

FINAL COPY
Torrance County Board of Commissioners
Special Commission Meeting
February 25, 2019, 2019
9:00 AM

Commissioners Present: **RYAN SCHWEBACH – CHAIR**
 JAVIER SANCHEZ – MEMBER
 KEVIN MCCALL – MEMBER

Others Present: **WAYNE JOHNSON – COUNTY MANAGER**
 LINDA JARAMILLO – COUNTY CLERK
 GENELL MORRIS – ADMIN ASSISTANT

1. Call Meeting to order

Chairman Schwebach: Calls February 25, 2019 Special Commission Meeting to order at 09:03 AM

2. Pledge lead by Sheriff Rivera
Invocation lead by Rick Lopez

3. Changes to the Agenda - None

4. ADOPTION OF RESOLUTION

A. COMMISSION: Resolution No. 2019-14 DECLARING TORRANCE COUNTY TO BE A SECOND AMENDMENT SANCTUARY COUNTY

Chairman Schwebach: County Manger Johnson will read Resolution 2019-14 in to record.

Wayne Johnson – County Manager: Resolution No. 2019-14 DECLARING TORRANCE COUNTY TO BE A SECOND AMENDMENT SANCTUARY COUNTY was read for the record: hereto attached

Sheriff Rivera: I have been a law enforcement officer for over 20 years. Over that time I have dealt with many issues involving firearms. I have legally seized firearms from felons that have committed crimes using firearms. There are currently laws that allow for that. I consider these laws reasonable, sound and necessary for the protection of the people I serve. I do not find the current laws being proposed in the state legislature to be sound or necessary. The laws that are already in the books address everything that is being proposed. The new laws being proposed are overreaching and will allow all law enforcement officers, from the local level to the federal level to enter your homes without a warrant and remove firearms with only statements. These laws represent a foot in the door to further regulate firearms until it is a criminal offence for anyone to own them. I am not looking to make criminals out of the hard working honest people of this County. House Bill 130 is a law to criminalize the storage of weapons in relation to the proximity of children. This is already covered under 30-6-1 in state law, abuse of a child consists of a person knowingly, intentionally or negligently and without justifiable cause, causing of

permitting a child to be placed in a situation that may endanger the child's life or health. House Bill 83 is the extreme risk protection order law, which allows law enforcement to seize weapons in protection orders deemed an extreme risk. We already have emergency protection orders that address this. Judges are already allowed to mandate that weapons be removed with cause from a person. This bill has language making it mandatory for a Judge to issue a search warrant to seize firearms. This decision should be made by a Judge after hearing evidence and should not be mandated by the government. Law enforcement already has the right to seize firearms when exigent circumstances are presented. We have a process to store firearms and provide receipts for the weapons confiscated until it is determined there is no longer a threat. House Bill 87 is specific to persons convicted of domestic violence crimes, not having the ability to own or possess guns. This law duplicates 40-13-5 which gives judges the discretion to mandate seizure or surrender of firearms. Federal law also prohibits a person convicted of domestic violence from owning or possessing firearms. House Bill 8 is a requirement of a background check for the sale or transfer of any firearm. The majority of sales of firearm already requires background checks. This Bill also makes criminals out of people wanting to sell their property. My experience in law enforcement has shown me these bills will not affect criminals in the way they obtain firearms if they are passed into law. Burglary's already illegal, that is how most criminals obtain the firearms. Homicide is illegal that doesn't stop people intent on killing. DWI is illegal but we continue to arrest people driving drunk. My point is: these bills passed into law are not intended to enhance the safety of the everyday man and woman. They are intended to restrict law abiding citizens from owning firearms and making them criminals if they do. Criminals by definition do not and will not follow laws. Chicago, Detroit and Washington D.C. have the strictest of gun control laws in the nation. These cities experience the highest incidences of violence crimes involving firearms. Further proving that criminals won't follow the laws, this in fact emboldens them knowing that the law abiding citizens cannot defend themselves. These Bills will start chipping away at the 2nd Amendment until it is completely gone. I took an oath to protect the Constitution and laws of the United States of America. By introducing this Resolution I am upholding my oath as the Sheriff of the people of Torrance County. Thank You!

Chairman Schwebach: Invites any elected official to speak for or against this Resolution.

Nathan Dial – Mayor of Estancia: Last Thursday the Town of Estancia declared itself a 2nd Amendment Sanctuary city. In our Resolution we specifically refer to the Sheriff as our guidance. As a sheriff is the highest elected law enforcement official in the state, higher than the State Police, he has the authority to have discretionary enforcement decision, which makes us a discretionary enforcement state. None of these Bills are enforceable with the National Registry. The problem with the National Registry is 1. Congress said this is unconstitutional and 2. National Registry has never not ended up in confiscation. I'm here to represent the Town of Estancia in support of the Sheriff to please pass this resolution. Bill 130 is tied to the Domestic and Child Abuse Act, it makes it a duty to report. Example: if my sister a teacher, comes to my house and sees my shot gun hanging above my fire place, she would have to report it and if she doesn't report it she could lose her credentials. I'm trying to protect my local police, nurses, teachers and everyone else. We are here to support the sheriff and the 2nd Amendment as it stands.

Chairman Schwebach: No other Elected Officials wish to speak, we now go to the sign in sheet of those who wish to speak.

Rick Lopez: Reside at 8643 Hwy 55 in Tajiue. Thank you Commissioners for holding this hearing. I speak as the 1st vice chair for the New Mexico State Republican Party. I am also a resident of Torrance County. We must stand united, we must not let them chip away at our rights. We are a responsible people, we are a responsible form of government. Michael Blumberg, I believe has not been to Torrance County, George Soros probably doesn't know where Torrance County is on the map, but he does know where New Mexico is. I am ashamed that the outside money that has come into this state to control the fine people of this state, the rural Americans. The people that fight hard for the glory and the honor of this state. We must remember the over reach that is being proposed by these legislators, we must stand firm and be united. The Estancia American Legion post 22 of which I am the Commander, stands 100% for this Sanctuary Bill and 100% for all veterans to maintain their 2nd Amendment rights. We do not want a neighbor overruling what a judge may have, as far as saying whether they can confiscate a veterans guns or not.

Melvin McNeal: I live at 62 Quail Trail, Moriarty. I am the Chairman of the Republican Party of Torrance County. We whole heartedly support and stand by the 2nd Amendment Sanctuary County passage. We don't stand behind you we stand beside you, supporting you and helping you, as well as our Sheriff. As a retired military person from the Air Force, I took an oath to uphold the Constitution of the United States, that oath was never taken away from me or any other veteran that has taken that oath. As a member of the US Postal service I also took an oath to uphold the Constitution of the United States. As a volunteer member of CASA I took an oath to uphold the Constitution of New Mexico as it relates to children. I believe in our Constitutional Rights. You have the Republican county support, and my individual support. We thank you and the Sheriff for bringing this forward.

Maria Martinez: I live at 57 Vassar St. in Moriarty. I'm here in support of the 2nd Amendment Sanctuary Resolution because I have been up to the Round House in Santa Fe, numerous times this legislative session. I have watched our Constitutional Rights quickly being taken away. When I spoke up once and quoted the Constitution of New Mexico which mirrors the US Constitution, I was told there would be no more threatening language like that used again in that hearing. We can laugh about it but it is not funny. They are serious and are taking our rights away. Santa Fe is not listening to us, I ask you to do what Santa Fe is not doing and that is to protect us from these bills being passed into laws. I support my Sheriff of Torrance County Marty Rivera, to uphold the Constitution.

David Smythe: Torreon, NM I'm in support of our Sheriff and the 2nd Amendment Sanctuary County. More guns are owned by US citizens than any other country. In 2015 the stats show us ranking 13 as far as gun deaths. If you take out the Cities of Detroit, Chicago, Washington D.C. and Miami with some of the most restrictive gun laws in the US, we become one of the safest countries in the world. The amount of guns owned by US citizens are huge per capita. If there was an issue with legal gun owners in this county people would know it. I'm in complete support of the Resolution and appreciate your vote.

Joseph Rick Simpson: I live at 93 Little Cloud Rd. Moriarty, NM. I appreciate every one being here, standing up for our rights. It doesn't matter what party you are, we are all one people. We have to stick together because if they see they can separate us and get us fighting against one another they will do it, please do everything peacefully. I'm going to read from the Constitution of the United States. We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Vicky Voyles: I reside at 193 Indian Hills Rd. in Moriarty. I have been a citizen of Torrance County since 1985, I support my government and my sheriff. At 70 years old I have the right to bear arms and protect myself. My husband was in the Military, I'm proud to be an American citizen but I don't want my rights being taken away from me.

Pattie Alexander: I Live at 1710 4th St. in Moriarty. I'm in support of the 2nd amendment protections of this country. One of the most astounding things is how our elected officials seem to deem it appropriate for them to tell us how to live our lives or what we can and cannot own. Criminals are not going to listen to more laws. In 2016 a study shows less than 2% of people that purchase firearms legally use those firearms to commit crimes. Less than 7% of the people that have gotten those weapons as gifts have used those for a crime. The majority get them from crime scenes before the police arrive or buy them off the black market. It is time for us to take a stand we have that Constitutional Right to take a stand against a tyrannical government. That is what our government is turning into. I do not want some New Yorker or some Californian or George Soros telling me what we can or cannot have. I have the right to protect myself being that I live alone.

Tom Luker: I live at 11 Designer Ct. in Edgewood. I'm President of the New Mexico Big Horn Gun Club, located in Torrance County. We protect the 2nd Amendment and the Sheriff. We think Santa Fe is out of hand. We the people need to come together and vote the people in Santa Fe out of office and quit voting them in. It's going to be a hard thing to do but if we all stand together, we the people can do this.

Tom Perkins: I'm a business owner in Torrance County. I speak for several people that could not make this meeting. We support this resolution 100% and like to say thank you to the Commission and the Sheriff for considering this and letting us have the chance to put our opinion out there, I don't think they are listening in Santa Fe.

Rufina Truscott: I live at 1006 Joseph in Estancia. I am for the Sanctuary Bill. I'm a widow living alone and I need my protection.

Greg Brazil: I support this Resolution 100%, I'm a rancher in Torrance and Socorro Counties west of Mountainair. I think of the men I grew up with and the way I was raised and neighbors were raised, they would be turning over in their graves if they saw what was happening right now.

Steve Garrot: I live in Moriarty, NM. I've been to the state capital numerous times. I went there to ask one question, where in the New Mexico Statute is the code for the violation of oath of office? I have yet to receive an answer. State officials have violated their oath of office, to uphold and defend. I believe the word defend was taken out of certain oaths of office, but to uphold the Constitution of the United States. I'm a history major, if I could teach people the mistakes in history they wouldn't be repeated. This was written by Joseph Warren in 1772 – addressing Boston, it has to do with Rome. It was this noble attachment to a free constitution, which raised ancient Rome from the smallest beginnings, to that bright summit of happiness and glory to which she arrived; and it was the loss of this which plunged her from that summit, into the black gulf of infamy and slavery. It was this attachment which inspired her senators with wisdom; it was this which glowed in the breasts of her heroes; it was this which guarded her liberties, and extended her dominions, gave peace at home, and commanded, respect abroad; and when this degenerated into tyrants and oppressors; her senators forgetful of their dignity, and seduced by base corruption, betrayed their country; her soldiers, regardless of their relation to the community, and urged only by hopes of plunder and rapine, unfeelingly committed the most flagrant enormities; and hired to the trade of death, with relentless fury they perpetrated the most cruel murders, whereby the streets of imperial Rome were drenched with her noblest blood. Thus this empress of the world lost her dominions abroad, and her inhabitants, dissolute in their manners, at length became contented slaves; and she stands to this day, the scorn and derision of nations, and a monument of this eternal truth, that PUBLIC HAPPINESS DEPENDS ON A VIRTUOUS AND UNSHAKEN ATTACHMENT TO A FREE CONSTITUTION. History is a great teacher if you listen.

Theresa Johnson: I live on Spangler Rd. in Torrance County. I appreciate our Commissioners hearing our voice and appreciate you will uphold your oath to the Constitution. I've never had the opportunity in life, holding an office where I swear an oath to the Constitution. The Constitution is my life, it is who I am. Our Declaration is what I was raised by. We were given liberties and freedom and my family raised me that way. I never expected I would be standing in a public domain fighting for my inalienable right as an American citizen. Inalienable, you cannot give it away, you cannot take it away and it cannot be taken from me. This is what protected us from the time our county began. I'm sorry to say that the reason we are here today is because too many of us sat down during elections. We can't be that way anymore. This is our freedom, this is our Country. If we don't protect it our rights will be stolen away from us.

Bruce Wildman: Los Canyon Rd. Torrance County. I moved to New Mexico in 1983 - 36 years. When I first got here discussion was about New Mexico budget being the first time reaching a billion dollars. By the time Bill Richardson left office it was 6 billion dollars. For 8 years we had a governor who put the brakes on any growth and new taxes and restrained the state government from infringing on our rights and putting any more of a taxing burden on us. I identify more with a Constitutional Conservative. I vote republican because that party has not gained enough support and membership to be any kind of force. My life is lived by the Constitution, 2 of my children are in active duty defending that Constitution. This is what happens when we vote Democrats into office.

Chairman Schwebach: For the record, we need to be very clear to not turn this into a partisan issue, simply the amendment we have at hand.

Kim Vroks: I live in Manzano, I fully support this 2nd Amendment Resolution and I am so proud to live in a county that has the guts to stand up to the law makers in Santa Fe and just say No we are tired of having our freedom and our Constitution rights stomped on and we are not going to take it anymore.

Carol Harmand: 51 Twilight Ct. Edgewood, Torrance County. I was horrified to see the signs on the door at the Round House saying that police officers, sheriff's officers and deputies could not bring a gun in. They are there to protect us. They are trying to make our police into social workers, trying to take guns away from ICE. I am also a veteran. Democrat have showed us how to resist and obstruct, we need to take that to heart and learn how to resist and obstruct.

Chairman Schwebach: Let me remind you to keep this nonpartisan.

Bertha Warner: I live at 500 Fawn Rd. I live in Eastview, NM I've never thought I'd be here. I served in the military, my brothers lost their lives in the military. I feel we need to do something about this. If we don't stop it now they will continue on their way stepping over us as if we are not here. I do support the 2nd Amendment and the Sheriff taking care of us. We need to guard it, because if we don't know one else is going to do it for us.

Craig Brown: Paradise meadow Loop. In Edgewood. I would like to commend the council for the wording of the Sanctuary County Bill. They have pointed out in the wording, that is not rebellious or seditious that we stand up to the state in this way, we are following the laws of the state by doing this. I would like to commend the county for the very careful wording of this Sanctuary Bill and taking that issue out of that discussion.

Michael Godey: Tajiue, I'm an old school progressive. I support the Sanctuary. The problem is there are people in both parties that are taking away Constitutional rights. I don't want to see eroding on any of the Constitutional Rights that includes all the amendments. As the Sheriff pointed out, going in to someone's house without a warrant is a violation. It's a violation of any ethical good country.

Natasha Boland: 193 Appaloosa Rd. Moriarty. If we choose to sell our guns to our neighbors or our friends, we are good people we are not going to sell our guns to criminals. We are law abiding people. That will make us criminals if they were to pass this legislation, it is unjust. I am for a Sanctuary County.

Olivia Haven: I live in Mountainair, NM. It is often said that gun owners are compensating for something. I carry a pistol because I am compensating for something. I'm 105 lbs. and physically helpless against criminals. New Mexico ranks #4 in enforceable rates per capita. My chance of being victimized is quite real. I, my mother and young siblings are in an isolated rural area. This is not paranoia, my family has been victimized. My 16 year old brother fought off and killed a violent home invader. Who kicked in the back door, chased him from one end of the house to the other in less than 10 seconds. There is no way he could unlock the case, found the ammunition, loaded the rifle and then engaged the criminal, who was armed with a shanked screwdriver. My brother Jordan would be dead today, if we were following laws like Santa Fe is

proposing. All rural Sheriffs objected to propose gun control legislation. 14 other counties have already declared themselves 2nd Amendment Sanctuary counties. Vote for protecting women from rape in a state with the 4th highest focusable rape. Vote for listening to knowledgeable experts and vote for declaring Torrance County a 2nd Amendment Sanctuary County.

Bill Raupfer: I live in unincorporated Edgewood, Torrance County. I'm the range Manager for the Big Horn Gun Club, the Big Horn Gun Club supports the use of firearms for protection and education. We teach Junior Deputy Programs for Torrance County, we teach the Boy and Girl Scouts, women with hand guns. All this is done through the club. This could not be possible without the support of the 2nd amendment. I believe the 2nd amendment should be upheld.

Melvin McNeal: I live in Moriarty, Chairman for the Republican Party. During this last election, out of the 10,000 + registered voters, 5,500 voted. We need to vote in the 2020 election. Get out and vote.

Brett Travis: I pastor Grace Baptist Church. 2359 Hwy 66 in unincorporated Edgewood, Torrance County. My family has experience a loved one that was murdered. We didn't blame the gun, we blamed the guy that did it, Wayne Robinson. Our church supports the 2nd Amendment. We have to train our people to carry weapons in the church, to protect us from those who want to do us harm. I'm all for people who are trained and know how to use the weapon. Anyone that wants to take our Constitutional Rights, which I swore to at a reserve deputy here in Torrance County, I took the oath to defend the Constitution of the United States and of New Mexico. We need to take a stand for the 2nd Amendment Sanctuary.

Nancy Simpson: 93 Little Cloud Rd. Moriarty, NM. A little perspective from an immigrant, I was not born in this country, I grew up in Mexico. I did not grow up with these rights and freedom. I came to this country and learned all these things, it's all real, it's not a fantasy, it's not some day we die and in heaven we will be happy. The Bill of Rights is not only to protect us from criminals, the Bill of Rights is to limit the government on what they can impose on us. I like to encourage you not to lose that, we have here in this country, we have a precious gem stone that the rest of the world does not have. The rest of the world looks up to the United States, sometimes with envy, sometimes with jealousy and resentment. They look up because we are the best country with the best rights. Let us abide by the Constitution.

Justin Poff: I reside in Moriarty, NM. I coach kids 4H shooting sports. Our job as coaches is to teach kids how to handle guns, be safe and how to be competitive with sports. Reading some of these laws now makes us liable for child abuse if we leave a gun unattended at a shooting sport competition. Kids are taught how to shoot, handle and store that firearm when it's not being used. How is this law helping? I think we need to put a stop to it.

Joseph Rick Simpson: Thank you to our Sheriff for standing behind the people. When I travel and get stopped in Los Alamos, I've had my weapon with me. I told the guards at the gate that I had a weapon in the vehicle, they appreciate it. None of us have to hide anything from our law enforcement. Let them know if you have a weapon. When the elected officials start infringing on our right, we need to speak up. There is no other country like this country.

Tiffany Stevenson: I live in Moriarty, NM, I grew up in the military and I married a veteran. Of all those that spoke to day, it was an immigrant that spoke and said what a wonderful country that we have and how much she wants to keep it that way. She has shown more love for this country. You have inspired me and thank you for speaking.

Chairman Schwebach: we are closing public comment, Commissioners Do we have a motion?

Commissioner McCall: Makes motion to approve Resolution 2019-14

Commissioner Sanchez: Seconds the motion

Roll Call Vote: District 1: Yes, District 2: Yes, District 3: Yes

5. APPROVALS

A. COMMISSION: Letter of Support Public Service Company of New Mexico's BB2 Transmission Line Project

Wayne Johnson – County Manager: This is a letter of support of the BB2 Transmission Line, Torrance Country has a number of renewable energy projects throughout the county. It's been a great benefit to the county and its citizens. This transmission line support is based on the concept of the BB2, it's really necessary for the county to continue to have some of these wind projects come through the county.

*Letter was read for the record: hereto attached

Commissioner McCall: Makes motion to approve Letter of Support Public Service Company of New Mexico's BB2 Transmission Line Project

Commissioner Sanchez: Seconds the motion

All in favor: MOTION CARRIED

Chairman Schwebach: Mr. Godey yes, in the future we are going to want to keep questions and comments of the entire agenda at the question and comment time. Since this is a special case, go ahead.

Michael Godey: For the record, I assume this transmission line is going up to Clines Corners?

Chairman Schwebach: The BB2 line is coming for the Clines Corners area and proposed to go along an existing transmission line in southern Santa Fe County.

Wayne Johnson – County Manager: This letter doesn't talk about the pathway or any of the techniques used to install this line. This letter of support is conceptual. Our current line is at capacity or near to capacity and if we are going to support any new projects within the county we are going to need additional transmission capacity. Which is what this line is supposed to provide. How they go about tracking that line, what rights of way, eminent domain is not part of this letter and shouldn't be construed to be supporting any particular techniques.

6. DISCUSSION - None

7. EXECUTIVE SESSION – None

8. Announcement of the next Board of County Commissioners Meeting:
Wednesday February 27, 2019 9:00 AM

9. Signing of Official Documents

**Adjourn*

Commissioner Sanchez: Motions to adjourn Commission Meeting.


Chairman Schwebach: Seconds the motion.

All in favor: MOTION CARRIED

Meeting adjourned at 10:24 AM



Ryan Schwebach – Chairman



Genell Morris – Administrative Assistant



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 out local radio station KXNM.