

**FINAL COPY**  
**TORRANCE COUNTY BOARD OF COMMISSIONERS**  
**COMMISSION MEETING**  
**February 10, 2021**

**COMMISSIONERS PRESENT:** RYAN SCHWEBACH -CHAIRMAN, DISTRICT 2  
KEVIN MCCALL –DISTRICT 1  
LEROY CANDELARIA –DISTRICT 3

**OTHERS PRESENT:** JANICE Y. BARELA-COUNTY MANAGER  
PHILIP TENORIO-DEPUTY COUNTY MANAGER  
JOHN BUTRICK-COUNTY ATTORNEY  
YVONNE OTERO-COUNTY CLERK  
STEFANI ZAMORA- CLERK III

**1.) CALL MEETING TO ORDER**

Chairman Schwebach calls February 10<sup>th</sup>, 2021 Regular Commission Meeting to order at 9:00 A.M.

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

Pledge lead by Chairman Schwebach

Invocation lead by Commissioner McCall

**3.) Changes to the Agenda**

Madam County Manager Barela states that there is a change to the agenda. The only request is to move agenda item 12-B to 12-A and 12-A to 12-B.

**4.) PROCLAMATIONS**

Commissioner Candelaria expresses gratitude to Art Swenka for all the service he has given to Torrance County from protecting our local water to our way of life. Overall making Torrance County a better County to live in. Commissioner Candelaria also gives thanks to Eddie Padilla for all the service he has given his community over the years and working for Public Works located in Mountainair.

**5.) CERTIFICATE AND AWARDS**

None.

## 6.) BOARD AND COMMITTEE and APPOINTMENTS

None

## 7.) PUBLIC COMMENT and COMMUNICATIONS

**Kassandra Sandy** Torrance County I-Count Coordinator, states that at the end of October 2020 I-Count committee came to an end, but before it ended, they were able to complete one last community outreach. Due to Covid-19 local school districts had to close all water fountains. The students were required to bring their own water bottles from home. This caused a problem because students would forget to bring in water bottles. Kassandra explains that the schools reached out to parents of the students about the need for water bottles. When finding out about the situation Kassandra reached out to Cheryl Allen who contacted DFA finding out that the Community Outreach program grants would cover this need allowing the purchase of 9 pallets of water. Each pallet contained 85 cases of 24 packs of water that were delivered to Mountainair, Estancia, Moriarty and EVCA. The schools did reach out giving thanks to the County for the needed help. Kassandra states her appreciation to all that helped.

**Chairman Schwebach** speaks on behalf of the Board of Commissioner showing appreciation to the County staff that participated and served the community.

**Cheryl Allen**, Torrance County Grants Manager, would like to also give extra thanks to the County Road Department who helped deliver all pallets of water on such short notice.

## 8.) APPROVAL OF MINUTES

- A. **COMMISSION:** Motion to approve January 26<sup>th</sup>, 2021 Torrance County of County Commission Minutes.

**ACTION TAKEN:** **Chairman Schwebach** makes a motion to approve the January 26<sup>th</sup>, 2021 Torrance County Board of County Commission Minutes. **Commissioner McCall** seconds. District 3 votes yes, District 2 votes yes, District 1 votes yes. All Commissioners in favor. **MOTION CARRIED**

## 9.) APPROVAL OF CONSENT AGENDA

- A. **FINANCE:** Approval of Payables

**ACTION TAKEN:** **Chairman Schwebach** makes a motion for the approval of payables. **Commissioner McCall** seconds. District 3 votes yes, District 2 votes yes, District 1 votes yes. 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, Resolution No. 2021-08

**ACTION TAKEN:** Chairman Schwebach makes a motion to approve Budget Increase, Resolution No. 2021-08. Commissioner Candelaria seconds the motion. Discussion open.

Jeremy Oliver, Finance Director, states the need of a new vehicle for the manager's office. This will replace the current vehicle allowing the old one to be used in other departments such as Domestic Violence, Finance as well as any other departments in the County who needs to use the vehicle.

Mr. Oliver shares information about Tyler Technology and discuss the possible use of money from other funds, however they need to budget around Two Million of the GRT increase. It will take a large part of the budget although most of it will not be used until next year.

Mr. Oliver continues discussing plans for the budget and finances. He states \$30,000 is dedicated to Professional Services fund to hire a consultant to help with RFP and architectural services for the new building and possibly the Road Department building. \$5,000 for General Supplies this is to help employees with remote work. \$5,000 for furniture, fixtures equipment to have another office, allowing to move needed employees and making better use of space. \$7,000 is budgeted for software, this is for a redaction software for IPRA request. \$2,000 for Postage due to the high demand of postage use during the General Elections. \$135,000 for land or land improvements this will also replace some of the money that was used on the Emergency Management Department building allowing available money to be used for the purchase of needed land and part of the money will be transferred to be used for possible updates to the AV System in the Commission Room as well as security cameras around the building. \$10,000 for training for selected employees, some of the training programs are pricey leading us to look for grants and scholarships opportunities that could help cover it.

Mr. Oliver continues to the next subject of a bid that has been placed for a Fire Truck out of Nevada. He states that money for the bid has already been collected. There is still about another \$50,000 in the Fire Excise Tax that need to be budgeted for. \$1,000 for the Juvenile Justice Grant. This is for an admin fee that we can use for additional training for the Juvenile Justice program.

Chairman Schwebach asks Mr. Oliver about the county vehicle he wants to know more about the need.

Jeremy Oliver explains that in the past other departments needed the vehicle that the Manager Office has leaving the Office without one causing County employees to use personal vehicle for county business.

Madam County Manager Barela states that there has been more of a presence from the County Managers Department out in the community. They are participating in more community events. She expressed the concern for employees wanting to ensure that they are safe and have reliable transportation. Also making sure there is enough room in the case that multiple employees must go to an event.

Chairman Schwebach asks Mr. Oliver about the postage why is there a difference in postage what are we doing different?

Jeremy Oliver states that there was a lot of mail that went out during the election. We did apply for a grant and did not feel it would be wise to take reimbursement from Secretary of State and basically double dip the funds we overextended from a normal election.

Chairman Schwebach ask Mr. Oliver about training for employees is this standard training or additional training?

Jeremy Oliver shares there is additional training that has been discussed and they want to make sure we have funds if we are approved. This is a subject that Deputy County Manager Tenorio has been working on with some individuals. The largest one is for the Maintenance Department we want to make sure we have funds available so that we do not kill our maintenance and operation budget.

Commissioner Candelaria shares that employees using personal vehicles for County business puts the County at risk because if something goes wrong in their personal vehicles the County could be at fault.

Chairman Schwebach asks Mr. Oliver in the future to have a layout of all the one time increases done throughout the year.

Jeremy Oliver explains that this year it is done slightly different. This is just a portion of increases needed for GOT. We need to budget it with plans to use it. He states that sometimes plans to use money does not always go as planned. His projections are showing around Two Million extra this year and this is about \$800,000 of it.

Chairman Schwebach asks if there is any further discussion. There being none District 3 votes yes, District 2 votes yes, District 1 votes yes. All Commissioners in favor. **MOTION CARRIED**

**B. MANAGER: Motion to approve Resolution in Opposition to HB 40, The Private Detention Facility Moratorium Act, Resolution No. 2021-09**

**ACTION TAKEN:** Chairman Schwebach makes a motion to approve Resolution in Opposition to HB 40, The Private Detention Facility Moratorium Act, Resolution No. 2021-09 Commissioner McCall seconds.

Madam County Manager Barela shares information on the Resolution in hopes to approve this in opposition to House Bill 40 which is an act of Private Detention Facility Moratorium. She asks to read it into the record.

Madam County Manager Barela reads into record the Resolution opposing House Bill 40 in acting the Private Detention Facility Moratorium Act. Here to attached.

Nathan Dial Mayor of Estancia speaks on behalf of the town of Estancia stating that the town is in full support of this resolution. The town is completely against House Bill 40. He shares that HB 40 will be detrimental to the town. Last time The Torrance County Detention Facility was temporarily shut down we lost at least one teacher and 50 students. Property values went down due to families losing homes to foreclosure because both parents were employed by the TCDF. In conclusion the town of Estancia completely stands with this resolution to stand in opposition of HB 40.

Chairman Schwebach shares “the drive behind this bill has nothing to do with finances it has nothing to do with anything but the fundamental belief that the job of incarceration is solely to the government and the government is responsible for it because we are removing liberties from these individuals that’s the thought behind it.” He is against the bill since this bill is not being applied to every manner of government, but they are selectively applying it. He does admit there are times that a private corporation housing inmates has done wrong. Nine out of Ten times it usually has to do with procedure or with an employee and it is rectified immediately. He states other industries can fire an employee with no consequences of paying unemployment but a classified position within the state government when there is an issue its not as easy to just fire someone, it becomes a heavy cost to the taxpayers. Chairman Schwebach encourages the citizens of this county to do your research and completely understand the issues they are voting on.

Commissioner McCall stated that he has talked with Madam County Manager Barela who has reached out to Representative McQueen and from the information they received Commissioner McCall believes that in the Governments eyes this is a great place for a State Penitentiary and possibly leasing it from CCA. From their standpoint there will still be jobs available but the one thing they missed is the GRT that is paid to the Town of Estancia. He states the fact that we as a County get to tax it under property tax rule and we get to gleam those funds from CCA. The moment that becomes a State Penitentiary the local community loses out on all attributes that we are receiving currently. Commissioner McCall states he too is opposed to HB 40.

Chairman Schwebach says this community needs to honestly ask themselves do they want a State Prison here? What would it look like with the inmates and those who may come to visit the inmates?

Commissioner Candelaria shares that he is in alliance with his fellow Commissioners. He talks about his personal background working both for the government as well as a private sector and

states that there are times that the Private Sector can operate certain things better than the government can and he believes this is the case here. Currently, we as a community need to look out for us as a whole in Torrance County.

**Madam County Manager Barela** states that not only Estancia, but the entire County will have to reduce the basic services that are provided to the community. She shares that HB 40 will impact our budget for the community in a negative way. She continues to say that they have been preparing for the day that CCA may close but in the meantime having that money available not having to spend it allows opportunities to provide better services. HB 40 would also affect Estancia school district because they receive 35% of the distribution of tax payments. Straight across the board this bill would have a negative impact for the community. District 3 votes yes, District 2 votes yes, District 1 votes yes. **MOTION CARRIED.**

## 12.) APPROVALS

**B. MANAGER: Motion to approve Contract for Donald Dirks as Torrance County Fire Chief.**

**ACTION TAKEN: Chairman Schwebach** Motion to approve Contract for Donald Dirks as Torrance County Fire Chief **Commissioner Candelaria** seconds.

**Commissioner McCall** expresses the importance of Mr. Dirks getting his EMT license and maintaining the proper training in medical.

**Donald Dirks** states he is looking into a class starting in April 2021.

**Madam County Manager Barela** adds in that part of Donald Dirks contract that they review his pay at the end of his probation period. She states that there will be mile marks that will be getting checked off along the way.

**Chairman Schwebach** Shares that the board of Commissioners has taken a lot of time to find the right fit for the job and all though there was a lot of qualifying applicant's they feel that Don Dirks will be the best fit and right one for the job allowing the proper group for the EMT, Fire Department and all the Community. District 3 votes yes, District 2 votes yes, District 1 votes yes. All Commissioners in favor. **MOTION CARRIED.**

**A. FIRE: Discussion and motion to approve Fire Department Funding.**

**ACTION TAKEN: Chairman Schwebach** motion to approve Fire Department Funding.

**Madam County Manager Barela** shares that this is something that has been deferred to the next agenda multiple times. She feels it would be ok to do so again allowing a couple weeks for Donald Dirks to get his feet under him.

**Chairman Schwebach** steps in saying that they do not have a couple weeks to wait on this subject and it needs to be addressed now. He calls Donald Dirks up to speak. Sharing that they did discuss

in their Executive Session about the stipend and taking the stipend from \$50,000.00 to \$80,000.00. Mr. Dirks said this is correct. Chairman Schwebach continues to tell Mr. Dirks how important it is for him to come before the Commissioners and share his updates and what his plans are. Having an open communication with the board and administrative staff and is how we will fix this.

**Chairman Schwebach** makes a motion to approve the stipends from \$50,000 to \$80,000.00  
**Commissioner Candelaria** seconds.

**Madam County Manager Barela** asks the Commission if they want to earmark where that money should come from? She recommended gross receipts Mr. Oliver can investigate it. Chairman Schwebach asked if this would work? Mr. Oliver said agreed it should work. District 3 votes yes, District 2 votes yes, District 1 votes yes. All Commissioners in favor. No further discussion.  
**MOTION CARRIED**

### 13.) DISCUSSION

#### A. MANAGER: Manager Updates.

Here to attached.

**Commissioner McCall** speaks on behalf of what Madam County Manager Barela has shared and he states that the community needs to reach out to our Representatives and Senators and let them know how we feel about these Bills. He also shared that he believes that a Police Officer should not be shamed upon for a decision that they have to make in a split second. It is hard enough to get and keep Law Enforcement as it is.

**Chairman Schwebach** shares from a financial standpoint that if these Bills are approved this Commission will be forced to reserve around Two and Half – Three Million dollars to cover training, liability, loss of prison and prison transport. He urges the community to get involved and learn all they can about the Bills they will be voting on.

**Mayor Nathan Dial** states if these Bills move forward, the Estancia Police Department could be taken over by the Torrance County Sheriff Department because we are having a hard finding Law Enforcement Officers without this Bill. He continued to say that 29 of the Counties are against these Bills. He also states that they will need roughly Two-Three Million put aside because there is no limit on what they can be sued for if these bills pass. A lot of small Counties can lose out on Local Police Departments Mayor Dial spoke with New Mexico Legalization who said we can expect a double in insurance premiums.

**Commissioner Candelaria** shares that if this Bill moves forward it will make it easier for he government to pursue lawsuits against smaller Counties.

### 14.) EXECUTIVE SESSSION

None

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


**Chairman Schwebach** states that the next commission meeting will be held on **February 24, 2021 @ 9:00 AM.**

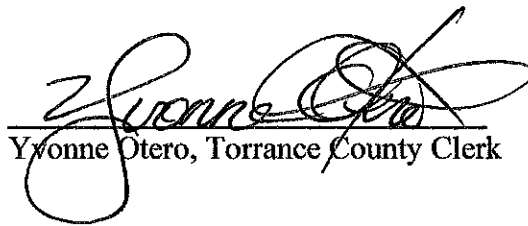
**16.) SIGNING OF OFFICIAL DOCUMENTS**

**17.) ADJOURN**

**ACTION TAKEN: Chairman Schwebach** makes a motion to adjourn the February 10th, 2021 Regular Commission Meeting.

**MEETING ADJOURNED AT 10:06 AM**

  
Chairman Ryan Schwebach

  
Yvonne Otero, Torrance County Clerk

2-24-2021  
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.**