

**FINAL COPY
TORRANCE COUNTY BOARD OF COMMISSIONERS
SPECIAL COMMISSION MEETING
MAY 15, 2019**

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

OTHERS PRESENT: WAYNE JOHNSON-COUNTY MANAGER
LINDA JARAMILLO- COUNTY CLERK
SYLVIA CHAVEZ-ADMIN. ASST.

1.) CALL MEETING TO ORDER

Chairman Schwebach calls the May 15, 2019 Special Commission Meeting to order at 9:05 A.M.

Pledge lead by Chairman Schwebach

Invocation lead by Nick Sedillo

2.) DISCUSSION

Chairman Schwebach states that the public comment portion of the agenda was not put on today's agenda but he does ask for Public Comment:

Mayor Nathan Dial states that he is here today in support of the contract with CoreCivic to reopen the facility in Estancia.

Michael Godey supports the proposed \$1.00 raise for employees. This raise will help the lower paid employees. At the last meeting it was brought up for either a 75 cent raise or a \$1.00 raise and he supports the \$1.00

Mayor Peter Nieto states that he is also here today to support the contract with CoreCivic to have to facility reopened here in Estancia. He is also interested in what the cost will be to the Town of Mountainair for housing prisoners and for transportation.

3.) APPROVALS

A.) MANAGER: Motion to authorize the County Manager to execute all agreements related to the Intergovernmental service agreement, between the United States Department of Homeland Security, US Immigration and Customs Enforcement Office of Enforcement and Removal Operations and Torrance County.

ACTION TAKEN: Commissioner Sanchez makes a motion to approve the contract. Chairman Schwebach seconds the motion.

County Manager Johnson would like to have the representatives from CoreCivic go over the contract and what it will entail and informs the Commission that the motion will need to be amended.

David Weed, Senior Director of Partnership Relations with CoreCivic, Mr. Weed introduces the rest of the representatives that are in attendance at today's meeting. Jason Melon Vice President of Operations, Chad Miller Warden of the Torrance County Facility, Jason Ellis Managing Director of Operations and Tim Akin Partnership Relations. Mr. Weed goes on to say the reason they are here today is to announce the reopening of the Torrance County facility. They have a federal partner that is wanting to move into the facility. The documents before the Commission have 3 different parts. The first document is the intergovernmental agreement which is referred to as the IGSA. The IGSA will be between Torrance County and Immigrations Customs Enforcement Agency (Homeland Security), within that contract it makes CoreCivic the 3rd party contractor who operates the facility and in charge of the population care. Within the IGSA are all the rules that CoreCivic must follow on housing the population for Immigrations Customs Enforcement Agency. The second document is the contract for inmate confinement, which outlines the contract to house Torrance County population. This is essentially the same as it had been in the past with the exception of the cost of the per diem, the cost will be \$61.00 per day. The 3rd document is an amendment to the management contract between Torrance County and CoreCivic, basically this portion will tie CoreCivic to the IGSA and allows CoreCivic to be the operator of the facility and in charge of the ICE and Torrance County populations. Mr. Weed states that they are already in the process of hiring the staff and are excited to get the facility up and running again. There is an academy going on right now and there will be 200+ employees when fully staffed.

Chairman Schwebach asks Mr. Weed what is the estimated annual payroll for the facility.

Warden Miller states that the start pay for detention officers is \$16.73 where it use to be \$15.36, and detention officers is the bulk of the staff members. There will be 240 staff members plus the additional contract staff members through food services and Trans-core who will be operating the transportation. So the facility is looking at anywhere from 240 to 270 staff members.

Commissioner McCall asks Warden Miller when he thinks the facility will be fully staffed and operational.

Warden Miller states that they are shooting for the end of July as long as everything goes as planned.

Chairman Schwebach asks County Manager Johnson to give a brief impact of the County for transport costs and what this contract means for Torrance County.

County Manager Johnson states that it is currently costing the County 1.2 million dollars in detention cost with Santa Fe County. The cost to house our prisoners in Santa Fe County is \$85.00 per day. Having CoreCivic reopen has a huge impact for the County from the amount of jobs for the area and of course the reduced cost for detention fees. County Manager Johnson also mentions that CoreCivic is looking forward to giving back to the Community with help at the Torrance County Fair as well as the annual Punkin Chunkin.

ACTION TAKEN: **Commissioner Sanchez** amends his motion to read, give the authorization to the County Manager to execute all agreements related to the Intergovernmental Service Agreement between United States Department of Homeland

Security, U.S. Immigration and Customs Enforcement Office of Enforcement, Removal Operations and Torrance County and to execute all agreements pertaining to the operations and management of the Torrance County Detention Center between Torrance County and CoreCivic. **Chairman Schwebach** seconds the motion. No further discussion, all Commissioners in favor. **MOTON CARRIED.**

B.) ROAD: Motion to approve Capital Outlay funding from FY19 Budget to complete paving of Torrance County Admin Building parking lot.

Belinda Garland, Acting Finance Director informs the Commission of the plans to have the parking lot paved here at the County Admin. offices. There has already been \$60,000.00 allocated for this project, however there will be additional funding needed to complete it. Ms. Garland states that there was some confusion on when the money was needed. She spoke to Leonard Lujan and they need the money before the end of this fiscal budget, \$30,000.00 is the amount of the additional funding. The additional funding will have the parking lot paved instead of chipped sealed. Ms. Garland informs the Commission that there is sufficient money in the budget to cover the additional funding. Ms. Garland asks Leonard Lujan to come up, she and Leonard are seeking guidance from the Commission on what they would like to see done with the front parking lot area. Do all the trees need to be taken out and redesign the way the parking lot is done or keep it the way it is now.

Leonard Lujan, Road Superintendent is seeking guidance from the Commission on the landscape in front of the building. Should all the tree's be removed to make the parking lot more efficient or leave it the way it is now and possibly have other trees put in. Mr. Lujan did some walking around the parking lot and is also suggesting to the Commission to have sidewalks added to the south and west sides of the building, the same way it is in the front of the building.

Commissioner McCall asks if there are water lines within the landscape areas and if so will they need to be removed if they take out the landscape areas.

Leonard Lujan states that there is a drip system within the landscaped areas, the water line was ran across the parking lot several years back. The waterlines don't necessarily need to be dug out they can be shut off at either ends where they are connected.

Chairman Schwebach states that he likes trees and grass that are taken care of, this area needs to be revamped and have proper maintenance done to it.

County Manager Johnson mentions that this is something that is being looked at within each County buildings budget. The County Admin buildings budget has been covering all the maintenance for all county buildings. Manager Johnson feels that the parking lot does need work and this is a start in that direction. The outer appearance of the building gives the persona of what is expected from within the building, it is the first impression given to customers, it needs improvement.

Commissioner Sanchez states that he is in favor of allowing the County Manager and one of the Commissioners to work with Leonard and get this project done.

Chairman Schwebach agrees with Commissioner Sanchez but the Commission needs to decide whether or not they want to keep the vegetation in front of the building or have it removed.

Nick Sedillo Operations Manager would like to caution the Commission and have them look at the parking area between the two landscaped areas. There is a tree root that is fixing to breakthrough. So those are things to think about when planting trees.

Chairman Schwebach asks about the funding, this project was previously budgeted for is that correct. There was \$60,000.00 already budgeted and now you are asking for an additional \$30,000.00

Leonard Lujan answers, yes, there was \$60,000.00 to start the project, that was to have the parking lot chip sealed the additional \$30,000.00 will have the parking lot paved.

Belinda Garland states that the funding is from Capital Outlay and has been ready to be used just needed to iron out some issues that have come up and need the Commissions guidance.

ACTION TAKEN: **Chairman Schwebach** makes a motion to approve the additional funding for the pavement of the parking lot from FY19 budget and to have one Commissioner and the County Manager give guidance on the project. **Commissioner McCall** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

Nick Sedillo informs the Commission that with the pavement of the parking lot there will need to be an allotted amount of handicap parking spots.

Belinda Garland also mentions that a few years back the 4-H kids did plant some trees and it would be a shame to take them out.

C.) FY20 BUDGET CONTINUED

County Manager Johnson addresses the Commission on what was taken in advisement from the Commission at the last meeting regarding the budget. A 75 cent raise has been worked into the budget for all employees excluding management employees. The 401 fund will cover the increase for the raises and Animal Services will receive an additional \$2,730.00. The 620 fund which is the infrastructure fund will cover the following: additional staff members for these departments, Janitorial at \$38,582.00, Treasurer's Office at \$57,193.00, Sherriff's Department at \$69,212.00 and Assessors Office at \$39,825. Also for Animal Services they need some improvements for the kennels at \$10,000.00 and in the mangers office some refurbishing and new flooring at \$15,000.00.

County Manager Johnson explains that there are some departments that will be doing some reorganizing, but rather than trying to incorporate that within the budget for salary increases we will give the pay raise and allow the departments to do their own reorganizing and bring to the Commission for consideration. The rest of the funding requests will come out of the PILT budget. Which are for generators for dispatch and the tower at Capilla Peak. The dispatch generator with all the wiring and hook up will be \$10,600.00. The Capilla Peak generator will be \$43,500.00. A vehicle for Animal Services at \$40,000.00, a cab & chase for the road department at \$28,436.00. For the Clerk's department we will find a vehicle we already have in the County and repurpose it and have a tommy lift put in and that should work for mobile voting. Mr. Johnson mentions that he is sure that Linda will not be very happy about that. And we put in \$75,000.00 for the fair barn. So those are all the staff recommendations they have been worked into the budget for the Commission to consider and approve.

Belinda Garland mentions to the Commission that there are grants that are not complete but they will not affect the budget. They are self-sustained grants and we do not have all the final numbers from them.

Chairman Schwebach asks if the budget includes the current cost for transportation.

County Manager Johnson explains that they worked in a very conservative amount, right now the County is spending around 1.2 million dollars on detention costs. The projected cost savings in the next FY is \$200,000.00 for detention cost. County Manager Johnson also mentions that Sheriff Rivera is asking CoreCivic to take County inmates ASAP. In the contract

with Santa Fe Co. we will need to give them a 60 day notice. So will we be giving them that notice pretty quick.

Chairman Schwebach asks if the County is maintaining the 3/12 reserves that is required.

County Manager Johnson replies, yes, the County is well within the 3/12 reserves, his suggestion to the Commission is earmarking some of the new PILT monies for a volunteer reserve or a Commission reserve. For emergency funding if needed and this will help us maintain the reserves required if for any reason the budget takes a big hit.

Chair Schwebach asks Sheriff Rivera about the 2 transport officers and what will be the intention for them now that the County will not be traveling to Santa Fe.

Sheriff Rivera responds that currently he has 6 transport officers, one is a Sergeant and the work duties for the other 5 include transports and security at the courts. The intention is to keep all of them due to the Sheriff's office being required to have all security at the courts, which are Magistrate and District courts. Sheriff Rivera also explains that there are other transports that need to be done from other facilities other than just from Santa Fe Co. If the SO uses a deputy for those transports that takes that deputy out of service for most of the day when they need to be available for calls.

Commissioner McCall asks about the camera system that was at CoreCivic, which was removed. The equipment was being used for video arraignments.

County Manager Johnson responds that they are unsure of who owns the equipment or who has it but it is being looked into.

Stephanie Dunlap, Sheriff Administrator explains that the court system owns the equipment and they probably have the equipment, so CoreCivic would need to get in touch with the court system to see if that is something that will need to be set up again.

Chairman Schwebach asks about the Sergeant positions and how will that help the Sheriff's department.

Sheriff Rivera explains that currently the only management for the deputies are himself and the Under Sheriff. With the 2 Sergeant positions this will help with each side of the week, the shifts are Sunday through Wednesday and Wednesday through Saturday. The Sergeants will help with schedules and oversee the deputies and their duties.

Linda Jaramillo, Torrance County Clerk states that she been with the County for 22 years of the 22 years she has been an elected official for 14 years. Everyone else's request was given consideration except for her request for a vehicle, Ms. Jaramillo understands that the Commission is in charge of the budget but how can the Commission justify not funding her vehicle which would cost \$36,000.00 but fund other departments with additional staff at \$57,000.00. Ms. Jaramillo explains that it isn't anything against the other departments and their requests but after this many years of service, Ms. Jaramillo feels that she should have been given the same consideration as the other departments but she will do what she has to do to serve the people of Torrance County who voted for her, because that is who she serves and will continue to do so until her last day in office.

Chairman Schwebach states that he would like to hear from the Treasures office in regards to the additional staff member.

Tracy Sedillo, Torrance County Treasurer explains that with the new position (Treasury Controller) for her office will help with the segregations of duties. This will help with newly elected officials, it ensures that someone within the office will be able to continue the duties that the Treasurer and Deputy Treasurer perform without disruption. This will also help ensure proper internal controls, which helps reduce audit findings.

County Manager Johnson explains that with the new minimum wage kicking in and with CoreCivic reopening it is important to increase the pay for our employees especially those on the lower side of the pay scale, this way we can retain our employees.

Commissioner Sanchez asks if the pay increase has been built into the proposed budget.

County Manager Johnson responds that yes, they have been worked into the proposed budget before the Commission today. The budget needs to be approved by the 22nd of May.

Chairman Schwebach states that the Commission should take advantage of the time they have today and ask the staff members any questions they need clarification on.

Cindi Sullivan, Animal Services Director explains what the \$2,700.00 increase to their budget will cover. \$1,600.00 will cover the new phone upgrade for their department and \$900.00 will be for the new cleaning material they will be using for disinfecting the kennels. \$200.00 will be for training, the new requirements require that they have training every year for their CEU's instead of every 3 years.

Jesse Lucero, Torrance County Assessor thanks the Commission for their consideration for the FTE, the reorganization within his department will not affect the overall budget but he is asking what the time frame will be for the reorganization.

Chairman Schwebach explains that the reorganization is tied to the budget, so once the budget is approved we can move forward.

County Manager Johnson states that the reorganization will take place in August or September.

Commissioner Sanchez asks which of the department requests were worked into the budget.

County Manager Johnson replies that all of them were, some of the new positions are being funded through the 620 fund.

Mayor Nathan Dial comes to the podium and explains that with the new requirements with animal services, the Town of Estancia will not meet those requirements so the Town will rely on the County's Animal Services. So he supports the increase to their budget.

Commissioner McCall asks Mayor Dial with CoreCivic reopening, is the Town ready to take on EMS calls at the facility.

Mayor Dial states that the Town's department is volunteer department, we have the equipment and the personnel but it will just depend on who is available to respond to the calls.

Commissioner Sanchez asks about the PILT funding, these projects that are getting funded through the PILT money are there not any other funding sources to be used to get these projects done.

County Manager Johnson explains that at this point there is no other funding source that can cover these requests. With the PNM solar project the County will start to see additional

funding as well as from the other 2 wind projects. It may not happen in the FY 2020 but it will be in the following budget cycle. County Manager Johnson explains that if the County has the funding through the PILT fund why not use the funding for projects that need to get funded.

Commissioner McCall agrees with County Manager Johnson, the money should be used and not have it sit there, especially if we need the funding and as long as our reserves are being met then we should use the PILT fund.

Commissioner Sanchez states that he thought the funding would be used to help Communities with projects that they otherwise would not have a funding source to have the projects started and or completed. Some of these requests can be funded through grants, has there been an attempt to apply for grant for these projects. Commissioner Sanchez would prefer that the PILT funding not be used.

County Manager Johnson agrees with Commissioner Sanchez, but what happens if we do not get the grant, how will these requests get funding. The County can budget for these projects but can also apply for grant funding and if the grants do not come through then the County can pay for them because they have been worked into the budget. County Manager Johnson states that there are some projects that need immediate funding and also states that the Emergency Manager and the Grant Coordinator are doing a good job looking for funding sources.

Commissioner Sanchez believes that this is being done the opposite way, grant funding should be the first step and if that fails then go to the PILT funding if it is necessary.

Chairman Schwebach states that he feels these projects are important and are really needed and is ok with the PILT being used to fund them.

Commissioner Sanchez feels that the PILT money should be used for the County's vision or opportunity for growth in the County. Do these projects project fit the County's vision, when there are other funding sources out there?

County Manager Johnson states that the PILT funding is to be used at the discretion of the Commission and how they see fit, whether it is for economic development or other opportunities. He reminds the Commission why we receive the PILT payments, it's because we do not receive taxes.

Chairman Schwebach feels that the budget should be approved with these projects worked into the budget but grants should also be applied for as well. The state is more likely to fund projects when they see that the County is willing to use our own funding sources.

Counter discussion goes back and forth about the PILT funding and how it should or should not be used.

County Manager Johnson explains that it is easier to work things into the budget then to try and add them in later after the budget has been approved by DFA.

ACTION TAKEN: **Chairman Schwebach** makes a motion to differ the FY20 Budget to the next Commission Meeting, May 22. **Commissioner McCall** seconds the motion. No further discussion, all in favor. **MOTION CARRIED, ITEM DIFFERD.**

4.) EXECUTIVE SESSION

A.) THREATENED & PENDING LITIGATION: regarding Dispatch, Section 10-15-1 (H)
(3)

ACTION TAKEN: Chairman Schwebach makes a motion to go into Executive Session pursuant to Section 10-15-1(H) (3). Commissioner McCall seconds the motion. Roll call vote: District 1- Yes, District 2- Yes, and District 3- Yes.

Executive Session began at 10:51 am

RECONVENE FROM EXECUTIVE SESSION:

ACTION TAKEN: Commissioner McCall makes a motion to go back into regular session. Chairman Schwebach seconds the motion. Chairman Schwebach states that only those published items were discussed during executive session. No further discussion, all in favor.

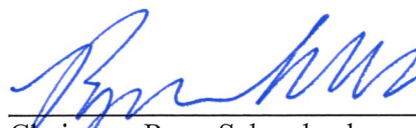
Reconvened at 11:51 am


ACTION TAKEN: Commissioner McCall makes a motion to authorize the County Manager and County Attorney to proceed with the pending litigation with the parameters set by this Commission on May 15, 2019 at the 9am Special Commission Meeting. Chairman Schwebach seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

***ADJOURN**

ACTION TAKEN: Chairman Schwebach makes a motion to adjourn the May 15, 2019 Special Commission Meeting Commissioner Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

MEETING ADJOURNED AT 11:53 AM


Chairman Ryan Schwebach


Sylvia Chavez-Administrative Assistant

6/12/19
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.