

**FINAL COPY
TORRANCE COUNTY BOARD OF COMMISSIONERS
COMMISSION MEETING
FEBRUARY 12th, 2020**

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

OTHERS PRESENT: WAYNE JOHNSON-COUNTY MANAGER
JOHN BUTRICK-COUNTY ATTORNEY
JANICE Y. BARELA-DEPUTY COUNTY MANAGER
YVONNE OTERO-ADMIN. ASST.

1.) CALL MEETING TO ORDER

Chairman Schwebach calls the February 12th, 2020 Commission Meeting to order at 11:04 A.M.

2.) Invocation and Pledge of Allegiance

Pledge lead by Chairman Schwebach

Invocation lead by Commission McCall

3.) Changes to the Agenda

County Manager Johnson states that agenda Item 12-F needs to be changed from Road to Finance and Item #13-A needs to be deferred until the next meeting.

4.) PROCLAMATIONS

There were none presented.

5.) CERTIFICATES AND AWARDS

There were none presented.

6.) BOARD AND COMMITTEE APPOINTMENT

There were none presented.

7.) PUBLIC COMMENT and COMMUNICATIONS

Stefani Lord, with ProGun Woman, states that she is honored to be here. Ms. Lord states that she is in full support of the Commission passing an Anti-Red Flag Resolution. Ms. Lord states that as the bill reads in Sec 14 it opens up for all the Sheriffs in the states to be open to a lawsuit. This bill would also penalize those that have become a 2nd amendment sanctuary area. This would create huge problems financially. Ms. Lord is asking that the Commission pass this resolution to give themselves some type of protection.

Mayor Nathan Dial for the Town of Estancia, states that he is also in full support of the County passing this resolution. The Town of Estancia is 100% in favor of this and offers help if they need it. This bill is poorly written. They are passing all these laws that will eventually lead to gun registration, and registration leads to confiscation. Once again he would like to state that the Town of Estancia is in full support of this.

Steve Guetschow, P & Z Coordinator, states that at the February 5, 2020 P & Z meeting the board heard testimony regarding a proposed change in zoning under a Special Use permit for lands located at 207 Salt Mission Trail. Torrance County will conduct a public hearing for the zone change after the required public notice period.

County Manager Johnson states that no action can be taken on this until/unless we close on the property. As of right now we cannot request this zone change.

Steve Guetschow states that with the Red Flag legislation there is also SB115, the Cannabis Regulation Act. Under review of this document in HB160 there is no provision that the state authorizing agency or the committee will verify that the applicant for those licenses will have to have local approvals. There are more than one local government having issues with this. Mr. Guetschow urges everyone to contact their senators and let them know that they need those provisions from the local governments for land use approvals before they issue the applicants the license.

8.) APPROVAL OF MINUTES

a.) **COMMISSION:** Motion to approve the January 8, 2020 Torrance County Board of County Commission Minutes

ACTION TAKEN: **Commissioner McCall** makes a motion to approve the January 8, 2020 Torrance County Board of County Commission Minutes. **Chairman Schwebach** seconds the motion. No discussion, all Commissioners in favor. **MOTION CARRIED**

9.) APPROVAL OF CONSENT AGENDA

a.) **FINANCE:** Approval of Payables

ACTION TAKEN: **Commissioner McCall** makes a motion to approve the Consent Agenda: Payables. **Chairman Schwebach** seconds the motion. No discussion, all Commissioners in favor. **MOTION CARRIED**

b.) MANAGER: Motion to approve the appointment of County Manager Wayne Johnson as the Torrance County voting member to the NM Counties Insurance Authority (NMICA) and Nick Sedillo as the alternate. (Staff Analysis Attached)

ACTION TAKEN: Chairman Schwebach makes a motion to approve appointment of County Manager Wayne Johnson as the Torrance County voting member to the NM Counties Insurance Authority (NMICA) and Nick Sedillo as the alternate. Commissioner Sanchez seconds the motion. No discussion, all Commissioners in favor. **MOTION CARRIED**

10.) ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE

There were none presented

11.) ADOPTION OF RESOLUTION

a.) FINANCE: Motion to approve Budget Increase for computer upgrades, PILT and HITDA. Resolution No. 2020-06

Jeremy Oliver, Finance Director, states that he is requesting approval for a budget increase for the computer up grades. We had more equalization of GRT's and from staff to help with the computer upgrade. There will also be funds from the Sheriff's HITDA Task Force that will help with the increase. The PILT had additional funds from the repower of the High Lonesome project, and it changed our payment date to June 1st. So we were able to add those amounts as well.

County Manager Johnson states that this is all new money that was not anticipated in the original budget. We have needed to upgrade the computers for quite some time and this was how we were able to pay for the upgrades.

Commissioner McCall asks if this is just software or will it be hardware as well.

County Manager Johnson states that it will depend on the machine. For some it will just be a software upgrade, but for some it will require a hardware upgrade as well since they will not be able to sustain the upgrade.

Commissioner Sanchez asks how much money will come from the PILT.

Jeremy Oliver states that \$12,000.00 will come from the PILT. This is additional funds that wer not anticipated. Triadic will have to come out and reinstall their programs on computers in several offices. This fee from the PILT will cover this.

Commissioner Sanchez states that there are other amounts in the increase that are coming out of the PILT and wants to know what those are for.

Jeremy Oliver states that the \$37,601.00 is for the payment to the schools. This will be the last payment we make to the schools as there payment will now go to them directly. The amount for salaries is to pay out the vacation time for some elected officials that should have been paid prior to them going into office.

County Manager Johnson states that we are not paying elected officials vacation time. This was left over from when they were regular county employees. They were never paid out when they took office and this is a liability that needs to be taken off the books.

Commissioner Sanchez asks what the \$371,072.00 is for.

Jeremy Oliver states that it is the remaining amount from the PILT increase for the June 1st payment and the prorated amount that was just received. It is being put into a line item for now, it is not marked for anything it is just being captured.

Commissioner Sanchez asks if the \$12,000.00 can be found in another area other than the PILT, and asks if he can look on his own to see if there are other locations the money can come from.

Jeremy Oliver states that they have searched and there are no other areas that money can be pulled from.

County Manager Johnson states that the Triadic part of the upgrade was not anticipated in the original cost. They have looked in all possible areas and there is nothing available, but Commissioner Sanchez is more than welcome to look.

Jeremy Oliver states that there is no better area to get the money from. Commissioner Sanchez may look but we need to get the PO out immediately so the search would have to be done by the end of the week.

County Manager Johnson states that if money is found in another area the money taken from the PILT can be replaced.

ACTION TAKEN: **Chairman Schwebach** makes a motion to approve the Budget Increase for computer upgrades, PILT and HITDA, Resolution No. 2020-06. **Commissioner McCall** seconds the motion. **Commissioner Sanchez** abstains his vote. No further discussion, 2 Commissioners in favor. **MOTION CARRIED**

b.) MANAGER: Motion to approve Resolution 2020-07 a new Torrance County Tangible Property Disposition process repealing all previous property disposition policies (Staff Analysis Attached)

County Manager Johnson states that we have a problem with getting rid of old property. This policy is designed to make the process move faster in the disposition of capital assets. One disposition that comes to mind is in the Sheriff's department and wanting to give a couple of vehicles to Mora County. There is supposed to be a meeting of the disposition committee, and there has not been one since he has been here with the county.

Under this process, the Sheriff would contact Mr. Johnson on the vehicles they want to move, the Mr. Johnson would contact the Operations Manager and the Finance Manager for review. They will then bring it before the Commission for approval by resolution, then that information will be sent to the State Auditor's office and wait 30 days and then we can move forward with the transfer of property. This would be better to track our capital assets and get rid of property quicker.

Commissioner McCall asks if the Commission would need to approve every single item when it comes up.

County Manager Johnson states that each purchase would be out together as their own agenda item in one resolution. They will list out the items and their recommendations of what the disposition of that item is. You will be approving every item as a group.

There is some discussion back and forth between Commissioner McCall and County Manager Johnson on how the current process is handled for the disposition of property.

Commissioner McCall states that he doesn't see that this covers the dermo equipment.

County Manager Johnson states that it does and it doesn't. We have to receive title to the equipment before it can be sold. We do not have titles for some of the equipment.

Sheriff Rivera states that the dermo issues are controlled by the dermo program. The department is not considered the owner without the title. They stay on a list and the dermo comes to check to make sure we are still in possession of the vehicle. Once all requirements are met and the vehicle is sold we are required to let dermo know where the vehicle went.

County Manager Johnson states that the vehicles do belong to the County but because they are part of the dermo program we have restrictions. We cannot do anything until we have met all the federal requirements. Once those are met we can then dispose of the property.

ACTION TAKEN: **Chairman Schwebach** makes a motion to approve Resolution 2020-07 a new Torrance County Tangible Property Disposition process repealing all previous property disposition policies. **Commissioner McCall** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

c.) **COMMISSION:** Motion to approve Resolution 2020-08 opposing "Red Flag" gun control legislation and support Second Amendment Rights. (Commissioner McCall) (Staff Analysis Attached)

Commissioner McCall states that he asked to have this item placed on the agenda and have some discussion on it. He states that he was watching the debate on this. They are by-passing judicial, which is not a good sign. There are things in it that they are trying to hide, this bill is not good. We need to oppose this because this will increase the liability for the county. Commissioner McCall is highly opposed to any increased liability that would be brought to the county. This bill is putting our Sheriff's and Deputies in great danger when it comes to them making a last minute decision when it comes to discharging their weapon. Commissioner McCall has a problem with the fact that they have no immunity when it comes to the decision they make. He feels that this is a violation of our 2nd Amendment rights.

ACTION TAKEN: **Chairman Schwebach** makes a motion Resolution 2020-08 opposing "Red Flag" gun control legislation and support Second Amendment Rights. **Commissioner McCall** seconds the motion. **Chairman Schwebach** would like to open this up for discussion and would like to invite anyone who would like to speak on this. **Chairman Schwebach** agrees that this is poorly written bill. This has nothing to do with the concept of saving lives or

helping the citizen. He believes their full intention is to see how far our rights can be pushed. He is in approval of this resolution, and strongly opposed to the bill. Chairman Schwebach is in full support of our Sheriff's. We cannot put them in harm's way. **Sheriff Rivera** states that he completely agrees with what the Commissioners have to say. He has been going to Santa Fe to fight this bill. It doesn't benefit anybody. There are already laws on the books that protect us. They are trying to violate our 2nd Amendment rights. Once you take away one Amendment you take them all away, that leave us with no way to defend ourselves. **Commissioner McCall** asks Sheriff Rivera if this bill puts us between a rock and a hard place regarding the decision you make or don't make. **Sheriff Rivera** replies, yes, it does. Law enforcement does have some discretion but this bill is trying to take away that discretion. There is some discussion between Sheriff Rivera, Commissioner McCall, & County Manager Johnson concerning this law and what harm it's going to cause. **County Attorney Butrick** states that in addition to the constitutional issues there is also likely a conflict with state law. From his experience with the legislature he finds it odd that it is not going through judiciary. No further discussion, all Commissioners in favor. **MOTION CARRIED**

Chairman Schwebach states that this passed unanimously and he urges the public to take any minutes or transcripts to their legislators to make sure the elected official know how you feel concerning this bill.

Commissioner McCall states that he appreciates all that law enforcement does and to keep doing what they are doing.

d.) ROAD: Motion to approve Resolution 2020-09 the Annual Certified County Mileage

Charmen Padilla, Executive Assistant for the Road Department, states that she is presenting to the Commission the Resolution for the annual Maintained Mileage report. This report goes out to NMDOT.

County Manager Johnson states that he would like to bring up a technical issue. In legal review of the document there are some citations that need to be corrected because they are wrong. We ask that you approve this resolution upon the corrections to the citations.

Charmen Padilla states that the letters have been going out for years and its cause for a better look into the letters to make sure the correct information goes out.

County Attorney Butrick states that the changes appear to only to be technical it is both to the letter and the resolution. It's all technical stuff and not the substance of the document.

ACTION TAKEN: **Chairman Schwebach** makes a motion to approve Resolution 2020-09 the Annual Certified County Mileage contingent up the technical changes to the letter and the resolution. **Commissioner McCall** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

12.) APPROVALS

a.) **MANAGER:** Motion to approve the Purchase Agreement for 207 Salt Missions Trail and authorize the County Manager to authorize all documents and funding required to complete the purchase. (Staff Analysis Attached)

County Manager Johnson states that as the Commissioners are aware, this was a topic of one of the closed sessions. We have made an offer on 207 Salt Missions Trail for a road shop. We are in the process of getting the inspections done for that property. This by no means is a closed deal as of yet. There may be issues that arise once the inspections are complete. There may be some things wrong that will have us step out of that transaction. Everything seems to be going well as the first set of inspections were completed.

Mr. Johnson states that he needs the Commission's approval in a public meeting to expend the funds for the purchase. There is nothing new on this, we are just waiting for all the inspections' to come in. After we receive those inspections we will have 10 days to let their objections be known and ask for any repairs that may be needed on the property and then will become part of the negotiations at that point. This may result in a lowering of the overall asking price. This is the approval to expend the funds.

Commissioner McCall asks if the funds will be expended up to the amount given and not to exceed the purchase agreement.

County Manager Johnson states, at this time we are asking for a little bit higher than what is approved but we are taking it from other line items at this point. The extra amount is \$10,000.00 but he does not see it going any higher than that. The asking price is \$157,500.00. The purchase agreement is in the packets and most of the inspections are being paid for by the seller.

ACTION TAKEN: **Commissioner McCall** makes a motion to approve the Purchase Agreement for 207 Salt Missions Trail and authorize the County Manager to authorize all documents and funding required to complete the purchase. **Chairman Schwebach** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

b.) **MANAGER:** Motion to Concur with the hiring of Janice Y. Barela as the Torrance County Deputy County Manager at the terms and conditions set forth in the contract offered by the County Manager. (Staff Analysis Attached)

ACTION TAKEN: **Commissioner McCall** makes a Motion to Concur with the hiring of Janice Y. Barela as the Torrance County Deputy County Manager at the terms and conditions set forth in the contract offered by the County Manager. **Chairman Schwebach** seconds the motion. No discussion, all Commissioner in favor. **MOTION CARRIED**

c.) **COMMISSION:** Southern Torrance County Economic Development Study concern. Request for unspecified action by the Board of County Commissioners. (Commissioner Sanchez) (Staff Analysis Attached)

Commissioner Sanchez states that there has been concerns and the communities have composed a letter for the Commission. There is some discussion about the letter and when it was received.

Commissioner Sanchez states that he is committed to making a plan that has maximum impact. He is requesting some action as per the letter in order to insure that the project maintains maximum buy in. At January's meeting there was some reluctance on making a decision because it may have been premature.

Chairman Schwebach states that he feels that they entered into a contract to implement this. This puts the Commission in a tough spot and thinks that this should be discussed in executive session and not in a public meeting. The reason for this is because we are discussing a contract.

County Manager Johnson states that he doesn't know if there is a hook here and would have to defer this to Attorney Butrick. There does not seem to be any reason why this needs to go into Executive Session unless there is pending litigation. The letter asks that Commissioner Sanchez be in control of the contract and he is strongly opposed to that because that is a huge change to the contract.

Attorney Butrick states that he is not aware of an applicable exception to the Open Meetings Act that would allow the commission to enter into executive session at this moment.

Commissioner Sanchez reads the letter into record. Letter hereto attached. He states that there is no need to shift control of the project. This issue can be addressed easily. It's a matter of reaching out the communities. He states that the workshop worked very well but the participation at the community level was very low. With the low turnout it is hard to see how this project will work. Commissioner Sanchez goes on to explain his concerns about the community buy in.

Commissioner Sanchez states that the scope of work allowed for 3 meetings. The concerns have been expressed to Ms. Allen and County Manager Johnson and we are continuing to discuss the same issues. He states that we need more meetings but the contractor will not have more meeting unless he is paid more money. We are in a position now where we may not have buy in for this project.

Chairman Schwebach states that he does not clearly understand what Commissioner Sanchez is asking. The letter insinuates to restore it to its original intent as described in the scope of work. How have we fallen off the scope of work? What are you requesting of the contractor in addition to their scope of work? Will it involve more money? What does that look like?

Commissioner Sanchez replies that the corrective action is minimal. The best thing that could be done would be to meet with the entities and let them express what they would like. They could voice this in front of himself and County Manager Johnson. There needs to be more outreach, the only suggestion is to add more meetings. There would be more money involved should we decide to have 2-3 meetings in the next 3 weeks.

Commissioner Schwebach states that this project takes a grassroots drive. The entities and the communities really want this project to succeed. He was aware that not very many people showed up and the only people that seem to want to be involved are the ones that signed this letter as they are the only ones that showed up. Do you think there is a broader spectrum that we failed to grasp?

Commissioner Sanchez states that the communities have not had ample opportunities or outreach from the contractor to voice their concerns. Some discussion follows as what should be done to increase outreach, between Commissioner Sanchez and Chairman Schwebach. The example Commissioner Sanchez uses is with getting Encino into the discussion since they were not present at the meetings.

Commissioner McCall states that all the people that signed this letter seem to be unhappy with the scope of work. Encino is not listed.

Commissioner Sanchez states that he doesn't know if Encino is having issues, he has not heard anything from them. He was only using them as an example.

Commissioner McCall states that if Encino had a meeting in their town, and they had issues, then their signature would have been on this letter.

County Manager Johnson states that we are near the end of the process. If you add anything to the contract it would be a significant change in the scope of work and the contract. Discussion continues between Commissioner Sanchez and Commissioner McCall regarding the buy in and those that did or did not attend the meetings.

There is discussion between the Commissioners and the County Manager on issues with the contract and not being able to make any decisions at this point. There has been hard work in getting people to attend the meeting and the contract was not structured to get to every entity. There is some talk about having one extra meeting and what it would cost and if we want to pay to have that extra meeting. The contract is binding, and any changes would cause problems.

County Manager Johnson states that he is willing to meet with the contractor and another staff member and discuss the options of another meeting and what it would cost. There is no way 3 meetings can come out of this contract.

County Attorney Butrick states that the OMA only allows the Commissioner to enter Executive Session if there is a new set of competitive seal of proposals and contract negotiations.

Commissioner Sanchez states that the contract and the scope of work are ok. He cannot figure how we are going to get certain communities to attend when there is zero attendance from them. You need to get the voice from all those involved. We have not garnered their buy in. We need to do all we can to assure maximum impact.

Commissioner McCall states that the communities had their opportunity to get involved to see what all this was about. Why can we fault the contractor when they fulfilled their obligation with the meetings. You can't force anyone to attend the meetings.

Chairman Schwebach states that what he has seen from the land grants, he does not know what else we can do to get them to participate. We need to move forward, and possibly have another meeting.

Commissioner Sanchez states that he is suggesting a meeting for the county to engage the communities and include himself and the County Manager and make sure everyone is working together. From there they can figure out what needs to be brought to the Commission. No decision can be made now there needs to be more information brought to us.

Commissioner McCall asks what will ensure that these signatories will feel that they are being heard. They he feels that they have already made their opinion on this study. Nothing we can do will change that.

Discussion continues between Commissioner McCall and Commissioner Sanchez concerning the contract and getting the entities to buy in.

Chairman Schwebach states that he agrees with Commissioner Sanchez, there is no harm in trying to get one more meeting and speak with the signatories and see what would facilitate more buy in. If we cannot deviate from the contract nor add what they feel needs to be done, they need to look into the draft and let us know how they feel.

County Manager Johnson would like to recommend that this meeting not include the contractor so that no more costs are incurred. He suggests that it be himself and some county staff. Commissioner Sanchez could have asked me at any time if he had questions on this matter instead of bringing it to the board and states that he would be happy to do so at anytime.

Commissioner McCall asks how they will get the information from that meeting to the contractor.

County Manager Johnson states that he will have the project manager and the Deputy County Manager, and himself as part of the meeting. They will be meeting with the land grants and also Commissioner Sanchez, and if one of the other Commissioners decides to be present he needs to be aware so that it can be advertised properly. This is a good way to address some of these concerns and get everyone heard.

Commissioner McCall states that he would like for all the entities to be involved, including Encino.

Commissioner Sanchez states that he is not aware if Encino is not satisfied or is satisfied. The only reason he mentioned Encino was because they did not participate in any of the modules.

No action taken, discussion only

d.) COMMISSION: Motion to approve the Torrance County Heritage Center Development guidelines, scope of work, & request for an additional at-large member. (Commissioner Sanchez)(Staff Analysis Attached)

Commissioner Sanchez states that he is here talking about this today because he was the person selected to carry out the functions of the secretary. At the next meeting they will elect officers. County Attorney Butrick has reviewed the document and would be interested in any input he may have on the document.

County Attorney Butrick states that he has reviewed the operation procedures and he shares the same concerns from the staff report. If no one has read the staff analysis he would like to encourage them to do so.

County Manager Johnson states that it is held in the significant issues section of the document. We have created a resolution that creates this committee. Some of the things in the operational procedures and the requests, would require a change to the resolution. The THC is requesting staff support in the form of county staff members. This member would take the minutes, attend the meetings, and prepare the minutes. This would require overtime for the staff member since the meetings are held after hours. This board does not generate funds; therefore, they are requesting an At-Large member. If a member is to be added or a change is made, the resolution must be amended and brought before the Commission for approval. There is also a request to change the name to the Estancia Valley Heritage Center Committee, this change must be brought before the Commission for approval.

Commissioner Sanchez asks if County Manager Johnson was able to go through and red line the procedures.

County Manager Johnson states that he did not go through and red line them. The operating procedures can be anything the committee wants them to be as long as they don't violate the boundaries of Resolution 2019-53. Adding a member or changing their status as a member must be brought before the Commission for Approval. Any other changes that don't violate this Resolution or the rules of operation for the Commission, does not require the approval of the Commissioners. If the committee wants to get someone they know to handle the minutes, they may do so.

Commissioner Sanchez asks if they need to go through each request one at a time.

County Manager Johnson states that he would like for the board to understand that he is not adverse in providing staff support. It would be a minimal cost, if they are provided with minutes and agendas, they will be posted to the website, as they are doing this now since it is part of the job duties. When we get into disagreement is the level of support to be given by a staff member. The only board we provide full support to is the P & Z board. We need to keep the same level of support as we do for any other board with the exception of P & Z.

County Attorney Butrick would like to apologize for not calling them back after he received this document. He did receive it and he read the staff analysis, and he knew the Commissioners had received this as well, and again would like to apologize for not calling them back.

Commissioner Sanchez states that as he looks at the staff recommendations, he feels that the committee should rely on a volunteer staff member to take on the tasks described in section 9. Per the instructions in this section it states that the committee should find a volunteer member or a committee member to handle these tasks. Section 2 deals with the name of the Committee.

County Manager Johnson states that the name change would have to be brought to the Commission as an amendment as it was named so in the Resolution.

Commissioner Sanchez states that as per the memorandum if there is a request to change or add a member, it will be per the Commission. By requesting this they are not violating the resolution. The Commission could add or make changes.

County Manager Johnson states that they are not violating anything. What he is saying is that they do not have the authority to make any changes. All changes must be brought before the Commissioner for approval. He is also concerned with the language “Shall include, but not limited too” implies that the committee can add members without having to come before the Commission.

Commissioner Sanchez asks if this document can be redlined and possibly have a communication be drafted so that things are clear as to the responsibilities of the committee, and present a revised version of the operating guidelines at the next meeting.

County Manager Johnson states that he would be more than happy redline the document and then come back to the Commission for the approve of the changes. No approval is needed if there are no violations to the resolution itself. He recommends that after Commissioner Sánchez gets the redlined version, that he come before the Commission with the request for changes to the resolution, absent of the approval for the operational procedures. The rules belong to the Commission and are ok as long as they don’t violate them.

County Attorney Butrick states that if in the future the Commission wants something put into the operating procedures that might not be in accordance with the resolution, you are more than welcome to provide a new resolution.

Commissioner McCall asks if all the board members have been fulfilled that are called for in the resolution. He would like to know who is representing the City of Moriarty. He has a problem with the resolution because it states that a representative from each municipality will be represented.

Commissioner Sanchez states that Moriarty is not specifically named but it would be good to have a representative from Moriarty on the board.

County Manager Johnson states that the original resolution reads that a member from each of the municipalities, that includes Moriarty, Mountainair, and Estancia. It also includes one from each land grants, one from the Moriarty Historical Society, and a member from the National Park Service.

There is discussion back and forth concerning the members for the board and there not being a representative from the City of Moriarty.

Chairman Schwebach recalls when they passed the resolution there was not one from the City of Moriarty that was interested. There was no reason not to move it forward. The position will always be open for the City of Moriarty to place a member on the board. Chairman Schwebach would like more clarification on the at-large member.

County Manager Johnson states that the membership is defined, there is no mention of an at-large member, if there is a request to add an at-large member then the resolution would need to be changed.

County Attorney Butrick states that the member from the National Park Service is a voting member right now per the resolution, that needs to be changed as well. In the proposed guidelines the NPS member would be a non-voting member.

There is discussion concerning the voting and non-voting members.

County Manager Johnson states that he would like to suggest he and Commissioner Sanchez talk about this after the meeting.

e.) COMMISSION: Discussion and Action on Willard EMS Station. (Commissioner Sanchez)
(Staff Analysis Attached)

Commissioner Sanchez states that he placed this on the agenda because he would like to know more about the station and what the long-term plan is, and what needs to be done to complete this.

Chief Lester Gary states that they are working on getting the full time EMT/Fire Fighters. The department is now fully staffed with 1 full time employee and 2 part time employees. They are also beginning to staff the Willard station 3 days per week, one of the days the station will only be staffed with 1 responder.

The department is working with a vendor to make some upgrades to the station. There is a very large need for EMS in the southern part of the County and the Mountainair area. With these changes we are looking at changing dispatch protocol on getting out the appropriate units to the certain area and the mutual aids.

The department is looking into the budget to see where the money can come from to hire more staff for the Willard and McIntosh areas.

Commissioner Sanchez asks how long the department has been fully staffed and how they are doing equipment wise.

Chief Gary states that the department has been fully staffed for about 3 weeks. As for the equipment only 3 of the medical rescues from districts 2, 3 & 5 are up to the PRC staffed level. Those are the only 3 required to be staffed. An additional ambulance has been placed in Willard, but it is not fully stocked. His plans are to have it fully stocked as well as a couple more.

There is more discussion on what is going on with the department and the response times and information for certain areas of the county between Commissioner Sanchez and Chief Gary.

NO ACTION TAKEN DISCUSSION ONLY

f.) FINANCE: Motion to approve IFB 2020-01 HFE Oil for Torrance County Road Department

Jeremy Oliver states that they went out for bid on road materials. This is a request to approve the award to Holly Frontier. They were the only company to place a bid and the amount is \$600.77 per ton and is a yearly bid that is contracted for road materials.

Commissioner McCall asks Mr. Oliver if he can recall the amount for this award from last year. He also asks if there was another bidder last year.

Jeremy Oliver states that he cannot recall off hand, but it was right around the same price. Mr. Oliver states that this company has been the same for years as they are the only company that can provide is with the materials and get them to this area.

ACTION TAKEN: **Chairman Schwebach** makes a motion to approve IFB 2020-01 HFE Oil for Torrance County Road Department. **Commissioner Sanchez** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

g.) **FIRE:** Discuss and motion to approve Torrance County Ambulance State Wide Billing Tariff

Chief Lester Gary states that since the department has acquired their PFC certificate #43650, per the PRC in NMSA 78 Sec 65, requires all agencies to submit to the PRC a copy of a billing tariff. We are not currently looking at billing for our service, but plan on doing so in the future, and per state statute we need this tariff in place once we start billing for service. If you look at the tariff before you it is identical to that of the state. There has been no changes or additions, and the document that was given to the Commission has two typographical errors in it. He has fixed those mistakes and has that version available for signatures once approved. The PRC will place this tariff on their website and the public can then go to that site and see what the rates will be.

County Manager Johnson reminds the Commissioners that this is only for transport when superior is unavailable for transport.

ACTION TAKEN: **Chairman Schwebach** makes a motion to approve Torrance County Ambulance State Wide Billing Tariff. **Commissioner Sanchez** seconds the motion. **Chairman Schwebach** asks if there is any further discussion. **Commissioner McCall** states that he read somewhere that the county and the 2 municipalities could get a reduction in fees from like 15% to 10%. **Chief Gary** states that there are two ways in handling the billing. We would have to hire staff that has a lot of experience in medical type billing. There are companies that are out there and they can be used for billing. There are couple of the municipalities use them and if we use this company we could drop down to 10% on the dollar if we join the other two entities. **Commissioner McCall** asks how many transports does the county handle per month. **Chief Gary** states that they handle about 10 calls per month. No further discussion, all Commissioners in favor. **MOTION CARRIED**

13.) DISCUSSION

a.) **ANIMAL SERVICE:** Managers Report, Animal Services and Animal Control yearly reports.

This item was deferred until the next meeting

b.) **CLERK:** 2020 Primary Election Update: New Precincts: 17, 18, & 19.

Linda Kayser, Chief Deputy Clerk, states that Linda Jaramillo could not present at the meeting and requested that Ms. Kayser present this item. Ms. Kayser states that the Commission have a copy of the letter that was sent out informing the voters that a new precinct has been added and they were moved into that precinct, a map of the new precincts, and a registered voter stats report that includes those new precincts. The move is completed and the voters have received their new voter identification cards along with the letter explaining the change.

Ms. Kayser states hat the office has had very little calls or concerns regarding this. It could be because none of their districts have changed, everything will remain the same unless there is a need to redistrict in the future, but as for now the only change is the precinct number.

DISCUSSION ONLY, NO ACTION TAKEN

14.) EXECUTIVE SESSION

ACTION TAKEN: Chairman Schwebach asks for a motion to enter into Executive Session to speak about the following items:

a.) **MANAGER:** Negotiation with Town of Estancia regarding the County purchase of the Torrance County Fairgrounds. Closed pursuant to NMSA 1978 §10-15-1(H)(8).

b.) **MANAGER:** Purchase of real property for the Pattern Duran, LLC wind energy project. Closed pursuant to NMSA 1978 §10-15-1(H)(8).

c.) **ASSESSOR:** CoreCivic v. Jesse Lucero, County Assessor Torrance County. Closed pursuant to NMSA 1978 §10-15-1(H)(7).

Commissioner McCall seconds the motion. Roll Call Vote, District 1-Yes, District 2-Yes, District 3-Yes. All Commissioner in favor. **MOTION CARRIED**

ENTERED INTO EXECUTIVE SESSION AT 12:54 PM

ACTION TAKEN: Chairman Schwebach asks for a motion to return from Executive Session. Commissioner McCall seconds the motion. Roll Call Vote, District 1-Yes, District 2-Yes, District 3-Not Present. All Commissioner in favor. **MOTION CARRIED**

RETURNED FROM EXECUTIVE SESSION AT 3:15 PM

Chairman Schwebach states that he offers the following statement regarding the Executive Session held on Wednesday February 12, 2020 as part of the Torrance County Commissions regularly scheduled meeting. One of those items discussed on the published notice and agenda for the Executive Session held on Wednesday February 12, 2020 as part of the Torrance County Commissions scheduled administrative meeting originally scheduled at 9 am but delayed until 11 am were discussed in Executive Session. **Chairman Schwebach** asks for a motion to approve this statement. **ACTION TAKEN: Chairman Schwebach** makes a motion to approve the statement. **Commissioner McCall** seconds the motion. No discussion, all Commissioners in favor. **MOTION CARRIED**

ACTION TAKEN: Chairman Schwebach makes a motion to approve the county attorney and the County Manager be authorized to proceed with real property and litigation matters that were discussed in Executive Session held on February 12, 2020 within the parameters set by this Commission. **Commissioner McCall** seconds the motion. No discussion, all Commissioner in favor. **MOTION CARRIED**


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

Chairman Schwebach states that the next commission meeting will be held on February 26th, 2020, 2019 at 9:00 am.

ADJOURN

ACTION TAKEN: Chairman Schwebach makes a motion to adjourn the February 12th, 2020 Commission Meeting. **Commissioner McCall** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**


MEETING ADJOURNED AT 3:16 PM



Chairman Ryan Schwebach



Yvonne Otero-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 our local radio station KXNM.