ms. Master is requesting the approval of this MOU from the Commission.

**ACTION TAKEN:** Chairman Schwebach makes a motion to approve the MOU between Torrance County DWI Program & DFA Local Government Division Special Programs Bureau LDWI the driving while intoxicated program. Commissioner McCall seconds the motion. No discussion, all Commissioners in favor. **MOTION CARRIED**

### C.) DWI: DOH Assurances and Cooperative Agreement

Tracey Master states that the Commission has before the Department of Health Assurances and Cooperative agreement. This is between the Torrance County DWI Prevention Program and the NM Department of Health Epidemiology & Response Division. Through section 1 is states that we are insuring the protection of protected health information with 42 CFR 2.16. Ms. Master is requesting the approval from the Commission on this DOH Assurance & Cooperative Agreement

**ACTION TAKEN:** Chairman Schwebach makes a motion to approve the DOH Assurance & Cooperative Agreement. Commissioner Sanchez seconds the motion. No discussion, all Commissioners in favor. **MOTION CARRIED**

### D.) DWI: Distribution and Grant Funding Application

Tracey Master states the Commission has before them the Distribution and Grant Funding Application cover sheet. This demonstrates the amount of money Torrance County is requesting from DFA Local Government Division Special Programs Bureau LDWI for fiscal year 2020. In the first column is the distribution amount that is formulaic in nature and is the amount that is estimated by NM Tax & Rev that we will receive in FY20. The second column is the grant request amount of \$129,580.00. This is a competitive grant, we are up against 30

other counties for this grant as other counties will rely solely on the distribution amounts. The total being requested for FY20 is \$227,376.00. Ms. Master is requesting the approval of the Distribution & Grant Funding Application for FY20.

**ACTION TAKEN:** Chairman Schwebach makes a motion to approve the Distribution & Grant Funding Application for FY20. Commissioner Sanchez seconds the motion. No discussion, all Commissioners in favor. **MOTION CARRIED**

**E.) DISPATCH:** Renewal of lease for Bizhub Copier

Ben Daugherty from Torrance County Dispatch, states that this item is for the approval of the renewal of the lease agreement with Document Solutions for an upgrade all in one fax/copier. The terms of the lease will be the same, but the monthly payment will drop by a few dollars because the department is upgrading to a smaller more efficient machine that will better fit the needs of the department.

Commissioner McCall asks what the monthly payments are.

Chairman Schwebach states that the monthly payment looks to be about \$210.31, if he is looking at it correctly. Chairman Schwebach asks Mr. Daugherty the amount of the lease.

Ben Daugherty states that the base payment is \$210.31 per month and then after a certain amount of copies are made that amount is added to that fee. It is the same as the Sheriff's and Manager's office as they are contracted with the same company. The monthly payment will vary based on the amount of copies that were made during the month. Now that the Fire Department/Admin is moving to another site, the monthly fee will go down as they will no longer be using our machine.

Chairman Schwebach asks if there are any questions.

**ACTION TAKEN:** Chairman Schwebach makes a motion to approve the renewal of lease agreement between Torrance County and Marlins Leasing for the Bizhub Copier. Commissioner Sanchez seconds the agreement. No discussion, all Commissioners in favor. **MOTION CARRIED**

**F.) DISPATCH:** Simulcast radio maintenance agreement with Motorola.

Ben Daugherty states that this item should have been presented back in December. With every thing going on county wide and being shorthanded at Dispatch, this fell through the cracks. This is the annual service agreement with Motorola for the radio system. This covers the ability for 24/7 call outs and not having to worry about an individual fee when we have to call for a technician. The current agreement expired January 1<sup>st</sup>, we are no longer covered, and have been lucky that we have not had to call for a technician.

Chairman Schwebach ask Mr. Daugherty to explain briefly the monthly extended amount and what it is referring too.

**Ben Daugherty** states that the total amount for the 12 month coverage is \$21,521.08. They list it as monthly but we pay this in one lump sum. It's worked into the budget. If part of the critical infrastructure goes down, we do not have the time to get quotes and purchase orders. We need an agreement to get service out immediately.

**Chairman Schwebach** states that the service agreement he is looking at is from January 1<sup>st</sup> through June 30<sup>th</sup>. Is the Commission approving \$21,521.08 for just 6 months? Chairman Schwebach would like more clarification on this.

**Ben Daugherty** states that with the new systems that came online in a staged setup, there was a 6 month coverage gap between warranty expiration and maintenance coverage on the radio consoles, computers that the dispatchers use, and the remote infrastructure, because they came online at different times. This is the 6 month cover and then at the fiscal year is the service agreement that will cover both systems.

**Commissioner McCall** asks Mr. Daugherty if dispatch has been without an agreement for the past 6 months.

**Ben Daugherty** replies, no, we have had coverage because of the warranty. The simulcast system was under a 12 month warranty and did not require an agreement. The warranty for this expired in December. The new fiscal year contract will cover the entire system.

**Wayne Johnson** states that he has not gone over the contract carefully and asks Mr. Daugherty if this contract has been reviewed by finance.

**Ben Daugherty** states that he does not know, but has been reviewed by legal. He has never sent this to finance since it is part of the budget as his standard annual operating cost.

**Wayne Johnson** states that he is having the same issue understanding this as is Chairman Schwebach with the extended amount and how it is defined and what is actually being paid. The contract is for 6 months, from January 1<sup>st</sup> through June 30<sup>th</sup>. This is already late, and it looks like the monthly fee is \$279.00. None of the extended amounts add up to the value. What is it that we are paying for with the \$21,521.08?

**Ben Daugherty** states that Mr. Johnson is correct. The \$21,521.08 may have been a typo on Motorola's part as he did not view the agreement close enough. Mr. Daugherty states that he needs to go back and speak with Motorola and look at the previous contract.

**Wayne Johnson** addresses Chairman Schwebach and would like to recommend that they defer approval on this item so that the information can be corrected.

**Chairman Schwebach** states that he would also like for this to be sent to finance for review.

**ACTION TAKEN:** **Commissioner Sanchez** makes a motion to table Simulcast radio maintenance agreement with Motorola. **Chairman Schwebach** seconds the motion. No further discussion, all Commissioners in favor. **ITEM TABLED**

### 13.) DISCUSSION

**A.) Fire Department:** Department overview, goals, status of volunteers

Lester Gary states that he would like to preset some of the goals and the objectives of the Fire Department. With the arrival of the new Commission there has been some questions that have arisen, and would like to answer those at this time, if there are any.

Commissioner McCall asks Mr. Gary where he sits with the posting of the 2 new EMT's.

Lester Gary states that everything is finalized. Thank you to the Commission for the approval of the term appointments, we can now move forward. There is funding available and has been working with Mr. Johnson on this. Originally they were going to stage these two position out of the McIntosh station. We have recently developed a countywide EMT response/consortium that includes all the municipalities, Superior Ambulance, and Torrance County Fire. At a meeting last week it was discussed of possibly moving them from the McIntosh Station down to the Willard Station. Mr. Gary is in the process of seeing what needs to be done to make the Willard station up to department standards. If we can get them housed out of Willard then we will be able to get better coverage in the southern part of the county.

Wayne Johnson states that part of the agreement is to get Superior Ambulance to move one of their units to McIntosh. We would have closer EMS service from McIntosh. The whole objective is to increase service and decrease response time in the southern part of the county.

Commissioner McCall asks Mr. Gary about the callouts, which are basic versus intermediate, and how the calls would go.

Lester Gary replies, he is still working on that. Mr. Gary is still waiting for a response from Superior ambulance since they have done the transports, and can give me an actual figure on basic, intermediate, and advance calls.

Chariman Schwebach instructs Mr. Gary to proceed with his presentation

Lester Gary states that recently a district chief meeting was held. Goals were set for fire and EMS within the department. Back in 2014 there was a re-organizational framework and quality improvement plan. A company was hired and they came out and did an assessment of the department and looked at the call volumes and some issues going on in the department. This was a 5 year plan and are now at the 5 year point. Of all the goals needing to be met, per the plan, the department is at about 95% in completing the goals.

Since the meeting, there have been several small committees made within the department, to help in meeting the goals. An appropriations committee was established. The department has received some appropriations money from the state for station remodels, and the committee will be looking at the stations to create a priority list to see what station gets what.

A membership, training, and uniform committee has also been developed. This committee will be meeting to work on training needs for the department. They will be working on a yearly

training session and making it consistent in all fire departments in the county. One of the goals within this improvement plan was to standardize the department, basically to be one department with 6 different stations. This committee will standardize the training, the uniforms, and purchasing. This will also help create a staffing plan for the volunteers. We will be bringing in 2 full time EMT's, but the volunteers are also EMT's. We are currently working on a plan to be able to rotate the EMT's out of the station that will be handling response calls. This will allow them to gain the knowledge and training they may need.

Mr. Gary states that he met with a couple of EMT instructors from UNM's EMS academy that are willing to come and do a class, and also spoke with instructors from CNM and Santa Fe Community College EMS services to come down for trainings. Along with this committee, they are working on Mutual Aid Agreements with the local municipalities. As the county grows so does the amount of response calls from the county and the municipalities. They have created an automatic aid agreement that within a certain range it will be automatic aid and anything outside of that range will be mutual aid. Currently working with Moriarty to create an MOU on this, and once it is completed they will go to the other municipalities and get the MOU in place with them as well. The MOU's were created in the early 2000's and they need to be updated. Mr. Gary is currently working with Ruben Gastelum to create a new fire and response map, so that the department will have a good mapping program to show where the municipalities and different agencies response areas are.

It will be touchy in the Mountainair area. There are areas south of Mountainair that have a longer response time. The department is working with the Town of Mountainair on getting better coverage in those areas.

**Commissioner Sanchez** states that it would be good to look at the feasibility of staging EMS out of Mountainair. They are willing to invest in updating their station in order to bring it into compliance. Mountainair would be able to help in the expenditures and we can potentially stage out of a more central location.

**Lester Gary** states that there is a part of Torrance County that is over the mountain on the Valencia County side that Mr. Gary is currently working with Valencia County to get a quicker response time to that area. Mr. Gary is working with Mountainair to beef up that area to get better response times in and around that area.

**Wayne Johnson** states that he has asked Mr. Gary to contact surrounding counties and work with them on automatic & mutual aid agreements. They need to be reviewed, as we grow our response in the county, we need to look at those areas that are similar such as Valencia County. Mr. Johnson states that he believes Bernalillo County would be willing to enter into an automatic aid agreement to help with our response times in the areas on 337 and the Chilili area. We will start internal and work within the county partners and the municipalities and then review the agreements with the surrounding counties to work together to leverage the resources.

**Commissioner Sanchez** states that it was brought to his attention that there was an after action meeting and there was an issue in terms of redundant communications between the county responders and the federal responders. It may be as simple as the acquisition of some radio

equipment to be tuned in to those that the federal partners use. There is no redundant communications with them and there may be some miscommunication or lack thereof. We should see if something can be done to better the communications.

Wayne Johnson states that the state of New Mexico has been working on radio inoperability across the state.

Lester Gary states that they are working with the USFS for wildfire activation. They have come up with a group of radio frequencies and are currently on their second year of training and trial of this program to see if it is going to work on large wildfire event. All of the portable radios in the Fire Department have all of the Fire and EMS inoperability frequencies that are designated by the federal government. With communications, you have counties like Bernalillo County that are on a 800 megahertz system, and Torrance county is on a VHS system, therefore the radios will not be able to link up. Bernalillo County has a patch and that will allow them to tune into ours or us to theirs. Communications is being worked on and when the department purchased all of their radios they did have them programmed with all of the inoperability channels.

**B.) Mark Stacy:** Avangrid Renewables associate, brief presentation

Mark Stacy would like to give a brief update on the existing wind farm in the county and plans for future development. Mr. Stacy would alert them on some challenges that they are facing. Everything should be fine but the challenges could significantly impact their ability in moving forward. Mr. Stacy gives a brief overview of his nationwide company.

His company began development in Torrance County in 2006. They control 100,000 acres in the county. They are currently working with the state land office on more acreage for more development in the next few years. His company has deployed about 30-40 anemometer towers to evaluate the wind resource.

Avangrid received their special use district permit in 2011 for the EL Cabo project, which is a 298 megawatt project currently in operation just west of Encino. They received their IRB in 2013 for the El Cabo Project. This project came into full operation over a year ago and they made their first pilot payment to Torrance County in June of 2016. The pilot payments made to Torrance County are about \$1,000,000.00. The land owners are paid in royalty fees. Currently have 17 permanent employees out at El Cabo. Some of the employees out there are locals. It is good to have a local workforce to be able to employ at the windfarms.

It took about 11 years to begin development work up to the completion of the EL Cabo project. He would like to thank the support of the Commission and EVEDA, as well as the community for all of their patience. It has been a pleasure to do business in the county.

Mr. Stacy states they have received their Special Use District permit for the La Joya/Lucia project in 2017. This project is currently under development and expecting construction to begin late summer, early fall. That project will be complete in late 2020. There is a purchase power agreement with PNM to provide power to the new Facebook Facility in Los Lunas. That

will be the first phase of that project which is 166 megawatts. Avangrid is working on a few other opportunities to expand above the 166 megawatts.

The next project will be referred to as the La Joya 1 and La Joya II but will run under the same special use permit and operate at about 300 megawatts.

The challenges that they are facing is in providing the power to Facebook. PNM needs to upgrade their transmission system. They are at full capacity and they need to upgrade to add more power to be able to supply Facebook with power. We are now generating power in Torrance County and then directing it to go up to Clines Corners then to Los Lunas then to Albuquerque. That is not how it works, electrons are released, and they go wherever they want to. PNM has gone before the PRC for this request, the hearings are concluded, but no decision has been made.

Mr. Stacy is aware that the Commission cannot take action on his presentation today but would like to ask the Commission if they would consider sending a letter of support to the PRC for the BBC line. It is critical for his company to be able to move forward.

The next challenge they are facing is with the PPA prices (Purchase Power Agreement) have dropped dramatically. Prices are 50% lower from what they got for El Cabo. His company is working hard to get the process down so that they can move forward with the projects. This is a competitive field and they are doing their best to move forward.

Mr. Stacy states that they have begun work on the new PILOT for the IRB's for the La Joy projects. The first discussion were with county legal and the county manager and would like some direction on how to move forward to get the economics straightened out and who he needs to be in contact with. Mr. Stacy states that he has made some proposals for the PILOT payments and if things work out the way they intend them to, they will be able to double the PILOT payment to Torrance County.

**Chairman Schwebach** thanks Mr. Stacy for coming out and they will get him answers as quickly as they can.

#### **14.) EXECUTIVE SESSION**

There was no executive session

#### **15.) Announcement of next Board of County Commissioners Meeting**

Next meeting to be held on February 27, 2019 in the Torrance County Administrative Chambers



\*ADJOURN

**Chairman Schwebach** asks for a motion to adjourn the February 13<sup>th</sup>, 2019 Commission Meeting. **ACTION TAKEN: Chairman Schwebach** makes a motion to adjourn the February 13<sup>th</sup>, 2019 Commission Meeting. **Commissioner Sanchez** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

**MEETING ADJOURNED AT 10:34 AM**

  
Chairman Ryan Schwebach

  
Yvonne Otero-Administrative Assistant

2.27.19  
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 KXNM.*