

FINAL
Torrance County Board of Commissioners
Regular Commission Meeting
June 9, 2021
9:00 AM

Commissioners Present:

RYAN SCHWEBACH – CHAIR
KEVIN MCCALL – VICE CHAIR
LEROY CANDELARIA – MEMBER

Others Present:

JANICE BARELA – COUNTY MANAGER
PHILIP TENORIO – DEPUTY COUNTY MANAGER
JOHN BUTRICK – COUNTY ATTORNEY
YVONNE OTERO – COUNTY CLERK
VALERIE SMITH – ADMINISTRATIVE ASSISTANT

1. **CALL MEETING TO ORDER**
Meeting called to order by: Chairman Schwebach.
At: 9:05 a.m.

2. **PLEDGE: Lead by Chairman Schwebach**
INVOCATION: Lead by Commissioner Candelaria

3. **CHANGES TO THE AGENDA:**
Madam County Manager: Request to change the agenda item 13-A
between items 11-A and 12-A.

4. **PROCLAMATIONS: None**

5. **CERTIFICATES AND AWARDS: None**

6. **BOARD and COMMITTEE APPOINTMENTS: None**

7. **PUBLIC COMMENT and COMMUNICATIONS:**

A. Commissioner McCall: Announced that his grandfather has passed. The elder Mr. McCall passed away last Saturday, June 5, 2021. He was a large part of the community and will be missed greatly.

B. Tracey Master, DWI Coordinator and Resident of Torrance County, District 2: Requests that the Torrance County Board of Commissioners consider creating a noise ordinance for the County. Tracey lives with someone who has the rare condition of hyperacusis, or extremely sensitive hearing. She also understands that the residents of Torrance County enjoy their privacy, but her housemate is hearing noise from a mile away that is loud enough to hurt them. She only asks that they consider and discuss a noise ordinance.

C. Danielle Johnston, Torrance County Resident; District 1: Spoke on behalf of the Torrance County Community in giving thanks to Commissioner McCall's grandparents, and to say how sorry she is for the Commissioner and his family's loss.

Mrs. Johnston also wanted to remark on how grateful she is for Fire Chief Don Dirks, and tells the Commission that he is very deserving, in her eyes, of the title "Fire Chief." Her husband has been seriously ill for the last 20 years. Many times, when the ambulance was called, it was Chief Dirks who showed up. She claims that he has a very comforting presence and is appreciative of the attention and care that he has shown her family.

D. Charlene Guffy, Torrance County Resident; District 1: Ms. Guffy spoke up to say that she believes it is in the best interest of the community to keep

the Estancia Valley Solid Waste Association as part of the community. It is a non-profit and saves the people in the County money, and that the County is only responsible for the tipping fees. It has been working well for the last 25 years.

PUBLIC COMMENT OPENED TO THE FLOOR AND ZOOM AUDIENCE. NO PARTICIPANTS CAME FORWARD TO SPEAK.

8. APPROVAL OF MINUTES:

COMMISSION: Motion to approve the May 26, 2021, Torrance County Commission Minutes.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve the minutes from the May 26, 2021, Regular Board of Commission Meeting.

Commissioner McCall: Seconded the Motion.

Roll Call Vote:

Commissioner Candelaria: Yes; Commissioner McCall: Yes; Chairman Schwebach: Yes

Motion Passed

9. APPROVAL OF CONSENT AGENDA:

A. FINANCE: Motion to approve payables.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve payables.

Commissioner Candelaria: Seconded the motion.

Roll Call Vote:

Commissioner Candelaria: Yes; Commissioner McCall: Yes; Chairman Schwebach: Yes

MOTION PASSED.**10. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE:**

None

11. ADOPTION OF RESOLUTION:**A. FINANCE: Motion to approve Budget Increase, Resolution**

2021- 21

Chairman Schwebach: Made a motion to approve Budget Increase, Resolution 2021-21.

Commissioner McCall: Seconds the motion.

Jeremy Oliver, Finance Director: Presented the Budget Increase Resolution for FY 2020-2021 Budget. Table hereto attached.

First on list is \$1,501,559.00 from the American Rescue Act. No intention of spending this money this year but requesting for budgetary and recording purposes.

There is a \$1 increase for the State Animal Care Fund, which is so we can spend the remaining 41¢ from a rounding error made last year.

Also, on the list is \$6,000 for dispatch training that was not put in the budget for last year as well.

Roll Call Vote: Commissioner McCall: Yes; Chairman Schwebach: Yes; Commissioner Candelaria: Yes.

MOTION APPROVED.

(Previously 13-A.) DISCUSSION:

Manager: Provisional plan to use portion of the funds allocated to Torrance County from the American Rescue Plan Act of 2021 toward EMWT projects.

Chairman Schwebach: Asked for EMWT to be present during the meeting. This is pertaining to funds coming in from American Rescue Plan Act. Water delivery within the county has been an issue, and the Chairman believes this is one avenue where we can make big changes within the community.

Bobby Ortiz, Chairman, EMWT Water Committee: Thanked the Commission for the opportunity to speak. Mr. Ortiz told the Committee that there was \$4MIL funding available from the State last year, but they were not able to raise the required \$2MIL match at that time.

Mr. Ortiz gave the Commission a quick rundown of the projects in the works:

EMWT is working to obtain Homestead Water. The discussion at this point is that the owners want to divest it, so they would donate the system and lease some water rights. The water rights would be purchased sometime in the future when they are ready to sell them.

There is a water system NW of Moriarty called Sunset Acres. The owner has been trying to divest it for many years. Members of Bohannon Huston have done an inspection on it, and only minor repairs are needed. They are working to obtain funding once again through the USDA.

In 2017, EMWT developed a long-range master plan, identifying 4 projects that needed to be worked on. The first project is the McIntosh area, where wells are drying up and the water table has dropped immensely. They want to work on water rights acquisition, developing a well, and getting gravity feed down to the Highway 41/Otero Road corridor. EMWT also wants to purchase 10 acres to put up a water tank. The distribution can begin from there.

The second project is a trunk line from Willard to Moriarty, which would add redundancy and a bigger water supply. As far as Mr. Ortiz knows, Moriarty also has water rights that they may be willing to lease as well.

The third project focuses on getting land grants included again. When the bylaws were rewritten, and they were no longer included.

The fourth project is a bulk water station in McIntosh. The civil design could be completed for approximately \$750K (2017 quote price, subject to change). EMWT is trying to get funding from federal level.

Donzil Worthington, Bohannan Huston: There are 1,012 lots total, 161 are occupied. (A map was shown at this point of McIntosh.) To provide complete fire flow at 5,000 gal/min, they had to put in main lines in front of all the full lots.

Bobby Ortiz: Fire flow hydrants positively affect homeowner's insurance.

Chairman Schwebach: The numbers were taken back in 2017, and refer to numbers of cost, not what the system would run. Has any direct questioning been done of the community?

Bobby Ortiz: Bohannan Huston surveys of the area in 2008.

Donzil Worthington: The Catholic Church did an outreach, starting in 2008. The individuals conducting the outreach and employees of Bohannan Huston went door to door to see how well received a water system would be. We also got calls requesting a water system. There has not been a concerted door to door outreach since 2017.

Chairman Schwebach: A question for the County about Rancho Grande: How many abandoned homes are in this subdivision?

Steve Guetschow: There are several properties where people have abandoned their mobile homes. This is West of 41. This general area is approximately 2 miles from North to South and 2.5 miles from East to West. There are a lot of people living in the area, some new and living in the old mobile homes, but for the most part is abandoned.

Commissioner McCall: It is no surprise that a water delivery system for the McIntosh area is desperately needed. Looking to Edgewood and the Entranosa Water system, and how it has impacted Edgewood, it has only been good. Commissioner McCall asked about the \$4Mil USDA funds, and if it was still available.

Bobby Ortiz: The funding would have to be reapplied for. There is only a certain time frame where the \$2MIL matching funds need to be allocated. If we were able to secure the funds, the first step would be to design the project. This would be an in-kind match. If the Civil Engineering were completed on it, we could use the \$750K and then go look for other funding to begin the project.

Commissioner McCall: The USDA identified McIntosh as one of the areas that needed water the worst. There must have been other areas in the County that need improvement as well.

Bobby Ortiz: The USDA looked at the necessity of water, and the demographics in the area. This made the USDA see how badly a water system is needed.

Donzil Worthington: It is always easier to improve an already-existing system, rather than build a system from scratch. Having a water system makes you eligible for much more funding. They were encouraged by the USDA to look at which community met their socio-economic need requirements. The USDA approved Torrance County in 2009 for a \$9.5MIL grant, but never came through because of the economic crisis. There were many well failures in McIntosh. They looked at building an 18", \$19 MIL pipeline in the Highway 41 corridor from Willard to Moriarty, providing water to Willard, Estancia, Moriarty. This was called Phase 1 of the Transmission System. Portions A, B and C were laterals to take care of the water needs in the Mountain Communities (Mountainair, Tajiue and Torreon.) This was a \$60MIL project, with \$31MIL allotted to take those lines to the West and provide water to the mountain communities if they were interested.

John Jones of Entranosa was willing to take water as a secondary source, as well as some folks in Stanley.

\$130-\$135MIL is the estimate for the whole system, broken down into increments as follows: \$10MIL for the McIntosh system, the Corridor at \$20MIL and the Corridor and Main Development areas in the towns around \$60MIL.

The well was going to be developed to a size that could be paid for through the USDA, but also provide a source to feed the pipeline.

The PER has mapped every lot according to 2018 statistics, labelling who owned and who is occupying which lot. Many large sections are owned by one person.

Chairman Schwebach: What projections do we have for operating costs?

Bobby Ortiz: We only have low-level operational plan. We have a committee looking into that now. We are thinking about \$11 per 1,000 gallons would be a fair cost to the consumers. We would also like to hire an operator. Compared to other water systems, Moriarty is the lowest in the state.

Commissioner McCall: How many thousands of gallons can you provide and what sort of consumer households would be hooked up in phase one.

Bobby Ortiz: Phase one would serve 400 households with 2.5-3 people per household.

Donzil Worthington: When the USDA came in with their offer of grant/loan funding, they were subsidizing it beyond what the community could afford. We could not exceed \$75 per connection, but we could not go as low as we wanted, at competitive rates of \$30-40. \$75 is what was deemed acceptable by the USDA.

Commissioner McCall: Expressed that he appreciates them making it affordable.

Bobby Ortiz: We are quasi-municipal. We are not-for-profit. We keep things bare bones. When speaking about economic development, we could see some growth because it is sustainable. Thanks to everyone at the County that can help.

Commissioner McCall: The Commissioner wants to get moving and is happy about the opportunity to use the American Rescue Plan Act funds. He believes that the reason that we have not grown as much as Los Lunas and Belen is due to not having enough water, and that getting water will help.

Bobby Ortiz: Explained that they are not a municipality, so it has been difficult to get traction. They like to serve the County and are not here to steal everyone's water. They want to keep the water here for local use.

Deputy County Manager Tenorio: Gave Myra Pancrazio of EVEDA the chance to speak to the fact that there have been many opportunities lost because of lack of water.

Myra Pancrazio, EVEDA: This project really started in 1998, and EMW Gas was the example that was used for beginning this project. As far as opportunities for business and growth here in Torrance County, businesses will not go where there is no water. The Sandia Basin was just closed, and it has caused uproar in the Santa Fe County Area.

Ms. Pancrazio states that by regionalizing, new areas will open for developers to begin new housing and commercial development, which is exciting.

There is about \$300MIL available for water infrastructure that was part of the ARP program. By allowing this funding to go into EMWT, it allows them to get a seat at the table with our State Senators to get this project going.

Donzil Worthington: The USDA approved the preliminary engineering portion of this project in 2018. They also required an environmental plan be approved, which they were.

They are considered stale after 5 years, so they only have approximately 2 years remaining in which they are considered current. They were paid for by the USDA, meaning they have already invested in our County.

Commissioner Candelaria: A controlled water system saves water. It gives our community safer water because it is tested.

Steve Guetschow: Rancho Grande subdivision is a higher density population area, and there is no community water system. This project would be a huge boost to community development, especially because having an individual well in a one-acre lot is frowned upon by the environmental departments.

Chairman Schwebach: Thanked EMWT for coming out to talk with the Commission.

12. APPROVALS:

A. Clerk: Motion to approve Canvass of 2021 Congressional District 1 Special Election.

ACTION TAKEN:

Chairman Schwebach: Motion to approve canvass of 2021 Congressional District 1 Special Election.

Commissioner McCall: Seconds the Motion.

Yvonne Otero, Torrance County Clerk: Presents the final numbers for the Special Election for Congressional District 1, which went off without any major issues. There were no issues with Dominion or their machines. There was one overall error, but it was on the Secretary of State's end, when they forgot to clear out votes from our mock election. The election totals are as follows:

Torrance County Election Totals:

Early Voting Ballots Cast: 1,082

Election Day Vote Ballots: 1,347

Absentee Ballots: 318

Military Ballot: 1

Winner for Torrance County: Mark David Moores w/ 1,503 total votes.

2nd place: Melanie Stansbury w/ 945 votes.

3rd place: Aubrey Dunn w/ 265 votes.

4th Christopher Manning w/ 32 votes.

Neither write-in candidate had any votes cast for them.

We have a total of 10,244 voters. 9,608 are active. Of the active, 2,745 voters showed up for a 28.5% showing of those eligible.

Ms. Otero is working on doing more social media to get people out to vote.

Roll Call Vote: Commissioner Candelaria: Yes, Commissioner McCall: Yes; Chairman Schwebach: Yes.

MOTION APPROVED.

B. Sheriff: Motion to approve agreement between Torrance County and Department of public safety for Edward Byrne Justice Assistant Grant (JAG) Program.

ACTION TAKEN:

Chairman Schwebach: Makes a motion to approve agreement between Torrance County and Department of Public Safety for Edward Byrne Justice Assistant Grant (JAG) Program.

Commissioner Candelaria: Seconded the motion.

Cheryl Allen, Torrance County Grants Manager: Torrance County had applied for the Justice Assistant Grant funding, to support the community policing efforts in Torrance County. We were awarded \$41,340.50. The JAG Program is set up to reduce violent and drug related crimes.

Undersheriff Eli Lucero: This was applied for as part of the Community Partnership Initiative. The funds will contribute to some of the program expenses such as overtime, equipment and being able to identify areas that are needing attention, such as specialized investigative needs. They can also purchase new equipment now.

Roll Call Vote: Commissioner Candelaria: Yes, Commissioner McCall: Yes; Chairman Schwebach: Yes;

MOTION APPROVED.

C. Human Resources: Motion to approve agreement between Torrance County and State of NM Public Education Department for the Student Enrichment Internship Program.

ACTION TAKEN:

Chairman Schwebach: Makes a motion to approve agreement between Torrance County and State of NM Public Education Department for the Student Enrichment Internship Program.

Commissioner McCall: Seconded the Motion.

Cheryl Allen, Torrance County Grants Manager: The County has just been awarded \$68,760 to help fund Student Enrichment Internship.

Torrance County has just hired 2 coordinators and students are being recruited for the internship from Estancia, Mountainair, and Moriarty. There are 40 spaces, and 18 applications have been submitted.

Different agencies throughout the County will be at the Job Fair being hosted on Monday from 9 am to 12 pm.

Employees running the Job Fair will help the students fill out the applications. They are 6-week positions, 20 hours/week at \$10.50/hr. Those students who may request internships must be 14-18, attending school or have just graduated from one of the Torrance County Schools. Those ages 14-15 need a work permit. It is being hosted by the NM Education Department.

Commissioner McCall: If you are a business owner, you may request to host an intern for employment.

Madam County Manager Barela: The goal will be to work around the student's schedules.

Cheryl Allen: Employers will work in already scheduled vacations, camp or other summer jobs.

Those students ages 14-15 need a work permit. Students can come to the job fair and fill out an application.

Commissioner Candelaria: This is a great opportunity for young people of Torrance County and hopes it is taken advantage of. They can get out and earn money. He believes it is a perfect opportunity to get experience, and that they may even find a career.

Cheryl Allen: Some of the locations participating are the Torrance County offices, Estancia Town Offices, Moriarty City Offices, Salinas Parks, EMW Gas and the Electric Co-op. It is a great program.

Commissioner McCall: The students working in Salinas will be tour guides. It is a very exciting opportunity.

Roll Call Vote: Commissioner Candelaria: Yes, Commissioner McCall: Yes; Chairman Schwebach: Yes;

MOTION APPROVED.

A. Dispatch: Motion to approve Grant Agreement 22-E-13 between Torrance County and DFA-Local Government

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve Grant Agreement 22-E-13 between Torrance County and DFA-Local Government.

Commissioner McCall: Seconded the motion.

Christine Snow, Torrance County 911 Director: Asked for approval of the agreement with DFA, the Enhanced 911 Act Grant Program. This includes upgrades to the 911 phone system and console system this fiscal year, as well as yearly training and GIS upgrades.

Chairman Schwebach: Asked for clarification on what the agreement is, and if it is an annual agreement.

Christine Snow: Answered in the affirmative. The changes this year are the 911 phone system upgrade and expansion, as well as replacing console equipment that is over 10 years.

Chairman Schwebach: Asked for an approximate dollar figure.

Christine Snow: The 911 equipment upgrades are \$553,823, broken down into:

Vesta 911 Hardware/software upgrade: \$315,811.66.

Expansion – DFA required separate quote \$83,167.44.

Console upgrade: \$137,373.65.

Commissioner McCall: Asked what they used these funds for last year since they did not upgrade the console and phone systems yearly.

Christine Snow: This was a special Capital Outlay Request.

Roll Call Vote: Commissioner Candelaria: Yes, Commissioner McCall: Yes; Chairman Schwebach: Yes;

MOTION APPROVED.

B. Domestic Violence: Motion to approve Ratification of FY 2022 Domestic Violence Grant application for funding from CYFD Behavioral Health Services for Survivor Services.

Chairman Schwebach: Made a motion to approve Ratification of FY 2022 Domestic Violence Grant application for funding from CYFD Behavioral Health Services for Survivor Services.

Commissioner Candelaria: Seconded the motion.

Anna Martinez, T. C. Domestic Violence Services Director:

There to request approval of the ratification of the funds for CYFD.

Madam County Manager Barela: The reason this is a ratification is because they had to submit this before they ran out of time to bring it before the Board.

Anna Martinez: The previous budget was not a complete application, just budget. The request that was sent outlined what was given the previous year, and she was requested to detail how this money could be spent this year. The State of New Mexico is willing to give \$48,400 and wants to know how it will be spent. It is different than the offender funds, those are service fees. The Health Services for Survivor Services . She had to outlay every line item and decide how much they would need for each, and what it costs to run the program.

The \$48,400 plus what has been requested from the County, plus \$46,500 is where the number \$94,900 came from.

Chairman Schwebach: Asked if last year they reached out and said, “We have so much money, what can you do with it”?

Anna Martinez: They gave them that amount, and on a few other occasions gave us extra money. The total amount for both programs was close to \$90,000 last year.

Chairman Schwebach: Affirmed this was understood.

Roll Call Vote: Commissioner Candelaria: Yes, Commissioner McCall: Yes;

Chairman Schwebach: Yes;

MOTION APPROVED.

**C. Domestic Violence: Motion to approve Ratification of FY 2022
Domestic Violence Grant application for funding from CYFD
Behavioral Health Services for Domestic Violence Offender
Treatment and Intervention.**

**Chairman Schwebach: Made a motion to approve Ratification of FY2022
Domestic Violence Grant application for funding from CYFD Behavioral
Health Services for Domestic Violence Offender Treatment and Intervention.**

Commissioner McCall: Seconded the motion.

Madam County Manager Barela: Took a moment to recognize the Domestic Violence Offender Treatment and Intervention staff, and to say that this request of ratification is for the Offender Services, not Violence Survivors.

Anna Martinez, Torrance County Domestic Violence Services Director:

This is money they are giving TCDVS for the offenders. It is separated by the state from the other invoice she will submit. It is a fee for service that is an amount that is to be reimbursed for each service.

Commissioner Candelaria: Asked how many offenders there are.

Anna Martinez: There are 7 offenders, in a 52 week, once weekly program.

Chairman Schwebach: Asked if they are court ordered or if they volunteer.

Commissioner McCall: Asked how this number compares to prior years.

Anna Martinez: The majority of program attendees are court ordered. There is a decrease in offenders. At one point there were 18, but the numbers have dropped. Once courts go back to-in person, we will most likely get more referrals.

Roll Call Vote: Commissioner Candelaria: Yes, Commissioner McCall: Yes; Chairman Schwebach: Yes;

MOTION APPROVED.

D. DWI: Motion to approve FY 2022 Local DWI Grant Agreement.

Chairman Schwebach: Made a motion to approve FY 2022 Local DWI Grant Agreement.

Commissioner McCall: Seconded the motion.

Tracey Master, Coordinator LDWI Coordinator: Requested approval for continued funding for DWI prevention; this is where most of their project funds come from.

Commissioner McCall: Did this number change from last year?

Tracey Master: Answered in the affirmative. Last year they were awarded \$70,000. \$14,888 reverted from distribution that was later added to this year's grant funding, bringing it up to almost \$85,000. They had to revert the money to DFA and then re-apply for the money.

This year they applied for \$123K and were awarded \$85K.

If there is any reversion from the FY-21 distribution fund, then they will revert that, reapply for it, and it will be applied to the fund for next year.

Commissioner McCall: Asked if they were running their budget on the \$125K and if there will there be a shortfall.

Tracey Master: No. She always shoots for the moon when trying to get funding. They always find a way to get everything done,

Roll Call Vote: Commissioner Candelaria: Yes, Commissioner McCall: Yes; Chairman Schwebach: Yes;

MOTION APPROVED.

E. DWI: Motion to approve submission of FY-2022 CDWI application to NMDOT/Traffic Safety.

Chairman Schwebach: Made a motion to approve submission of FY-2022 CDWI application to NMDOT/Traffic Safety.

Commissioner Candelaria: Seconded the motion.

Tracey Master, LDWI Coordinator: The amount of this year's allocation is \$1,518. This is slightly greater than FY-21, which was \$1,500. The funding comes from a \$75 DWI prevention fee assessed of all those convicted of a DWI. The reason the number is not divisible by \$75 is because they receive the money as it is collected. She requests approval to submit to the NMDOT Traffic Safety Division.

Roll Call Vote: Commissioner Candelaria: Yes, Commissioner McCall: Yes; Chairman Schwebach: Yes;

MOTION APPROVED.

BREAK TO CHANGE DISC: 10:28 A.M.

BACK IN SESSION AT: 10:33 A.M.

13.DISCUSSION:

**A. Manager: Provisional plan to use portion of the funds allocated to Torrance County from the American Rescue Plan to use portion of the funds allocated to Torrance County from the American Rescue Plan Act of 2021 toward EMWT projects.
(MOVED TO AFTER 11-A.)**

B. Manager: Discuss the renewal of Torrance County's contract with Estancia Valley Solid Waste Authority (EVSWA); current contract expires June 30th, 2021.

Chairman Schwebach: Stated that they would have a discussion today only discussing the renewal of Torrance County's contract with EVSWA, as the current contract expires very soon.

Madam County Manager Barela: They have been in contact with the EVSWA Director, Mr. Martin Lucero. They have been in negotiations and have many details to iron out but thought they should bring this to the Commission and see what the goals and objectives will be. Asked Mr. Lucero about the ordinance we

have for solid waste, Ordinance 94-12, amended April 13, 2016. Referring back to page 7, Sec. 13-B, which states:

“The County Commission Shall set fees for solid waste management based on the actual or projected cost to collect, transport and recycle or dispose of such solid waste. Unmet actual costs resulting from unpaid fees or certain discounts defined and approved by the County Commission shall be the responsibility of the County Commission.”

The resolution states that the fees set by the Commission are set by resolution, so, if necessary, they can be changed. This includes any discounts given, or the rates for the residents to use the transfer stations.

Madam County Manager Barela also stated that she would like to stay open for updates from EVSWA.

Martin Lucero, EVSWA Director: (Handout hereto attached.) Thanked the Commission for allowing him to be here. He explained that every 5 years there is an agreement that is negotiated between EVSWA and the Commission for EVSWA to continue their Solid Waste Services in the County. That is why he was there.

He wanted to make sure that the relevant concerns are addressed, and read Page 2 of the handout, entitled “Goals and Objectives”. He made clear that the goal was to talk about collection at the waste collection stations, as well as tipping and fees that are imposed, as well as ensuring that the agreement and the Ordinance are updated. Mr. Lucero spoke of changing the EVSWA fleet, including the new roll-off truck that uses certified natural gas that has been purchased. He is also announcing that there has been grant money allocated to improving the green energy usage of the Waste Management services. They are looking at different ways to get the fleet changed out, and at providing electricity at the stations. Currently it is just the Northern collection station that has electricity.

Mr. Lucero and Madam County Manager Barela are working on providing other stations with electricity, apart from the Northern station which is already outfitted.

He wants to ensure that the fees are appropriate. EVSWA is a non-profit organization. Right now, the recommendation is not to raise fees, though it will happen at some point.

Mr. Lucero read "Elements to Amendment". On point 2, "Address the Tajique Collection Station", Mr. Lucero explained that there are 3 collection stations that the County owns, two of which are Hills and Valleys and Indian Hills. The third is the Tajique Collection station. When the Tajique Community Center was handed back to the Tajique Land Grant, the collection station was not annexed out of it. The County has a lease with the Tajique Land Grant. They have been in talks to either renew, extend, or possibly relocate that station, depending on what the Land Grant Community wants to do. The Land Grant Community will have a Board Meeting very soon to discuss the future of the collection station. There have also been talks with the Torreon Land Grant about possibly moving the station there.

Madam County Manager Barela: That meeting is happening tonight (6/9/21). As far as the lease, they are in talks about moving the lease over to the Solid Waste Authority from the County. It would lend the Solid Waste Authority more ownership over what they put on the property. They will still be incorporating the cost of the lease, paying it through an invoice as they have done, but this seems like a better solution, in her opinion. The lease would be managed by the Solid Waste Authority. That does not mean that the Tajique Land Grant will agree to this, but these are the discussions being had right now.

Martin Lucero: Believes that it would be best to take ownership of all the expenses of the collection stations as much as possible. they will take up a lease agreement with some of the other stations that are leased.

He wants the Tajique station to be moved if possible.

The overage and underage language came in with the last amendment of the contract. Specifically, this means in 2014 the fees were increased to \$60.50 per quarter. The county would collect \$800K. If the Solid Waste Authority did not meet that \$800k mark, the County would cover the difference. If there was overage collected, that money would be sent to the County.

EVSWA has been looking to help the community get their accounts out of arrears, which means there have been a lot of overages recently. If they keep seeing these overages, it is possible that there is a need to look at the fees charged and make sure they are not overcharging the Community.

Madam County Manager Barela: All the overages that the County receives goes towards tipping fees. This would free up the money that has been allocated out of

the County Budget for tipping \$160K has been allocated in the budget for tipping fees. Asked Mr. Oliver to confirm.

Jeremy Oliver, Finance Director: During FY-21 the County spent \$158,000 on tipping fees. They spent \$182,000 on tipping fees this year. Out of that \$60,383 was paid with overages. Over a third of the tipping fees have been paid out of overages.

Chairman Schwebach: Asked to confirm information on payments to EVSWA. He asked about if the County pays for the contract, but also tipping fees.

Martin Lucero: Correct.

Chairman Schwebach: Asked if the budget that is referred to is coming from any collections or from the General Fund.

Jeremy Oliver: The portion that is not coming from Overages is coming from the General Fund.

Chairman Schwebach: Questioned whether the collections that the County is taking will cover all the cost of the contract and the tipping fees.

Martin Lucero: That is partially correct. Nobody wants to raise the rates, but it will most likely be necessary at some point. There is a large portion of residents who do not pay and have a lien on their property. If they can get those residents back in the black, then there will not be much of a problem with meeting those fees. It will help everyone. They do not want anyone dumping illegally because they cannot pay.

He believes it would be consistent to meet in the middle for both parties.

Madam County Manager Barela: When Mr. Oliver was speaking, he was not including a payment that is expected to come into the County. Asked Mr. Lucero to speak on this.

Martin Lucero: Does not have the exact payment that is expected. There is a check for about \$90K or above which needs to be written still, as the quarter is not over. Torrance County is paying tipping fees, and EVSWA is paying Torrance County right back.

Chairman Schwebach: That is because EVSWA is taking payment. If the County were taking payment, for example, then there would be X amount of dollars it takes to maintain the transfer stations. And then they would have a monthly bill for

tipping fees on whatever EVSWA collected at the transfer stations. EVSWA would be collecting, the County would still be on the hook for the bill, and after a years' time say, "We aren't spending all the money, so we may be overcharging the residents and need to reexamine the fees we assess".

Martin Lucero: We really want to help our residents in the best ways possible.

Madam County Manager Barela: For a point of clarification for those who are not in the room at the time of the meeting, when speaking of "overages" and "underages" and "tipping fees", according to the contract the County has right now with Solid Waste, they have an agreement that every quarter they are looking at \$200k that they need to meet. If they go over the \$200k from bill collection, then the overage comes to the County. If they do not reach their \$200k quota, then the County cuts a check to cover the cost of operations. If there is an overage, the money that goes into the dedicated fund is then used to pay the tipping fees, or to help supplement the budget to help pay that.

Martin Lucero: Also spoke of roll-off rentals. Places like Netflix movie sets and Tagawa Greenhouse rent roll-off containers. There are other collections that result in overages, so they need to make sure that they are looking at the source of these overages carefully. They separate fees from the constituents, so that constituents are not paying for services that they are not using. In the language of the contract, the County is getting the money labeled as "Overages", but it is roll-off rental money.

Commission McCall: Asked if the roll-off rentals should come out of the landfill collection.

Martin Lucero: Roll-off equipment belongs to the JPA membership, not the County. Approximately 3 years ago, the books were split, and it has been running smoothly.

Commissioner McCall: Mr. Lucero mentioned a change coming. Asked if this will affect the contract.

Martin Lucero: Joint-powers agreements are complicated. They are applying different functionalities to different municipalities or unincorporated areas. If a long-term solution for strategic planning services is wanted, then it would be a comprehensive service. If we had one system, they could make it work for everyone. EVSWA can grow into it if the members are willing to work together.

Commissioner McCall: Asked to have clarified if they are speaking about a 5-year contract.

Madam County Manager Barela: It is important to decide what will work best. It could end right now and then it would need to be decided whether a 5-year contract is what is best right now, or if a one-year while the details are worked out is best. Her goal is to make a contract that is sustainable enough that they can do some strategic capital planning. She does not want to have a contract that is too short, unless it is an extension of the current contract while they work on the details of a new contract.

Martin Lucero: There seems to be redundancy even with the ordinance. He said that if some of the elements could be changed in the contract, they may be able to take ownership of enough different items out that they can completely discard the contract. They are quasi-governmental, a special district, subject to review. Through their enumerated power, the County Commission sets the fee. He wants to address if they are under- or over-charging the County constituents.

Madam County Manager Barela: Specifically, outside the ordinance, there is nothing that states that they would be covering the billing. The EVSWA and County need something that outlines who will take over the billing.

John Butrick, County Lawyer: Asked what the turnaround time is on getting a trash receptacle.

Martin Lucero: EVSWA does not provide receptacles to the residents. They must take their trash to the collection station. Some residents opt-out and get a discount in the private hauler system, and get their waste picked up by a private company. They do not handle it.

If a new account holder came in and needed a new account. What they would need is to come down to permitting, they would go down to Planning and Zoning, then P&Z would send them to EVSWA. They would then flag their account as “under construction”, while they get their property ready. When they then announce that they are inhabiting the property, they are charged for services within the quarter. They may use the service as soon as they are inhabiting the property.

Commissioner McCall: Had questions on fees, outstanding liens, any available numbers.

Martin Lucero: Referred to the page in handout (attached) labeled "Collections". Mr. Lucero and Madam County Manager Barela have had many conversations and meetings about the contract and their goals and the necessary information each side needs to complete the contract and feel 100% fulfilled that everything has been covered. They are not there yet but are working diligently on it.

Chairman Schwebach: Pointed out that he is not as informed as he would like to be about the entire situation regarding the EVSWA contract, and the numbers that go along with it. He believes that Mr. Lucero and the employees in EVSWA all run it well. His main concern is that he believes the Commission and the County have no management ability without the right information and tools for the job. They need instruction on how the ordinance and contract will dictate how the EVSWA is run. Also, residents are asking for curbside pickup and he wants options for the community.

-PAUSE FOR CD SWAP-

Martin Lucero: As a JPA, they could run their own curbside pickup if it is a feasible option. Wants to address the private hauler/discount situation. Believes they need a comprehensive system. Right now, it is piecemeal, and has been for a long time.

Chairman Schwebach: Believes it is time to evolve this contract and give the County options, and to be upfront about everyone's responsibility.

Martin Lucero: Went over the highlights slide from the presentation packet. This included the fact that EVSWA competed against other Solid Waste Authorities in the U.S. and Canada and got the Best Safety Innovation Award! Mr. Lucero wants to highlight the employees that he has, and make it known what a great team they are. He is very proud of them and all that they accomplish. He wants to shine a spotlight on Scott Guffy, who was awarded Recycler of the Year! Torrance County is highly recognized when it comes to Solid Waste Disposal.

Mr. Lucero is offering to partner with communities in the County for Clean-Up Days, and whenever they would like to do so they should contact him. He is always looking for opportunities to partner up with local towns and other groups to help the Torrance County Community.

EVSWA bought a compactor at Northern for roughly \$55K recently. They had to get the compactor from a landfill revenue to be able to purchase it because of the

cap on spending. They also want to be able to talk about how best to use capital outlay funds.

Collection Station Permits have been renewed, as required by the NM Environmental Solid Waste Rules Act. Maintaining permits requirements include training and updating operating and contingency plans.

A newsletter has been started by EVSWA. If you are not receiving one, live in Torrance County, and would like to be on the list, please contact EVSWA.

They have been getting people on the index to get promissory notes from the public on their lien debt.

EVSWA has gained the following grants on the contract:

- RAID Grants, FY-2021- \$15K for Manzano Cleanup. Requested many but only received the one grant for cleanup.
- CNG Grants, FY-2021- \$608K for the purchase of two roll-off trucks.

EVSWA requested capital outlay for the electrical compactor but did not receive the funding. The electrical compactor still needed to be purchased, so it is now stationed at Northern. It reduces the amount of transportation fees. Mr. Lucero stated that he wants to address Capital Development. He believes that they need to make sure that they include specifics as far as what is needed in capital outlay.

Commissioner McCall: Asked if there is there a tarping rule (Covering your vehicle bed or trailer with a tarp so that trash does not escape the confines of the vehicle before arriving at the Solid Waste Station.) There is a lot of trash flying out onto the highways.

Martin Lucero: Answered affirmatively, that they do have a tarping rule. There is a fee if there is no tarp covering your trash. EVSWA does not have the ability to collect revenue at their stations. They charge an excess fee for not tarping, but it is billed to their account. A person from out of town may drop off refuse at the collection station, but they need to have a tip ticket. The issue with municipal residents is that the 95-gallon container does not contain all their trash, so they go to certain stores, usually a hardware store, and buy a tip ticket. EVSWA desperately needs to electricity at the power stations. The only station with power right now is Northern. If they get electricity, they could take payment. Mr. Lucero thinks that a workshop would really be a great thing because it is difficult to come to an agreement without knowing the nuances of waste collecting.

Madam County Manager Barela: In the budget hearings a Code Enforcement Officer position was approved. Part of the importance of this position is to clean up trash in the County. Partnering with EVSWA to help enforce cleanup is something the County has been considering.

Martin Lucero: EVSWA already does partner with Code Enforcement for waste pickup in the community, and Mr. Lucero said that they work well with Dan DeCosta of Planning and Zoning. A possible cost-share split is in preliminary discussion.

Thanked the Commission and Madam County Manager Barela.

Chairman Schwebach: Thanked Mr. Lucero for coming in for the discussion today.

**C. Manager: Process for soliciting and hiring Building Architect,
Landscape Architect and Civil Engineer for County Fairgrounds.**

Deputy County Manager Philip Tenorio: Pulled up documents that he went over on the screen. All presentation materials hereto attached.

Mr. Tenorio gave the County Commission an update on the Sites Southwest proposal for the Torrance County Fairgrounds improvements, beginning with a total estimation for the project at \$1.4Mil.

Chairman Schwebach: Asked for clarification on where the total estimation number of \$1.4Mil. came from.

Deputy County Manager Tenorio: Explained that the estimation is a total of the appropriation budget, at \$57k, the 2020 appropriation is \$150k, and the 2021 appropriation of \$700k, which is a total of approximately \$900k. What they are considering "Phase III" is the 15k square foot improvements, at \$34, comes to approximately \$500K. This is a grand total of \$1.4Mil.

If they were to pay for the full design of the architecture, it would be closer to \$88k. Their fee is based on a percentage of estimated construction costs.

Mr. Tenorio continued to expand on the numbers and timelines, which were split between what he is hoping to get done before and after the 2021 Torrance County Fair.

Mr. Tenorio also brought up the fact that the County could either send everything to RFP and let them manage the project at once, or alternatively send the 3 packages out one at a time. It could take 3-5 months to solicit an architect.

Noah Sedillo, Purchasing Director: Roughly 90 days is what it took for the Southern Torrance County Economic Development Plan, after the RFP was complete and sent out. It was a professional service agreement, and they were able to directly negotiate with Mr. Corey Baker, who completed the Road Department Building, because it stayed below \$60k. The County would be able to use different contractors and architects if they stay under \$60k.

Commissioner McCall: Would prefer to get quotes on the metal shell of a building and save as much money as possible.

Noah Sedillo: Would recommend negotiating if the County is seeking only the architectural plan. If the County is looking at a multi-source award for a Master Plan, Civil Site Engineering and Architectural Design plan, then an RFP is what he would suggest instead.

John Perea, Torrance County Fair Board: Wanted to inform the Commission that the Fair Board agrees on placement with the County Commission. The work for the fans is still supposed to be donated as well.

Deputy County Manager Tenorio: Would like to have the fans done before the fair in August.

Cheryl Allen, Torrance County Grants Manager: Wanted to remind the Commission that the Master Plan is to look beyond just the building but also for the community gardens, the landscaping, parking, and overall design of the Fairgrounds.

Chairman Schwebach: Asked about the Master Plan within the Southern Economic Development and how much more it needs to be expanded at this time. He would like to keep it mainly the way it is for now.

Cheryl Allen: Looking for concrete information so that she can put in requests for grants and funding as soon as is possible.

John Perea: Informed the Commission that the pig pens may be removed. They are not needed at all before or after the fair.

Commissioner McCall: Asked the Fair Board to come up with square footage needs of the animals that are brought to the fair.

John Perea: Explained that they would probably need approximately 50 5'x5' pens for the animals, and that they are utilizing the panels that were built in the early 2000's that had been in storage.

The Commissioners and Mr. Perea debated the placement of show animal pens.

D. Manager's Report:

Madam County Manager Barela: Read the Manager's Report, hereto attached. Madam County Manager Barela spoke about the fires in Arizona and the decreased air quality in the State of New Mexico. She also reminded the citizens of Torrance County to always know where their go-bag is and what to do should an emergency happen. She announced open and newly filled positions within the County.

Madam County Manager Barela also announced the suspension of all re-organization of the Torrance County Sheriff's Office Transport Division pending the outcome of the Petition for Certification.

E. Commissioner's Reports:

1.) Commissioner McCall, District 1:

Commissioner McCall: Told the Community how wonderful it is to see them back at the meetings. He has also wanted to encourage more people to show up to the meetings.

Deputy County Manager Phillip Tenorio: Updated the Commissioner on his previous challenge to the Torrance County Community to get creative in solutions for the Road Department. Mr. Tenorio believes he came up with a great solution along with Noah Sedillo. The state appropriation is not available until September and there is no way to borrow and pay it back before that time. The only other thing that can be done is to pre-purchase the metal building from a separate fund, with the full intention of NOT reimbursing the fund.

The cost of a metal building is roughly \$100k. An RFP can be done when September comes, and the appropriation is released. The County may then complete the project, minus the building. If we purchase the building and the contractors bid it, there will be parts missing that a contractor can not be held responsible for (Nuts, bolts, various parts).

Commissioner McCall: Asked if we can start the process of getting bids without the appropriations money yet.

Noah Sedillo, Purchasing Director: Answered in the negative. Explained that we would be premature from our notice of obligation. If we did anything before the notice of obligation, we would be on the hook. Even if we did not award a contract.

Commissioner McCall: Asked if we had any previous funding for the Road Department building from appropriations.

Madam County Manager Barela: Mrs. Barela believes that when the County was in talks with Senator Schmedes about the Junior Appropriations money he had to use, that money gets put into a fund and distributed. Then anything that is reappropriated, that they go back out to bond again and distributed once more.

2.) Commissioner Schwebach, District 2

Chairman Schwebach: No updates at this juncture.

3.) Commissioner Candelaria, District 3

Commissioner Candelaria: The Commissioner would like to remind everyone to be careful with fire this summer. There was a fire recently that almost got out of control in the Manzano area. He wants everyone to pay attention and make sure that they put any fires that are started completely out.

Commissioner Candelaria also mentioned that there is a tractor parade the weekend of Saturday, June 12, 2021.

Mr. Candelaria would also like everyone to know that there are openings with his road crew. It is a chance to travel and make good money. Contact District 3

Commissioner **LeRoy Candelaria** at: lcandelaria@tcnm.us, or call

@ (505) 270-8394

EXECUTIVE SESSION: No executive session this day.

14.ANNOUNCEMENT OF THE NEXT BOARD OF COMMISSIONER'S MEETING: June 23, 2021 @ 9:00 AM

15.ADJOURN:

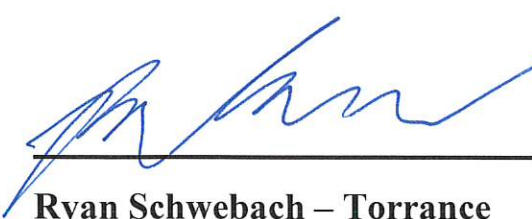
ACTION TAKEN:

Chairman Schwebach Made a motion to adjourn.

Commissioner McCall: Seconded the motion.

Regular Session Adjourned at 12:16 P.M.

Signed By:



**Ryan Schwebach – Torrance
County Board of Commission
Chairman**



**Valerie Smith – Admin Assistant,
Torrance County Clerk's Office**

Date: 6/23/2021

The Video of this meeting can be viewed in its entirety on the Torrance County NM website. Audio discs of this meeting can be purchased in the Torrance County Clerk's Office and the audio of this meeting will be aired on out local radio station KXNM.

TORRANCE COUNTY



MANAGER'S REPORT

6/9/2021

Janice Y. Barela

505-544-4703

jbarela@tcnm.us



Departments Update

Emergency Manager

There has been a smoky haze in the County. This smoke is coming from fires in Arizona and southwest New Mexico. The jet stream flows right into our area. Please keep an eye on the air quality alerts. If you have breathing issues, you may want to stay inside and not do any physically exerting activity until this passes. It should start to clear up today, and hopefully in the next couple of days be fully cleared out of the County.

This is a good reminder that we are entering fire season. This is a good time to assess your properties for defensible space and evacuation plan in the event of a fast-moving fire.

If you have access to social media, specifically Facebook, you may want to follow the Torrance County Emergency Manager Page. Emergency Manager Matt Propp puts out weekly tips on wildfire preparations such as how to create defensible space and what to put in your to-go bags, and what all to include in your evacuation plans.

Treasurer's Office

Delinquent Tax Notices were mailed out making it a busy time for the Treasurer's Office. All current accounts are eligible to get on a Pre-Payment Plan. This allows taxpayers the opportunity to make monthly payments towards their property taxes so that it does not hit them all at once in December. If you would like more information on the Pre-Payment Plan, please call the Treasurer's Office at 505-544-4800.

Human Resources

Open Posted Positions:

- Victim Support Specialist
- EMT-Firefighter
- EMT-Lieutenant
- Mechanic-Equipment Operator
- 911 Dispatcher (6)
- Summer Enrichment Internship
- Student Work-Study program (High School Seniors)

Filled Positions:

- One 911 Dispatchers
- Animal Control Officer – Fully Staffed
- Grants Assistant
- Appraiser Apprentice
- Victim Support Specialist
- Treasury Controller
- Tax Specialist III

Open but not posted:

- Code enforcement officer
- Legal Assistant
- Emergency Manager Specialist

To get more information about these positions or to apply for any of these positions, please visit the County's website at www.torrancecountynm.org. Click on "Job Opportunities".

Parking Lot

The north side of the County Administrative Building parking is getting paved. This is the last phase of the project.

The next parking lot project will be Dispatch, Animal Services and District 3 Fire Station.

TORRANCE COUNTY



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