

**FINAL COPY  
TORRANCE COUNTY BOARD OF COMMISSIONERS  
COMMISSION MEETING  
MARCH 25, 2020**

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

**OTHERS PRESENT:** WAYNE JOHNSON-COUNTY MANAGER  
JOHN BUTRICK-COUNTY ATTORNEY  
YVONNE OTERO-ADMIN. ASST.

**1.) CALL MEETING TO ORDER**

**Chairman Schwebach** calls the March 25<sup>th</sup>, 2020 Commission meeting to order at 9:05 am.

**2.) Invocation and Pledge of Allegiance**

**Chairman Schwebach** leads the Pledge of Allegiance

**Commissioner McCall** leads the Invocation

**3.) Changes to the agenda**

**County Manager Johnson** states that there are several changes to the agenda that have come about due to the Covid-19 situation. County Manager Johnson explains how the orders issued by the Governor affects how the county is able to conduct business. Social distancing is being practiced as is the amount of people that are allowed in the Commission Chambers.

County Manager Johnson states that there is no rule in the Open Meetings Act that allows for a meeting to be canceled in times of crisis. The doors will remain open during the meeting to allow the public entry, but will be asked to remain in the hallway unless they are asked to enter should they need to present on one of the items on the agenda. The meeting is live on the radio thanks to KXNM for making that possible. There has also been a phone number issued to the public that will allow them to listen to the meeting from home and make comments if needed on a certain agenda item. County Manager Johnson reminds those on the phone line to keep their phones on mute until they are requested to speak or if they need to speak on a certain agenda item, as every sound can be heard at the radio station.

County Manager Johnson states that the items that were deferred are those that are not critical or have a sensitive timeline. He is asking for approval from the Commission to defer those items until the next regularly scheduled meeting. To reduce the number of votes, most of the items have been moved to the consent agenda as the consent agenda only requires one vote. The remaining items on the agenda are those that require immediate attention.

County Manager Johnson states that the Commission has two agendas before them. The original agenda shows the items highlighted in green that are being requested to be deferred. The second agenda show the items that remain and will be discussed and acted upon today because of time limits. If any item he mentioned requires discussion, it can be pulled from the consent agenda and moved to item 12 for discussion and approval as its own separate item.

**ACTION TAKEN:** Chairman Schwebach make a motion to defer agenda items 5-A, 6-A, 10-A, 10-B, 10-C, 11-d, 12-C, 12-F, and 13-A. Commissioner McCall seconds the motion. No further discussion. Roll Call vote: District 1-Yes, District-2-Yes, and District 3-Yes. **MOTION CARRIED**

County Manager Johnson states there there is a notice he needs to read in reference to agenda items 10-A, 10-B, & 10-C.

Please be advised that the items numbered 10-A, 10-B, and 10-C on the agenda (relating to the hearing and consideration of ordinances authorizing industrial revenue bonds), with notice of the hearing duly published in The Independent on March 6, 2020, will not be considered by the Commission at the meeting today, and this is notice, to all members of the public present at today's meeting for the purpose of attending the hearing on these ordinances and those members of the public not in attendance interested in the hearing, that such hearing and consideration of the ordinances by the Commission is being held over to the next regularly scheduled meeting of the Commission on April 8, 2020 commencing at 9 AM in the Commission chambers of the administrative offices of the county located at 205 9th St. Estancia, New Mexico. For all interested persons the agenda for the April 8 meeting will be available at least 72 hours prior to the meeting and posted on the county's website in accordance with the open meetings resolution of the county.

**ACTION TAKEN:** Chairman Schwebach makes a motion to move agenda items 11-A, 11-E, 12-A, 12-B, 12-D, and 12-E to the consent agenda for approval. Commissioner McCall seconds the motion and asks that item 12-D, aka 9-F, be pulled from the consent agenda and moved to item 12 for discussion as he would like to discuss this item in more detail. Chairman Schwebach amends his motion and will pull item 12-D for discussion. Commissioner McCall seconds the motion. No further discussion. Roll call vote: District 1-Yes, District 2-Yes, District 3-Yes. **MOTION CARRIED**

#### **4.) PROCLAMATIONS**

**There were none presented.**

#### **5.) CERTIFICATES AND AWARDS**

**There were none presented.**

## 6.) BOARD AND COMMITTEE APPOINTMENTS

**There were none presented.**

## 7.) PUBLIC COMMENT AND COMMUNICATIONS

**County Manger Johnson** states that he has asked Emergency Manager Matt Propp to attend the meeting and give an update as to what is going on with the Covid-19 situation.

**Matt Propp**, Emergency Manager, states that we will be looking at a resolution today to get disaster emergency funding from the state. The county has no active Covid-19 cases yet. In the event that it does happen, this resolution will allow us to get PPE's and reimbursement for salaries and lost time.

Currently there are 100 active cases in the state. Mr. Propp has been working closely with the the State Health Department, Homeland Security, and Emergency Management. The County has a solid plan in place in the event that we do get active cases. This resolution will help us to get funding.

**Commissioner Sanchez** asks Mr. Propp what is the status on PPE's for first responders.

**Matt Propp** states that currently all states are having problems getting PPE's. The release of the PPE's are only being released to those that have the highest priority. At the national level, the states with the most cases, have the top priority. At the state level, the counties with the most cases come first. Being that Torrance County has no active cases that puts us low on the priority list.

Mr. Propp states that he has put in a request for some equipment and it should be arriving in about a week. His office has also been in contact with the municipalities and other agencies to advise them to use the PPE's so that they are not wasted foolishly. The DOH and the CDC have issued responder guides on when the First Responders should be using the enhanced PPE's.

**Commissioner Sanchez** asks Mr. Propp if he envisions there be enough PPE's for the public.

**Matt Propp** replies, no, not anytime in the near future. The priority right now are the hospitals and then the First Responders.

**Commissioner Sanchez** asks Mr. Propp, if a case does occur in the county, there may be people that may want to get tested, if they become symptomatic, what would he advise the public to do?

**Matt Propp** states that he has been working with the Public Health Department and the DOH on getting test sites setup in the county. There is currently 1 vendor in place and is hoping to get at least 2 to 3 total for the county. In the next week or 2 there should be testing sites set up in the county.

**County Manager Johnson** now would like to read a few updates that he has received from the Assessor's Office, the Clerk's Office, and the DWI Prevention Program.

First is for the Assessor's Office. They would like for Property owners to know that the Property Tax Division has granted the Torrance County Assessor a 30-day extension to mail the Notice of Values to taxpayers. The Assessor now has until May 1<sup>st</sup>, 2020 to mail out the Notice of Valuation. Please note this is only for the 2020 tax year.

Property owners still retain the right to file a valuation protest in the Assessor's Office. This must be done within 30 days of the actual mailing date.

Next update is for the Clerk's Office. The Torrance County Clerk would like to encourage voters to request an absentee mail ballot, due to possible voter concerns regarding Covid-19. To request and absentee mail ballot, please call the Clerk's office at (505) 544-4350 or go to [www.nmvote.org](http://www.nmvote.org) to submit your request online.

Also, documents for recording may be mailed to the Clerk's Office at P.O. Box 767, Estancia, NM 87016.

The last update will be from the DWI Prevention Program. The Torrance County DWI Prevention Program began a Facebook live series entitled, "Compassion in Crisis." Messages address topics such as managing anxiety and stress. These messages may be found on Facebook and YouTube under Torrance County DWI Prevention Program. Additionally, the program will offer prevention education meetings via ZOOM teleconferencing. For more information contact the DWI Prevention Program at (505) 705-0332 or via email at [tmaster@tcnm.us](mailto:tmaster@tcnm.us).

**John Butrick**, Torrance County Attorney, states that he would like to reiterate what the County Manager stated earlier about the Open Meetings Act.

Mr. Butrick states that he reads the same rule that County Manager Johnson reads, as it does not provide an exception for closing this meeting to the public. They have strongly advised the public not to attend, but the door will remain open during the meeting, and have offered alternatives should the public want to still be part of the meeting.

Everything has been done to allow for the public to attend the meeting in some form and with this we are in compliance with the Open Meetings Act.

## **8.) APPROVAL OF MINUTES**

**A. COMMISSION:** Motion to approve the March 11<sup>th</sup>, 2020 Torrance County Board of County Commission Minutes

**ACTION TAKEN:** **Commissioner McCall** makes a motion to approve the March 11<sup>th</sup>, 2020 Torrance County Board of County Commission Minutes. **Chairman Schwebach** seconds the motion. No discussion. Roll Call Vote: District -Yes, District 2-Yes, District 3-Yes. **MOTION CARRIED.**

## **9.) APPROVAL OF CONSENT AGENDA**

**ACTION TAKEN:** Chairman Schwebach make a motion to approve items A-G of the consent agenda on the revised meeting agenda. Commissioner McCall seconds the motion. Roll Call Vote: District 1-Yes, District 2-yes, District 3-Yes. **MOTION CARRIED.**

John Butrick reminds Chairman Schwebach that the motion should read on the revised meeting agenda and should not include Item 9-F as Commissioner McCall requested this be pulled from the Consent Agenda and moved to agenda item #12 for discussion and approval.

Chairman Schwebach states that item 9-F is not approved.

## **10.) ADOPTION OF ORDINACE/AMENDMENT TO COUNTY CODE**

There were none presented.

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

**A.) MANAGER: REFER TO 11-B:** Motion to Approve and inducement resolution declaring the intent of Torrance County to issue Taxable Industrial Revenue Bonds in the amount not to exceed \$470,000,000.00 for Clines Corners Wind Farm, LLC, Resolution No. 2020-14.

County Manager Johnson states that this IRB is another wind project but is not part of the items that were deferred. This is from the Clines Corners wind project. County Manager Johnson states that there is an individual on the phone line that may wish to speak on the item. This resolution is the first step in the IRB process.

Michael Kurnick from Orion Energy would like to give a brief update of what has been going on with the project. First off he would like to thank the County Manager and the Commissioners for keeping the meeting scheduled and for having the teleconferencing set up to allow people access to the meeting.

Mr. Kurnick gives a brief history of the Clines Corners project. Since the last update they have been through the State PRC process, which was approved at the end of October 2019. The project has also received its approval from the FAA for the turbine locations. There are 166 turbine locations with 123 of them being within Torrance County, but that doesn't mean all 123 will be built. They need backup areas to do the geotech and environmental work.

Overall, they expect the range of the project to be around 350 megawatts. They are currently looking at 3 megawatt turbines at each location and are hoping to begin construction mid 2020 and having the project operational by 2021.

Mr. Kurnick would like to come back at a later time to go into more detail on this project. The draft IRB resolution has been submitted and reviewed and he is requesting the Commission's approval on it today.

County Manager Johnson thanks Michael for his presentation and asks the Commission for approval on this item so that they can move forward.

**ACTION TAKEN:** Commissioner McCall makes a motion to approve an inducement resolution declaring the intent of Torrance County to issue Taxable Industrial Revenue Bonds in the amount not to exceed \$470,000,000.00 for Clines Corners Wind Farm, LLC, Resolution No. 2020-14. Chairman Schwebach seconds the motion. No further discussion, Roll Call Vote: District 1-Yes, District 2-Yes, District 3-Yes. **MOTION CARRIED**

**B.) EMERGENCY MANAGER: REFER TO 11-C:** Motion to authorize the County Manager, with the concurrence of the Emergency Manager, to issue an emergency declaration for Torrance County, Resolution 2020-15.

County Manager Johnson states that the only change between the original and the floor substitute is, instead of directing the County Manager & the Emergency Manager to make a determination immediately on the issue, this resolution is declaring the emergency now. It will also grant the authority to County Manager Johnson to manage some of the personnel needs necessary to deal with the demands of the current crisis.

**ACTION TAKEN:** Chairman Schwebach Makes a motion to approve Resolution 2020-15, Floor Substitute. Commissioner McCall seconds the motion and asks Mr. Propp if he concurs with this. Matt Propp replies, yes, he does concur. At this point he is not seeing a virus related issue, but they are noticing staffing problems. Having this declared it will allow for reimbursement on employee's salaries. This will also allow him to move quickly and get equipment and materials should the need arise. Commissioner McCall asks if this resolution includes the private sector, or is it governmental only. Matt Propp states that there are private sector programs included. It is a very large list, and if requested, he can get it posted to the county website for public access. There are Ag Grant Programs and Small Business programs, things of that nature on the list. As we are seeing the impact the virus is causing, the business and agricultural entities will have access to these programs with or without this resolution being in place. The declaration is geared towards Government, but the private sector is included. No further discussion, Roll Call Vote: District 1-Yes, District 2-Yes, District 3-Yes. **MOTION CARRIED**

## **12.) APPROVALS**

**A.) FINANCE: REFER TO 12-D:** Motion to authorize Jeremy Oliver, Torrance County Finance Director, to open a Small Business card with Bank of America.

**ACTION TAKEN:** Chairman Schwebach makes a motion to approve to authorize Jeremy Oliver, Torrance County Finance Director, to open a Small Business Card with Bank of America. Commissioner McCall seconds the motion. Commissioner McCall states that he pulled this item so that he could get more clarity on this, to ease his mind, and to go over the details. Jeremy Oliver states that they will only be starting with one card. In the policy that was approved a few months back, it gives the County Manager the authority to approve other members of the county to possess one of the procurement cards. County Manager Johnson states that as an auditor in the past, the P. Cards and cash are a high risk area. We want to control the number of cards that are given out. The reason for acquiring the card is because most places will only accept a P. Card.

In dealing with the current situation we realized we needed the card for emergencies. Anyone that uses the card will have to obtain a PO and understand this will be tracked very closely. There may be more cards in the future, and if it comes to that, we will have this resolution amended for the Commissions approval. **Commissioner McCall** states that he now has the clarity he needed and understands that procurement codes will be followed, and PO's will be issued. District 1-Yes, District 2-Yes, District 3-Yes. **MOTION CARRIED**

**13.) DISCUSSION**

There was no discussion.

**14.) EXECUTIVE SESSION**

No Executive Session was needed at this meeting

**15.) Announcement of the next Board of County Commission Meeting**

**Chairman Schwebach** states that the next Board of County Commission Meeting will be held on Wednesday April 8<sup>th</sup>, 2020 at 9:00 am.

**16.) ADJOURN**

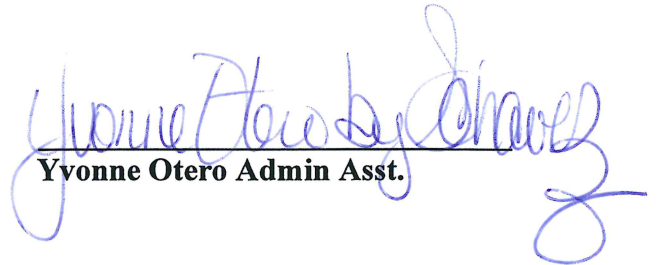
**ACTION TAKEN:** **Chairman Schwebach** makes a motion to adjourn the March 25<sup>th</sup>, 2020 County Commission meeting. **Commissioner McCall** seconds the motion. Roll Call Vote: District 1-Yes, District 2-Yes, District 3-Yes. **MOTION CARRIED**

**Meeting adjourned at 9:45 am.**



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**Ryan Schwebach Chairman**



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**Yvonne Otero Admin Asst.**

4/8/2020

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**Dates**

**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.**