

FINAL COPY
Torrance County Board of Commissioners
Special Commission Meeting
March 27, 2019
9:00 AM

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

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

1. Call Meeting to order

Chairman Schwebach: Calls March 27, 2019 Special Commission Meeting to order at 09:03 AM

2. Pledge lead by Chairman Schwebach

Invocation lead by Nick Sedillo

3. Changes to the Agenda - None

4. PROCLAMATION - None

5. CERTIFICATES AND AWARDS- None

6. BOARD AND COMMITTEE APPOINTMENTS - None

8. APPROVAL OF MINUTES

A. COMMISSION: Motion to approve the March 13, 2019 Torrance County Board of County Commission Minutes

Commissioner Sanchez: Motions to approve March 13, 2019 Torrance County Board of County Commission Minutes

Commissioner McCall: Seconds the motion.

All in favor: **MOTION CARRIED**

B. COMMISSION: Motion to approve the March 13, 2019 Torrance County Board of Finance Minutes

Commissioner Sanchez: Motions to approve March 13, 2019 Torrance County Board of Finance Minutes

Chairman Schwebach: Seconds the motion.

All in favor: MOTION CARRIED

7. PUBLIC COMMENT and COMMUNICATIONS

Danielle Johnston – Commission District 1: I have concerns about agenda item 11. I respect the project and support the economic development. I live about 9 miles from I-40, NW corner of the county. I don't see the needs of our district being different from the needs of the southern district. I have seen the economic development in the Estancia Schools and feel that is very good. Even though we are on the I-40 corridor, we have the same water difficulties, we have unemployment because the option and the cost gas has gone up. We have a large homeless population that has begun to move into that end of the county. District 2 seems to be isolated and suffer from the same rural needs. We have representation from EVEDA and have done a terrific job with all of the county projects. By introducing another entity we need to consider if we need one and what research we should do.

9. APPROVAL OF CONSENT AGENDA

Wayne Johnson – County Manager: We need approval for line item transfers.

Commissioner McCall: Motions to approve consent agenda.

Chairman Schwebach: Seconds the motion.

All in favor: MOTION CARRIED

***Chairman Schwebach:** Change disk for public hearing

10. ADOPTION OF ORDINANCE/PUBLIC HEARING

A. PLANNING & ZONING: Pacific Wind Development, LLC-Modification of special use permit-El Cabo project. (Public Hearing Required)

Steve Guetschow – Planning & Zoning: Originally Iberdrola now Avangrid, back in 2010, got MET towers on the El Cabo project area and in 2011 were granted a special use for the wind farm. At that time they were going to do 146 wind generators. They have come before us because they want to install more wind turbines on the SU project site but will exceed the number of wind turbines and the power output that the original SU permit allowed. They have applied for the modification of that SU to install more wind turbines and extend that transmission line down and increase their power output.

Mark Stacey – Pacific Winds Renewables: we got a special use district for the El Cabo project in 2011 at that point the application states we would have around 149 turbines, 295 megawatt project. Of the 87,000 acres we only used 58,000 acres, we have remaining land that was permitted under the El Cabo special use district, mostly the Harvey Encino Ranch. We are planning to build additional phases of the wind farm. This is the application to recognize we will have more than 149 wind turbines. We will not be building any more wind turbines till we have full FAA approval. We plan to have it soon, it was slowed down by the government shutdown. We respectfully request you approve this.

Chairman Schwebach: How many additional turbines and megawatts are you looking at?

Mark Stacey – Pacific Winds Renewables: The number of turbines I can't answer because we don't know what kind of turbines we are using yet. It could range from a 2.1 megawatt machine to a 4.85 megawatt machine. As far as the megawatts probably another 306 megawatts in this batch. We have a contract to supply the Facebook installation in Los Lunas for 166 megawatts, we are getting close to completing negotiations on a contract that will add another 140 megawatts. That will be 604 megawatts in southern Torrance County total with El Cabo.

Commissioner McCall: Do we currently have the transmission lines to carry the 306 megawatts?

Mark Stacey – Pacific Winds Renewables: The transmission line has not been built. That is under consideration by the PRC. The BB2 line runs from our Clines Corners substation that was built by PNM on our behalf to accommodate the El Cabo project.

***PUBLIC COMMENT FOR PUBLIC HEARING**

Malak Hakim – Kirkland Airforce Base Community Planner: We want to ensure that the applicant has obtained approval from the DOD clearing house, the office of the assistant Secretary of Defense and ensure that the applicant receives FAA approval.

Mark Stacey – Pacific Winds Renewables: To assure the Commission, we are working through the DOD Clearing house, Ozzy Smith. We have gone through an 18 month process. It is a prerequisite for us to get determination of no hazards from FAA and clearance from DOD before we build a project.

***Chairman Schwebach:** Back into regular meeting of Torrance County. Item 10. A possible action taken Pacific Wind Development, LLC.

Chairman Schwebach: Motions to approve Pacific Wind Development, LLC-Modification of special use permit-El Cabo project, as stated with the conditions and approval of FAA and DOD.

Commissioner McCall: Seconds the motion.

All in favor: MOTION CARRIED

B. COMMISSION: Motion to approve introduction and publication of an ordinance authorizing the sale of up to a maximum \$60,000,000 of Torrance County Industrial Revenue Bonds to finance the acquisition, construction and equipping of the NM Renewable Data Center II, LLC. (Public Hearing Not Required)

Rob Burpo – President of First American Financial Advisors, Inc.: (presentation hereto attached) When you do Industrial Revenue Bonds, the services of bond council and financial advisor must be paid by the project. This is not a cost to the county. This is a 50/50 partnership between Public Service Company of New Mexico and American Electric Power. PNM has about 1700 employees, American Electric Power out of Columbus Ohio has about 17,000 employees, and the two have put together a consortium that's called New Mexico Renewable Development, LLC, for naming purposes only they are NMRD Data Center. They sell 100% of the power to Public Service Company of New Mexico, the utility, under a power purchase agreement that they in turn have entered in to with Facebook. The site is off of I-40, 20% of it is in the city of

Moriarty and 80% is in county. The owners of the land have determined that this is the best use of the property. This project will cover 519 acers costing \$65 – 72 million dollars with 187,920 solar panels that rotate 104 decrees this will produce 50 megawatts of power with virtually no water usage. Currently the site generates approximately \$1169.44 per year in property taxes, \$573.06 for the county and \$480.35 for the school district. The city, county and the school district negotiated a distribution of payment in lieu of taxes. I have done a number of these all over the state, the efficiency of the three of them was the best I have ever seen. If improvements are made to the facility your pilot payments will go up. All this power is being sold to Facebook. Facebook is entered into a fixed price with PRC and pay \$3.02 ½ cents per megawatt for 25 years. As costs go up and utility bills go up PNM will not be able to charge Facebook any more. This effects how much pilot payments we can get. Construction will begin second quarter of this year and power production will begin June 2020. Gasb 77 report shows, currently the county gets \$1,169 a year in property taxes that will escalate over the next 25 years, averaging \$1,520 a year. With this project you will have a fixed pilot payment of \$100,000 per year for the next 25 years. \$68,800.00 will go to the county, \$14,000 for the Moriarty/Edgewood School District and \$17,200 to the City of Moriarty.

Wayne Johnson – County Manager: Please explain how this compares to Sandoval County?

Rob Burpo – President of First American Financial Advisors, Inc.: This one is taking a little more acreage. The one in Sandoval County has the same power output, pilot payment of \$100,000, they are also selling to Facebook. The school district will get a little more pilot because they are offering a home on one of their school district properties for the Sheriff's Department for an outpost for a sheriff to live. There will be an office space within the school district for the sheriff's office as a workstation. The pilot split is different between the county and school district. Other than that they are the same.

Chairman Schwebach: In a meeting we had earlier and we asked Facebook if we had anything they can offer the school, weather it was storage, laptops, tablets, etc.

Rob Burpo – President of First American Financial Advisors, Inc.: We are working with PNM on that issue. The relationship with PNM goes to Facebook and comes to you, we don't have a direct relationship between the local governments, school district and Facebook. It wouldn't be part of the pilot, it would be a separate transaction.

Parker Schenken – Sherman & Howard law firm; bond counsel: The Ordinance authorizes the issuance of the Bonds through the county, the bonds are to be purchased by an affiliate of the companies. There are no county dollars going out to purchase the bonds or to repay the bonds. If you walk through the Ordinance the recitals on the first few pages talk about the facts and the laws on which the transaction is based. Some findings on section 2 page 3, section 3 authorizes the transaction, authorized the bonds up to a principal amount of \$60,000,000. Section 4 authorizes officers of the county to execute the appropriate documents, Sections 6 and 7 create the funds and accounts from which and into which the money will flow as funds are dispersed and repaid. Terms of the bonds and the anticipated repayment schedule. For your perspective and mine in sections 8 & 9 are critical provisions that talk about the fact that these are limited obligations, they are not general obligations of the county. They don't require the county to expend funds or taxes. Section 9 shows indemnification of the county should there be any issues. Sections 10, 11, 12, 13 are fairly well boiler plate. The documents that are with you that I understand are in fairly final form, are the lease agreement. The developer will be obligated to lease payments sufficient to cover the bonds and related expenses. There is an indenture that governs the mechanics of the bonds in more detail than the Ordinance. The lease covers the pilot

provisions. The bond purchase agreement is the agreement by which the developers affiliate agrees to buy the bonds and provide the funding.

Commissioner McCall: Motions to approve introduction and publication of an ordinance authorizing the sale of up to a maximum \$60,000,000 of Torrance County Industrial Revenue Bonds to finance the acquisition, construction and equipping of the NM Renewable Data Center II, LLC.

Commissioner Sanchez: Seconds the motion.

All in favor: MOTION CARRIED

C. COMMISSION: Motion to approve introduction and publication of an ordinance authorizing the sale of up to a maximum \$675,000,000 of Torrance County Industrial Revenue Bonds to finance the acquisition, construction and equipping and installation of the La Joya Wind Project.

Mark Stacey – Pacific Winds Renewables: Our pilot payment to the county and school district are projected to be \$900,000 a year on top of the million dollars a year we pay in pilot of the El Cabo project. The 306 Megawatt project we are working on, we have used the IRB process for the El Cabo project and have been very beneficial to the project. I have worked with County Manger Johnson and Dennis Wallin on negotiations of the pilot agreement, they are very good to work with.

Peter Franklin – Modrall & Sperling bond council to Avangrid: This is a master ordinance which approves with a principal amount of 290 million dollars and anticipated an additional 395 million dollars in a second phase. The Ordinance approves forms of the lease agreement the indenture and the bond purchase agreement establishes the payments in lieu of taxes for both series. Which was Avangrids objective in anticipating these two separate series.

Parker Schenken – Sherman & Howard law firm; bond counsel to the County: The ordinance form is similar to the one I described earlier. They are in good form and include protecton provisions. We are comfortable moving forward.

Dennis Wallin – County Attorney: There has been a lot of back and forth with our bond counsel, Kurt Coffman, Sherman, Howard, Modrall law firm. I feel comfortable we have been well represented and our interests are protected

Chairman Schwebach: Motion to approve introduction and publication of an ordinance authorized the sale of up to a maximum \$675,000,000 of Torrance County Industrial Revenue Bonds to finance the acquisition, construction and equipping and installation of the La Joya Wind Project.

Commissioner Sanchez: Seconds the motion.

All in favor: MOTION CARRIED

11. ADOPTION OF RESOLUTION

A. COMMISSION: Resolution No. 2019-21 Authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority.

Commissioner Sanchez: I am looking for the Commission's approval to submit this application to NMFA for their consideration. The Board of directors of NMFA review applications once a month. An application is reviewed the following month of submitting and a decision will be rendered during that time frame within a maximum of 60 days. I would like to submit an application by the end of March, so this will be on the April meeting agenda and a decision can be reached at that time, potentially an award made within that time frame. You have had some correspondence from me. Hereto attached

Chairman Schwebach: Cheryl please explain the mechanics of this grant?

Cheryl Allen – County Grant Coordinator: The application is through the New Mexico Finance Authority. This is an online application that is in process. The terminology has not been set down and agreed upon. If approved, I will be managing the process, a number of public meetings would need to be conducted, arrangement for the minutes to be taken and publications have been summited accordingly. Hire a contractor to conduct the meetings and prepared the economic development plan.

Chairman Schwebach: I'm not totally familiar with this grant, this is money that is geared toward the economic development in our southern communities but in turn combining the entire county and the northern communities also.

Cheryl Allen – County Grant Coordinator: This would include the 4 land grants, Estancia, Willard, Mountainair, Encino and a special section has been added for the Torrance County Fair grounds. This is one portion of the planning grant. In the last meeting we were planning a meeting with EVDA, Kevin McCall Torrance County representative for EVDA, County Manager and myself, this has been scheduled for tomorrow March 28th. We haven't had the discussions of all the different grants we are looking at. Another grant was updating the comprehensive land use plan, the last update was in 2003.

Chairman Schwebach: In the end it will be tied together?

Cheryl Allen – County Grant Coordinator: Yes

Chairman Schwebach: If we are awarded this grant, \$50,000. The money goes to a contractor to facilitate what the community's needs and plans are for economic development. They create a master or comprehensive plan?

Cheryl Allen – County Grant Coordinator: The comprehensive plan includes an economic development chapter, that plan is for all of Torrance County. The Southern New Mexico economic development plan is a separate plan, potentially using the same funding source. The New Mexico Finance Authority will issue up to 2 grants for the same entity for doing economic development plans. The comprehensive plan would couple one New Mexico Finance Authority grant and CBDG grant in order to pay for the comprehensive land use plan. I have been told it will be more than \$100,000. Southern New Mexico development plan would only use New Mexico Finance Authority up to a maximum of \$50,000. Generally there is no cash match, it is waved.

Chairman Schwebach: my concern is the county is not on the hook to pay this grant back down the road.

Cheryl Allen – County Grant Coordinator: The grant will pay for the production of the plan as long as we have our written documents in place, we have met our obligation. I have been told by a representative of the New Mexico Finance Authority, they may not agree to have funding for two similar plans. We need to be very clear on how the two economic development plans differ. The south has a different culture, don't have access to the I-40 corridor etc. MRCOG suggested that we couple the CDBG block grant of \$50,000 which does require a cash match

with an economic development plan grant from New Mexico Finance Authority that would give us potentially \$100,000 to work with.

Chairman Schwebach: There is a possibility by applying for one grant without collaboration or knowledge of the other hand, whether it be Moriarty or cities applying for the same grants through the same entities, we may cut our self in the foot and no one gets the grant. Can we expand on this?

Brandon Howe – MRCOG: County Manger and I have discussed applying for a \$50,000 community development block grant, a matching amount for the comprehensive plan. In that plan there are sections about transportation, housing, land use, water etc. The economic plan is a little more complex, the NMFA grant you get \$50,000, it would make it simpler if it was a county wide comprehensive economic strategy plan. \$50,000 for comprehensive plan and \$50,000 for all of Torrance County. Our office can work with the County Manager and Grant Coordinator and a Commissioner to strategize and move forward.

Commissioner Sanchez: I want to maximize the amount of money the county can receive and the services we can get. I have been in close contact with an NMFA board member Mr. Steve Kopelman as well as Susan Rodriguez who is an administrator at NMFA. When we talk about CDBG we are talking about \$50,000. With NMFA you can have up to 2 sub grants open per calendar year, a total of \$100,000. The comprehensive plan will take in excess of a year to complete. While we go through the process of obtaining the CDBG grant, we can also obtain the other half from NMFA since the comprehensive plan costs an average of \$100,000. Ours would be an update. If we use both halves to complete the comprehensive plan that would be utilizing the NMFA funds at 50% there is still the potential for another \$50,000 sub grant agreement.

I want to send an application to satisfy the scope of work dated March 20th, this would fill a gap that exists in the southern part of the county. A comprehensive economic development for southern Torrance County would not be at odds with the comprehensive plan. Chronologically speaking it would be a good precursor toward an update of the comprehensive plan. I feel the comprehensive economic development strategy, upon completion, would help inform the economic development component of the comprehensive plan. I don't believe NMFA will say they want \$50,000 to do the I-40 corridor and \$50,000 to do the southern part of the county, they need to do it all in one. These documents are structured and that's not the way the grants would work not chronologically or structurally. When we talk about the comprehensive plan the percentage of the plan that deals with the economic development is not 50%. CDBG and NMFA funds would be applied at a rate of 50% but the economic development portion is not 50% of the document. Therefore, the 50% that NMFA would be applying to the project would be for the development of the comprehensive plan.

The comprehensive plan will contain an economic development portion but won't be the main portion. A comprehensive plan is distinct for an economic development plan. If we submit our application by March 31st and get a deliberation at the next NMFA meeting next month, we get a decision and potentially get going in May. Hopefully be done by October-December and have a completed plan by New Year's Day. The comprehensive plan will take longer, at least two quarters to assemble the sources necessary and carrying it out will take around 12 months. I advocate for both to be done. They address gaps that exist in our planning. I request that you support the submission of the grant application so we can get started with a portion of it.

Mayor Hart – City of Moriarty: I'm confused as to what part the city plays in this because each city can go after the same grant. If you are going to maximize your capability why not have every city apply for the grant and then put it all together with your CBDG. We are up for a comprehensive plan we did ours in 2010 and due next year.

Commissioner Sanchez: Comprehensive plans must be distinct, every community has their own comprehensive plan.

Commissioner McCall: That would play into this big comprehensive plan, take the studies that were done at a sublevel and throw them up to a bigger level to get a more detailed comprehensive plan that would intel different areas of the county.

Myra Pancrazio – EVEDA: Every community needs a comprehensive plan. That is how we know we will get money in the future. All of our plans are outdated. To get a strategic economic development plan which is what Commissioner Sanchez is advocating and it is great, he said we are focusing on the economic development portion of the southern part of the county. When each of those communities do their comprehensive plan, they will take that strategy and insert it into the economic development portion or come up with a southern strategy on economic development planning and become your own district and your own economic development tool?

Commissioner Sanchez: The former.

Myra Pancrazio – EVEDA: You're missing the northern part of the application. What if the \$50,000 you are asking from NMFA also included the northern district. The person you hire can handle the northern and the southern areas. We can do all of that in this \$50,000 application. Then the results go back to each community and they add it to their economic development portion of each of their comprehensive plans and the county takes everything that was done with this \$50,000 grant and makes it their economic development portion of their comprehensive plans. It will be bigger than what we have seen but that is what you are advocating here. I think what you are asking to do will be in the Torrance County comprehensive plan. The missing link is that it doesn't include the whole county. We want to get the best for our \$50,000, so we want to ensure the northern part is in there as well. What you want to do, I can get behind your plan, what I can't do is exclude the northern part.

Chairman Schwebach: Commissioner Sanchez and I have talked about this at previous meetings in discussion, we are recognizing that the southern part of the county, due to culture, demographics, size, availability and many different things is very different than what the northern is simply because of the I-40 corridor. We are attempting to recognize the differences and capitalize on the uniqueness and incorporate it as a whole body throughout the county. I agree with it, it needs to be done. I would feel more comfortable if EVEDA or a hired contractor is at least in the understanding of what's happening along with our grant writer to make sure that this comes to pass along with our manager.

Commissioner Sanchez: We are talking about small communities and don't need \$50,000 for their plan. All you need is this Scope of Work submitted and it's getting done quickly and it doesn't cost the county anything.

Commissioner McCall: I can't disagree with everything you just said except for why not do a northern and a southern within the 50. You're saying there is another 50 available if we need to go further.

Commissioner Sanchez: I believe it will cost us, for this scope of work around \$50,000.

Commissioner McCall: In the last meeting you said you didn't think it would come close to \$50,000 and I said let's use the rest to study the north. If the numbers and studies are important to you in the south, why would they not be important to us in the north? We don't have it all

together in the north. We need jobs, we need more growth. If the county is going to run it then I suggest we include the entire county.

Myra Pancrazio – EVEDA: In the past when we do comprehensive plans, Sandy Gaiser and MRCOG came together to be the mediator/ coordinator to get it all done through the grant coordinator. They identify through each city council, every community and land grant, one to two people to be a part of the entire strategic planning process. So you have representation from everyone. When you are doing your comprehensive plan everyone is at the table.

Commissioner Sanchez: Read verbatim the Scope of Work dated March 20, 2019 and the correspondence with the Commissioners as well as letters of support.

(Hereto attached) This is something that the community could like to see us move forward. This is a great value to us and will only add to the seamlessness throughout the county.

Commissioner Sanchez: Makes motion to authorize and submit Resolution No. 2019-21 authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority.

Chairman Schwebach: Seconds the motion.

Chairman Schwebach: I would like to see McIntosh included.

Commissioner McCall: I would like to see Moriarty included.

Chairman Schwebach: I agree with the concept, there needs to be an emphasis on the southern end different for the I-40 corridor, I don't know if this has been done. I see that being the path for the southern communities. If the county can facilitate that then I would agree with that. In light of what Cheryl was saying, DFA may look oddly on these grants with Moriarty not included, I don't see why Moriarty cannot be included with emphasis on the southern part of the county. I want to avoid the county stepping out defining the southern district and inadvertently hurting other entities.

Wayne Johnson – County Manager: My concern is when we do our comprehensive plan, we are going to require the economic component for the entire county. Does it jeopardize funding for the overall comprehensive plan? Are we going to be turned down because we just hit them up for \$50,000, spent it on the southern part of the county and unable to do something similar for the northern part of the county. There are very distinct differences between northern and southern economies, their demographics, historical and cultural backgrounds. We need to focus on Southern Torrance.

Myra Pancrazio – EVEDA: If we do the \$50,000 for the southern and now we are jeopardizing getting the money for the comprehensive plan. The northern part of the county is still left out, it isn't just Moriarty, we have huge concerns in Clines Corners, we have an infrastructure and WIPP and no emergency. Encino has no emergency on the WIPP route. We have huge water issues. Does that mean the northern can't go after their 50? I think it is needed in the unincorporated areas.

Wayne Johnson – County Manager: You can combine comprehensive plans i.e. Albuquerque/Bernalillo County comprehensive plan. The county would work on its section from the city. It will be a good long term objective for Torrance County to include in a master comprehensive plan all the communities of Torrance County.

Chairman Schwebach: Can it be answered? Can you and staff answer what the risks are depending on the wording?

Wayne Johnson – County Manager: I don't know if there is any way to predict the way the NMFA board will review this.

Michael Godee - Tajique: You might have the south meet together and the north meet together separately and then come together. Have a section on the commonality's and the differences. In the past when you combine everything Moriarty wins. In this case there would be no winner and no loser because you identifies commonalities and differences.

Commissioner Sanchez: There is no way this jeopardizes our ability to get funding for a comprehensive plan. NMFA is well funded, if they think the project is within the parameters of what is considered to be an applicable project, both projects have an excellent chance of moving forward. This project will be very labor intensive for the consultant, the communities and myself. I see myself playing a large roll in trying to give narrative to the project. I have no problem looking at McIntosh, Abo and Duran. We don't have a strategy in place in any of the communities in question, we need to get them talking about economic development. We need to narrow the focus not broaden the focus. We need to set up a baseline from EMS to special events.

Chairman Schwebach: Has the county looked into applying for a grant for the northern end?

Commissioner Sanchez: I have not put together a scope of work for the City of Moriarty.

Chairman Schwebach: Is the City of Moriarty in the process of doing this?

Cheryl Allen – County Grant Coordinator: We have looked at doing the comprehensive plan economic section which includes all of Torrance County, it's not a separate examination of northern vs southern Torrance County.

Chairman Schwebach: table item till after 13. A Hinkle & Farley 2018 Audit Presentation, we have a motion on the floor and we will get back to it after the presentation.

13. DISCUSSION

A. FINANCE: Hinkle & Farley 2018 Audit PowerPoint Presentation (Hereto attached)

Farley Vener – CPA: The 2018 audit has been completed and submitted to the State Auditor's office for release and is now in the public domain. This presentation is a summary of the results of the audit. Our job is to determine if financial statements are correct. County practices have been consistent. The only change is there is a new standard Gasb75, and it put on unfunded OPEB liability, retired healthcare liabilities were placed on the County's books. There were 34 proposed adjustments due to Torrance County having their auditors convert their books from cash to accrual as is required in the presentation of the audit report. No material weaknesses. 8 findings were resolved from last year. 2 findings that were repeated, one was related to information technology and the other related to personal policies. Current year finding are controls over state issued gas cards and grant management.

No Action Taken – discussion only

11. A Continue discussion.

Chairman Schwebach: We have a motion and a second on the table, we are in discussion. Let's hear the public comment.

Nancy Brackerman – McIntosh: I don't see McIntosh having the same need as Willard and Mountainair etc. I don't know when the County boundaries were drawn, more than 40 years ago,

we have had a lot of changes since then. Estancia was a thriving community with railroads. I-40 being a part of the interstate system began with Eisenhower administration. I-40 brought dramatic thing to Moriarty, 8 motels and 14 restaurants, Estancia has several attempts at a motel none have gotten off the ground. In reinforcing the idea of focusing on the southern part of the county. I don't think we go for state money just because it's there. If we can use it well, that makes sense. I am concerned that residents in Mountainair and other parts of the south have a delay with the ambulance service.

Kathleen Jesse: We need to play like we are in a perfect world or we don't get to where we are going. Commissioner Sanchez has already talked to UNM about participating in the planning for the southern area. In the comprehensive plan we need to talk about ambulance and fire service. What is unique to us is what draws us together. It's not businesses coming to us, its entrepreneurship, developing areas, that we have store fronts, places for people to walk. I think that is something to play off of. Having a plan for the southern and the northern is a great idea, if you are concerned if one grant will cancel out another, call the board and find out.

Danielle Johnston – District 1: Not a resident of Moriarty, a resident of northern Torrance County. The unincorporated communities of Wagon Wheel, Clines Corners, and Flying C are very diverse small communities. Dividing the economic development into two parts seems to me unnecessary, we are one county and celebrate our diversities.

Chairman Schwebach: I want to move forward with this in a smart and logical way. I'm hearing a need and desire from county residents that the county take a more active role in guiding economic development within this county. A concept of using the \$50,000 for the southern half and the next quarter support the northern part. If we send a message that the south end is separate from the north end everyone is shooting themselves in the foot. This has more pros than cons, we need to do this in the right way.

Mayor Hart – City of Moriarty: We will be going through our planning next year. I think the public is looking at in the north is the unincorporated areas. \$50,000 doesn't get you very far when you are looking at municipalities. The municipalities need to step up and do their own part in this. You might want to break it down to little sections to get a better plan.

Chairman Schwebach: If we could incorporate direction from our grant coordinator and manager on a way to word this to incorporate this under the assumption \$50,000 isn't going to get us there. We have starting points and we can go for another grant to finish it. It shows the state we are on the same track, but trying to identify the differences to combine them together. Making sure Moriarty advertises for what is in the south or vice versa. I would feel comfortable if we change the scope of work for further grants.

Commissioner Sanchez: How do we incorporate components that will not be a part of the project into a scope of work of this project?

Chairman Schwebach: If you have a general concept for an overall plan within the county acknowledging the grant is a maximum of \$50,000. DFA knows this is our entire communities plan, we prioritize where we start, and we have this list and add Moriarty and urban areas of Moriarty. Is this possible, is this the smart thing to do?

Commissioner Sanchez: We could identify 2 phases. \$50,000 will not cover all the communities and unincorporated areas. We need to start and see where this goes. We are talking about municipalities and land grants we are not talking about the unincorporated areas of southern Torrance County.

Chairman Schwebach: I agree, but it would be wise to include the next steps. McIntosh has water need, fire department needs, emergency rescue, and types of residents. If we can put that

into the scope of work. What is the advantage for the County heading in a plan for this, the municipalities' vs the municipalities doing it themselves?

Commissioner Sanchez: None of the communities have the resources to do this by themselves. They are taxed for resources, they are at the limit of what they can and can't do. I represent these communities as well. How can I help any community if that community hasn't identified its priorities? What it would like to do, how do we go about pulling our resources?

Commissioner McCall: What resources? Manpower?

Commissioner Sanchez: Personal, financial

Commissioner McCall: If you are going for the grant, I do think the financial side will be included.

Commissioner Sanchez: All if the communities lack the administrative side of it, they don't have people dedicated to economic development. We can be a good facilitator, we can get the communities together.

Commissioner McCall: We have to apply for a low income status. Otherwise there is some matching grants, what if we are not granted that?

Commissioner Sanchez: I believe we do meet the threshold.

Commissioner McCall: Even with our PILT payments.

Myra Pancrazio – EVEDA: I did talk to the NMFA and they indicated they will look at the general fund at the county and the PILT payments may push us out of that. We should make sure this would be a 100% grant and not a match.

Commissioner McCall: What if it costs us half?

Commissioner Sanchez: They will not waste time if you don't have a submitted application.

Commissioner McCall: I caution us, it could throw us out of getting any more or further on the northern side. I want us to look at the county as a whole. I don't want to separate, I don't want to segregate. I agree the south is different from the north and south can use the help. I think the north and the east can use the help as well.

Chairman Schwebach: We need to include the other municipalities down the road. I will leave that to the discretion of the grant writer, manager and EVEDA. To make sure we are going to move forward and not cut ourselves down the road. We put emphasis on the south side. It's important we include the northern side and never show signs of division but definitely show our diversity. Then the entire community will capitalize on it.

Wayne Johnson – County Manager: You have a motion on the floor to approve and that would be under the scope of work you mentioned. You need to amend your motion to instruct us on how you want to proceed.

Chairman Schwebach: Commissioner Sanchez will you consider amending your motion? With the concept \$50,000 won't get us across all municipalities, if the county has to pay back 50% then we need to rethink accepting the grant.

Commissioner Sanchez: I offered this scope of work, who will offer the next scope of work?

Chairman Schwebach: You working with the manager, grant writer as well as myself but we need to do this in a timely manner.

Commissioner Sanchez: I would like to get this submitted by March 31st, so we can be on the April meeting agenda. We should approve the application, send it off, we can attach a second scope of work before March 31st. Submit this application with phase 1 and phase 2 scopes of work.

Chairman Schwebach: I would agree with that with the discretion of the manager.

Commissioner McCall: The motion on the table is for this scope of work.

Chairman Schwebach: It would be wise to resend the motion and create a new one.

Mayor Hart – City of Moriarty: Are you going to include the unincorporated areas in the northern part of the county? I don't want an opportunity for me to apply for that grant and it fail because it's listed on someone else's request.

Chairman Schwebach: That is something we need to work through. I assume through EVEDA, you have the answers to direct us on how to make sure we write it. Those are the details we need to make sure we have in place.

Myra Pancrazio – EVEDA: The communities in Torrance County need to update their comprehensive plan. The comprehensive plan is different from the economic development sstrategic plan. I we do a north and a south, phase 1 and a phase 2, that allows us to strategize with the north and strategize with the south for the economic development plan. They can still go after their comprehensive funding. We are asking for a strategic plan that looks at different sections in two phases. The \$50,000 will not cover both areas. We are not digging deep, we are doing SWOT analysis. We can get each one done for \$50,000. It should not affect the comprehensive plan.

Commissioner Sanchez: For \$50,000 we can include these entities, if the northern part of the county wanted a phase 2, it might take \$150,000, there is a lot in the City of Moriarty. It was my idea to go after a comprehensive plan, I don't think we would be talking about a comprehensive plan if I hadn't said we need to update it. We can put the brakes on the comprehensive plan. Let's do both phases through NMFA now and wait on the comprehensive plan. If we wanted to, we could submit this application by March 31st, get it on the April agenda, we develop a scope of work with the City of Moriarty, and in the interim we submit that application the following month.

Myra Pancrazio – EVEDA: The Torrance County comprehensive plan can wait because we can't do it till we have the economic development portion complete. We are asking for money to update the section of the comprehensive plan.

Commissioner McCall: Both phases will be submitted at the same time.

Brandon Howe – MRCOG: To clarify, you wouldn't be asking for funding for the economic component of the comprehensive plan. Roll the two phases up into the comprehensive plan. That will be the economic development section. You are asking for \$50,000 to develop the transportation, water, land use sections etc.

Wayne Johnson – County Manager: The concept is to ask for \$50,000 to complete phase 1, the scope we have here, we would create a phase 2 scope as soon as possible. Preset as an economic development study and ask for an additional \$50,000 for later?

Commissioner Sanchez: Utilize the NMFA funding for two things, you can do 2 in one calendar year, \$50,000 maximum each. One will be the scope of work presented here and the other will be for the other sections of Torrance County. I will support phase 2 when it comes before me.

Wayne Johnson – County Manager: If you put that in the motion now, you would put this into motion to do this as quickly as we can put it together.

Commissioner Sanchez: I resend my previous motion and make a new motion. I make a motion to approve Resolution No. 2019-21 additionally we intend to submit a second scope of work for the northern communities of Torrance County to include the City of Moriarty at the discretion of the County Manager.

Myra Pancrazio – EVEDA: When you are working with these communities is there any tax payer dollars that are going in to fund work with the southern area? If you are going to use tax payers dollars then you need to make a JPA and to have a JPA you need a lead ordinance in acted and Willard doesn't not have a lead ordinance.

Commissioner Sanchez: The only reason this is being looked at, is because one has to spend any money.

Chairman Schwebach: I will second that motion if you are willing to add in this first addition, phase 1 of scope of work and adding the overall plan with this first addition. DFA needs to be visited with to make sure this is the proper form of attack that they see on our entire plan.

Commissioner McCall: Mayra and Cheryl do you think we can get a plan ready tomorrow after the meeting before the 31st?

Myra Pancrazio – EVEDA: Yes, I can work with Moriarty, I know what the needs are for Wagon Wheel and Clines Corners.

Chairman Schwebach: The defining factor is the I-40 corridor community and the rest of the county.

Cheryl Allen – County Grant Coordinator: Having the 2 phases is a great idea, I don't see we have a clear definition of the two different areas yet. Everything would have to be submitted by Wednesday of next week.

Chairman Schwebach: Tomorrow we can make phone calls and get guidance.

Cheri Lujan – East Torrance Soil and Water: You are making this more difficult than it needs to be. We have phases in grants all the time. In the scope of work state phase 1 we are focusing more on the southern portion, we will be submitting another application to do phase 2 which will be northern portion. You are focusing on your priorities. You are allowed 2 applications and they will tell you if there is an issue. I know you don't like having the division of the county but this county has always been divided.

Wayne Johnson – County Manager: We need a general idea for the next scope of work. This application should include language that states phase 2 will include northern communities. If that is in your motion than we will proceed. This Scope of work with additions, notifying NMFA that we intend to include the northern half in our funding request as phase 2.

Commissioner Sanchez: I agree with that. I resend my previous motion and make a new motion. I make a motion to approve Resolution No. 2019-21 with added verbiage of our intent to include the other communities in another scope of work subsequent to application submission. That scope of work will be worked on. We will submit this scope of work at the end of March.

Commissioner McCall: Seconds the motion.

All in favor: MOTION CARRIED

12. APPROVALS

A. COMMISSION: Motion to Approval Letter of Support and Collaboration for Torrance County's application to support the PMS Mountainair Family Health Center and authorize the County Manger to represent the Board of County Commissioners for all submission requirements.

Angie Coburn – Presbyterian Medical Service: We have been partnering with the County for 25 years on the submission of the Rural Primary Healthcare Act (RIFCA). This is a competitive year full proposal. In the past we have submitted for \$80,700, we have a subcontract with the county to provide the day to day services of the clinic. The County gets \$7200 of that. We would like to increase that proposal this year to \$85,700. We would like to purchase a retinavue camera, we have a high population of diabetic clients in the county and it costs \$5,000.

Commissioner Sanchez: Motions to Approval Letter of Support and Collaboration for Torrance County’s application to support the PMS Mountainair Family Health Center and authorize the County Manger to represent the Board of County Commissioners for all submission requirements.

Chairman Schwebach: Seconds the motion.

All in favor: MOTION CARRIED

Angie Coburn – Presbyterian Medical Service Need approval to submit the grant on the county behalf.

Chairman Schwebach: Motions to approve submission on behalf of county.

Commissioner Sanchez: Seconds the motion.

All in favor: MOTION CARRIED

B. Mid-Region Council of Governments Presentation hereto attached

Dewey Cave – MRCOG Executive Director: Torrance County has been a member of MRCOG since our inception. We are a governmental entity that is put together with many members. We have about 42 members that represent the central region, 4 counties, Sandoval, Bernalillo, Torrance and Valencia Counties. We convene on regional issues. We have several programs: transportation planning, Rio metro regional transit district, local government assistance, water planning board, workforce, economic development and agriculture. We also provide Census data, transportation data, as well as agriculture, land and water issues. We are a resource for you. Torrance County has vacancies on the board of directors, executive board, rural transportation board and water resources board. I need an official letter from the Commission appointing board members.

Maida Rubin – Regional Planner: Free Planning Commissioners Workshop will be held May 31, 2019 9am at MRCOG offices. This is for commissioners, elected officials and staff.

No Action Taken – discussion only

C. US CENSUS BUREAU: Presentation of the 2020 Census complete count committee hereto attached

VERONICA ARZATE DE REYES – Partnership Specialist: We want to ensure we are developing partnerships with all the people of the community. As you are aware the Constitution of the United States mandates that we do a population count every 10 years. It’s our civic duty to participate however not everyone fully understands or remembers that participation is essential. My job is to develop this partnership with organizations and elected officials so we can

help disseminate this message to the different rural communities. We do the Census for redistricting, federal funding distribution. The National budget is \$675,000,000,000 that gets distributed on an annual basis. New Mexico receives \$6,000,000,000, out of that it translates to about \$3,000 per person. If an individual is not counted this impacts how New Mexico receives funding for a variety of different programs. Grant writers use the data to determine how many people will be receiving services, money for infrastructure and federal programs. We will be short on services if we don't have the correct number count. We will have 2 offices in New Mexico, one in Albuquerque and the other in Los Curces. In April 2020, in addition to paper and phone you will now be able to complete the questionnaire online. When people use the phone they can request different languages, up to 16 different languages. As we get closer to this campaign, you will see billboards, TV ads, radio, and all the mass media. We are teaming up with counties, towns and cities to form a complete count committee. A complete county committee is when the highest elected officials appoint people to serve as volunteers, they represent different segments of that community. I will set up a training to form the complete county committee and they can help disseminate the message why it's important to participate, how the information is kept safe and secure. Postcards will be sent out informing census will begin March 23, 2020. If people don't respond after reminder postcards we will be sending census workers out door to door as a last resort. With your approval a resolution will need to be passed, I have a template of a resolution from other communities. We can strategize where the county has their own complete count committee or you can unite efforts with another county.

Chairman Schwebach: You can get with the County Manger Johnson, we can facilitate that.

No Action Taken – discussion only

D. COMMISSION: Discussion of Radio Station

Art Swenka – KXNM: Everyone at the radio station is not young anymore. I started looking for succession and figure out a way to move it forward. I have met with 5 or 6 people that had interest in the station but they want to close it here and move it to Albuquerque and not be local anymore. One said they would continue to play the Commission meeting and Planning and Zoning Meeting. I thought maybe we can get the county, schools and towns interested in the station. You have the financials for the first two months of the year. There has been a change, the law use to state, in order for someone to teach technical stuff, you had to be a community college or higher but was taken out of the law this year. This will be easier for public schools to do technical teaching, it is needed in rural areas.

Commissioner Sanchez: I offered to go around and see what kind of interest there might be and what we might be able to build. At the time, the idea was to form a JPA or MOU around the radio station. If we can get some partners, it may be difficult for the county to do this alone. If the radio station is a community owned asset, then we may have an opportunity. When we look for potential partners who might come together to form a JPA, we would have to cover a certain amount in the budget. \$60-75 thousand would be required to make the radio station operational for the first year. That would pay the salary for the manger and sales person. The idea would be to increase gains, how can we look at implementing revenue increasing strategies. We have been able to talk about potential gains in the 30% range. Gains like that will render the station self-sustaining. We need to bring together as many partners as possible. There are other options that the county manager can speak about. I went before the counsel, boards, Mayors of Mountainair,

Willard, Estancia, the 4 land grants and also the Estancia and Moriarty Schools Districts. We didn't talk about any figures, just see if there is interest. I got a positive response. Many members actively listen to the radio station and feel benefit from the programming. We have the potential to partner across many lines. Perhaps the City of Moriarty will be interested as well. I don't know if the county thinks it's a good idea. It will take some time to put this together. We will have to put together rules and regulations, bylaws etc. to get the board functioning. Countless hours have been put into the radio station and money invested into it as well. It would be disappointing to lose that as an asset after all the work put into it. You have information in your packet. Santa Rosa has a radio station.

Chairman Schwebach: Is Santa Rosa's radio station privately owned?

Art Swenka – KXNM: It is operated by KANW out of Albuquerque, KANW is owned by Albuquerque Public Schools.

Chairman Schwebach: The concept is to mirror something like that. The county doesn't need to get into the business of subsidizing a radio station, I'm assuming the radio station has been self-sufficient?

Art Swenka – KXNM: The person that has their resume in the packet has been working at the station and training to become manger. We can start him off at \$25,000 he will do the duties he is doing today plus take over as manager. The other person there, puts everything in the machine to play 24 hours a day. She can take over the accounting part of the business. The sales person would work on straight commission as a contract employee. That would make the expense to be around \$30,000 except the county would need to add benefits if the employees become county employees. I think the station could be more profitable than it is today.

Wayne Johnson – County Manger: The bigger issue is how the structure is set up, is it a public entity if it's housed, if the employees become county employees, then we have issues of PERA, mileage, per diem etc. A JPA doesn't absolve you from that because you are still a public entity. We would need to find a structure that works that minimizes the cost to the county. You want to focus on hiring employees to run a radio station, when we need employees to run EMS. Doesn't mean it's not doable but there is a lot more to be discussed. There are a lot of options. We are supporting the radio station at \$15,000 a year. I want to minimize the risk and cost to the county.

Myra Pancrazio – EVEDA: We did have a wind farm that showed interest, the issue is we don't want to get into that because we still have IRB and all kinds of stuff and we don't want to muddy the waters. They are out there and willing to do this. You probably need to meet with the Town of Edgewood and City of Moriarty where there are the biggest advertisers. The City of Moriarty and the Moriarty/Edgewood School District are working with a campus for a secondary education that are interested in this. They would go into the schools have a communication media class. There is private funding out there but it's not currently available.

Chairman Schwebach: I think the County needs to look into this more. I agree we have spent a lot of county dollars on it when we have more pressing needs. We can devote some manpower to discuss other options. The ultimate goal is to be self-sustaining. We will direct the County Manager to look into this more.

No Action Taken – discussion only

14. EXECUTIVE SESSION - None

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

The next meeting of the Torrance County Board of Commissions will be held April 10, 2019 in the Commission Chambers pf the Torrance County Administrative Building.

16. Signing of Official Documents

**Adjourn*

Chairman Schwebach: Motions to adjourn Commission Meeting

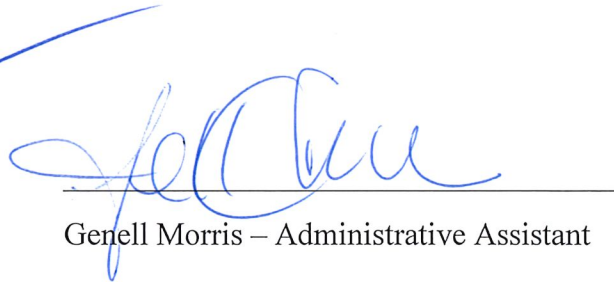
Commissioner Sanchez: Seconds the motion.

All in favor: MOTION CARRIED

Meeting adjourned at 12:39 PM



Ryan Schwebach – Chairman



Genell Morris – Administrative Assistant

4-10-19

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 out local radio station KXNM.