

FINAL

Torrance County Board of Commissioners

Regular Commission Meeting

September 8, 2021

9:00 AM

Commissioners Present: **RYAN SCHWEBACH – CHAIR**
KEVIN MCCALL – VICE CHAIR
LEROY CANDELARIA – MEMBER

Others Present:

JANICE BARELA – COUNTY MANAGER
JEREMY OLIVER – FINANCE DIRECTOR
JOHN BUTRICK – COUNTY ATTORNEY
SYLVIA CHAVEZ – DEPUTY COUNTY CLERK
VALERIE SMITH – ADMINISTRATIVE ASSISTANT

1. CALL MEETING TO ORDER

Chairman Schwebach: Called meeting to order at 9:02 A.M.

2. PLEDGE

Chairman Schwebach: Led the Pledge of Allegiance.

INVOCATION:

Commissioner McCall: Led the invocation.

3. CHANGES TO THE AGENDA

A. Madam County Manager Barela: Requested to defer items 11-B, as it needs further discussion. Assessor Jesse Lucero needs to leave and requested to have item 13-B moved before 11-A.

B. John Butrick, Torrance County Attorney: Requested to have item 12-G moved behind 11-B as he needed to leave the meeting early.

There were no objections to proposed changes to the agenda.

4. PROCLAMATIONS

Tracey Master, DWI Prevention Coordinator: Took a moment to announce the Dance Under the Stars and the 4th Annual Suicide Awareness & Prevention 5k.

Mrs. Master introduced a proclamation to make September 2021 Suicide Prevention Month, a copy of which is in the Meeting Packet.

ACTION TAKEN:

Chairman Schwebach: Made a motion to declare September of 2021 “Suicide Prevention and Awareness Month”

Commissioner McCall: Seconded the motion.

There was no discussion.

ROLL CALL VOTE:

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

MOTION PASSED.

5. CERTIFICATES AND AWARDS

A. OPERATIONS: Announcement of Employee Service Year Pin: Reese Swatsworth (2)

Announcement of Employee Service Year Pin: Victoria Sedillo (25)

Torrance County Sheriff Rivera: Announced Reese Swatsworth's 2 years of service to Torrance County.

Jesse Lucero, Torrance County Assessor: Announce Victoria Sedillo's 25 years of service to Torrance County.

Victoria Sedillo: Thanked Torrance County for the award.

6. BOARD AND COMMITTEE APPOINTMENT

None currently.

7. PUBLIC COMMENT AND COMMUNICATIONS

None currently.

8. APPROVAL OF MINUTES

A. COMMISSION: Motion to approve the August 13, 2021, Torrance County Special Commission Meeting Minutes.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve the August 13, 2021, Torrance County Special Commission Meeting Minutes.

Commissioner McCall: Seconded the motion.

There was no discussion.

ROLL CALL VOTE:

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

MOTION PASSED.

B. COMMISSION: Motion to approve the August 25, 2021, Torrance County Commission Meeting Minutes.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve the August 25, 2021, Torrance County Commission Meeting Minutes.

Commissioner McCall: Seconded the motion.

There was no discussion.

ROLL CALL VOTE:

Commissioner Candelaria: Yes; **Chairman Schwebach**: Yes; **Commissioner McCall**: 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 McCall: Seconded the motion.

There was no discussion.

ROLL CALL VOTE:

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

MOTION PASSED.

10. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE

A. PLANNING AND ZONING: Motion to approve amendment to Ordinance 94-12 Solid Waste Ordinance. Public Hearing and Final Action.

Chairman Schwebach: Asked Madam County Manager Barela and County Attorney John Butrick if the meeting needed to enter Public Hearing to continue.

Torrance County Attorney John Butrick: While reviewing the state statutes on passing ordinances, Mr. Butrick read statute 4-37-7 NMSA 1978, which states that “ordinances shall not be submitted to the board for final passage until a majority of the members have directed publication.” Because this is an action item, and in lieu of final passage, the Commission may vote on whether they will direct publication so that publication can be taken care of, and then final passage may commence at a different time.

Chairman Schwebach: Asked if there had been a Public Hearing on this item.

Madam County Manager Janice Barela: Answered that no Public Hearing had been held to date.

Chairman Schwebach: Since it was already published, the Chairman directed the Commission to go forth with the Public Hearing. Final action will be taken later.

Madam County Manager Barela: A Public Hearing may be held but final action may not be passed.

Attorney John Butrick: The only action taken this day will be whether to direct publication.

ACTION TAKEN:

Chairman Schwebach: Made a motion to enter Public Hearing to discuss amendments to Ordinance 94-12: The Solid Waste Ordinance.

Commissioner McCall: Seconded the motion.

ROLL CALL VOTE:

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

MOTION PASSED.

Pause for Disc Change at 9:31 A.M.

Reconvene At 9:33.

Chairman Schwebach: Entered Public Hearing to discuss amendments to Ordinance 94-12: The Solid Waste Ordinance. Directed Mr. Steve Guetschow to present the proposed amendments to the ordinance, and to be sworn in by Mr. John Butrick. Chairman Schwebach also directed anyone from the public who wished to speak to do so after Mr. Guetschow's presentation.

County Attorney John Butrick: Swore in Mr. Guetschow.

Planning and Zoning Director Steve Guetschow: Presented himself and subsequently swore that his presentation was the truth, the whole truth, and nothing but the truth. Explained that he brought before the Commission and the Public changes proposed by the Estancia Valley Solid Waste Authority, after meeting with the County Manager and Finance Director. The changes have been reviewed to be sure they align with the NMAC 40-20, as well as the 40 CFR, which guides the environmental aspects of Solid Waste facilities. Mr. Butrick proposed changes to Mr. Guetschow previously, so he incorporated them as well as he could. Mr. Guetschow struck the Appliance Disposal from the proposed changes, as they were not defined in the NMAC.

Chairman Schwebach: Asked Mr. Guetschow to read only the proposed changes.

Commissioner McCall: Asked if the “Blue Lines” were the EVSWA proposed changes.

Steve Guetschow: Explained that the Blue Lines were the EVSWA proposed changes, and that he left everything that did not conflict with NMAC Title 20 and 40-CFR. The changes also address the definition and wording conflicts, and changes with the NMAC.

Chairman Schwebach: Asked if the changes went first through Mr. Guetschow’s department [Planning and Zoning,] then the County Attorney, and then approved by EVSWA.

Steve Guetschow: Answered in the affirmative. Mr. Guetschow read the “Whereas” changes to the public at this point (See attached). Mr. Guetschow continued to read the revised “Definitions” section of the Ordinance document.

Chairman Schwebach: While Mr. Guetschow was reading the Definitions, the Chairman asked whether there was anyone working for the County with the title “Code Enforcement Officer.”

Steve Guetschow: Answered that there has not been anyone entitled “Code Enforcement Officer” since 2016, when the Ordinance was amended last. Clarified that there is a Zoning Enforcement Officer instead. Mr. Guetschow continued to read the Definitions. He also read section 5-F, the Enforcement Areas, which defined who may enforce the zoning regulations. Mr. Guetschow stood for questions.

Chairman Schwebach: Asked about section 4-E. and what it was referring to.

Steve Guetschow: Answered that Section 4-E refers to 40-CFR (which can be found here: <https://www.ecfr.gov/current/title-40>). This defines hazardous waste.

John Butrick: Explained that his only concern is that if the 40-CFR changes, that will also change the ordinance without approval.

Chairman Schwebach: Because the County does not handle hazardous waste, all hazardous waste needs to be encompassed as defined.

John Butrick: There is always a concern about such things in Santa Fe, as they are worried about anything changing without prior approval.

Steve Guetschow: The ordinance references “Hazardous waste, includes material listed in 40-CFR section 261” only, classified as toxic, reactive, ignitable, or corrosive. 261.3 defines what is and is not hazardous.

There were no further questions from the Commission; subsequently the floor was opened for public testimony.

John Butrick: Swore in Mrs. Charlene Guffey.

Charlene Guffey, Torrance County Resident: Asked where to find a copy of the Commission Packet and Agenda before the meeting.

Chairman Schwebach: Told Ms. Guffey that a packet and agenda may be found on the Torrance County website, torrancecountynm.org . He asked when the packet is usually posted.

Madam County Manager Janice Barela: The packet is usually posted the Thursday prior to the meeting, although this week’s packet had been posted the Friday before the meeting, on September 3rd, 2021. That was still within the 72 hours’ notice before the meeting and hearing.

Charlene Guffey: Explained that she had asked the Clerk’s Office for a copy of the Commission packet, but they did not have one available.

Chairman Schwebach: Explained that the packet is posted online before the meeting. He pulled up a copy of it on the website from his laptop.

John Butrick: The Open Meetings Act requires only that an agenda be published. The action items do not need to be published, though they frequently are in Torrance County.

Charlene Guffey: Concerned that those who do not have access to internet cannot get a copy of the agenda and/or packet.

Chairman Schwebach: Copies can be made upon request.

Madam County Manager Barela: The Manager's Office would be the place to request a copy. As this hearing pertains to Planning and Zoning, they would also have a copy of this item.

Charlene Guffey: Asked if a listing can be posted in the paper to list where to find copies of these items.

John Butrick: We have satisfied the statute.

Chairman Schwebach: Asked if anyone on Zoom or in the audience had public comment.

There were no questions or comments from the live or Zoom audience.

John Butrick: Prompted anyone with testimony to speak then.

There was no testimony.

ACTION TAKEN:

Chairman Schwebach: Moved to close the public hearing and reconvene regular session.

Commissioner Candelaria: Seconded the motion.

ROLL CALL VOTE:

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

MOTION PASSED.

Public Hearing Closed at 10:08 AM. Break for Disc Change. Regular Session Reconvened at: 10:10 AM.

John Butrick: Your final Motion would be to direct publication.

Chairman Schwebach: Agreed with Mr. Butrick.

Steve Guetschow, Planning and Zoning Director: Will have to publish the Ordinance in the newspaper so that it appears 14 days prior to the final decision.

Chairman Schwebach: To clear up any confusion, Chairman Schwebach explained that the Commission held a public hearing. The next step will be to publish the ordinance. Changes may still be made before publication of the final document. There will be 3 weeks until the next meeting. There will not be another hearing. **This gives the public a chance to call their commissioner because that input will be considered for the final draft of the Ordinance.**

John Butrick: It will be a little over one month as it will be the first meeting in October, on October 13.

Madam County Manager Barela: The September meeting has been cancelled due to a lack of quorum. Commissioner Candelaria was going to be at the NM Counties Conference, but it has since been canceled. Asked if they wanted to reschedule a September meeting.

Chairman Schwebach: Said that it will be easier to stick to the published plan, skip a meeting in September and go as scheduled on October 13.

John Butrick: Believes that another public hearing should be held before October 13 if there are changes.

Chairman Schwebach: There will be a hearing held if there are changes.

Steve Guetschow: The way it is announced will be through the newspaper. It will have to come out 14 days ahead of the meeting minimum. Asked Chairman Schwebach if he wants it advertised as a decision on the Ordinance, or if he wants to hold another Public Hearing.

Chairman Schwebach: A hearing will be held.

11. ADOPTION OF RESOLUTION

A. ASSESSOR: Motion to approve the 2021 Imposition of Mill Rates, Resolution No 2021-34.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve the 2021 Imposition of Mill Rates, Resolution No. 2021-34.

Commissioner McCall: Seconded the motion.

Torrance County Assessor Jesse Lucero: It is that time of year again where Mill Rates must be approved. Assessor Lucero explained the charts that were handed out (in the packet). Smaller sheets: The first page is Residential. The second page is Non-Residential. Bigger sheets: Comparison between last years and this year's rates (2020 & 2021). The mill rates have gone down overall. This is used to calculate the property tax. Torrance County may have a double tax roll this year. Senator Ivy Soto was trying to align all the Elections* . Since Moriarty and Vaughn public schools are going to have bond elections this year, this may affect the rolls and cause the County to have to put out another tax roll out after the election.

Mr. Lucero and Mrs. Tracy Sedillo, Torrance County Treasurer, have been working together closely and kept in touch with Santa Fe. They want to make sure that the second tax roll, if it does come to that, goes off without a hitch.

October 1st is the deadline for the tax rolls to be submitted to the Treasurer's Office, but Mr. Lucero is trying to get an extension by submitting a request to the State Property Tax Director. After the election, Mr. Lucero will know which certificate he needs to submit.

Mr. Lucero explained that the numbers in the packet handout in red are a good thing, and areas where the rates went down. The numbers were put in red so they would stand out. A few districts went up slightly, though that is normal.

Before the Commission is a resolution (2021-34) to impose new tax rates, as Mr. Lucero needs to bring it to State of New Mexico's Department of Finance Administration, or D.F.A., a.s.a.p. Deputy County Clerk Sylvia Chavez, was in attendance to witness the signing of the document.

Mr. Lucero stood for questions.

Commissioner Candelaria: Asked Mr. Lucero why he mentioned the town of Vaughn, and if that was because Encino was in the same district?

Jesse Lucero: Answered yes, because Encino is in the same district.

Chairman Schwebach: Asked why the rates went down.

*Referring to: **House Bill 407**

Name: **ELECTION LAWS 50-YEAR TUNE-UP.**

Jesse Lucero: Explained that it is a complicated question and that he did not have all the reasons that a mill rate gets determined. There are multiple factors, one being total valuation coming into the County. Collection rate, county priorities, monetary necessities are all factors as well. Mr. Lucero introduced Mrs. Sedillo to speak.

Tracy Sedillo, Torrance County Treasurer: The County rate did not change. The entity rates have been adjusted, but the County has no bearing on them. There could be many factors as to why the entity rates have been modified. For example, the other district rate changes could be from retirement of debt. DFA is the determiner of rates based on yield control. They have a mathematical formula that is used to devise the rates. Tax bills will not be mailed November 1st. She is unsure of when, but Mrs. Sedillo is hopeful they will mail on December 1st, with a December 10th due date and January 10th deadline without penalty and interest, with those dates chosen because of ease of receipt in Triadic. They have been told that 2021 is the last year that a double tax roll could possibly happen, but there is speculation that it could in fact happen again in the future. As soon as exact dates are established, there will be a heavy PR campaign to inform voters and taxpayers of the delay on the first half of the tax bill, while the second half will remain the same as required by statute. This will shift cash flow as well, by a month.

Commissioner McCall: Asked Mrs. Sedillo if the mill rate had anything to do with how aggressively the commission has been paying off debt.

Madam County Manager Janice Barela: The pay offs were not done quick enough to affect the mill rate. The increase in value that has been placed on the tax roll does directly affect the value. Madam County Manager Barela explained how mill rates work.

Tracy Sedillo: Clarified the debt. The debt in this case was for general obligation bonds. The other debt that they paid were for NMFA loans. Mrs. Sedillo continued to explain the debt rate.

Linda Gallegos, Chief Deputy Assessor: Compared the mill rates as a scale. When valuation rates are high, mill rates come down, and vice versa. D.F.A. does this to adjust for the budgets.

John Butrick: Explained the minor scrivener's error in the document. Approximately 4 to 5 lines down, the error reads, "Section 7038-34." This has been corrected to read, "Section 70-38-34."

ROLL CALL VOTE:

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

MOTION PASSED.

- ITEM 13-B. WAS PRESENTED NEXT. -

B. MANAGER: Motion to approve restructuring of the Torrance County Fair Board membership and a paid administrative support position, Resolution No. __

ITEM DEFERRED

C. GRANTS: Motion to approve ICIP Projects and to adopt the FY 2023-3027 Infrastructure Capital Improvement Plan, Resolution No. 2021-35.

Chairman Schwebach: Introduced item 11-C. Explained that the presentation would be listened to before a motion was made.

Cheryl Allen, Torrance County Grants Manager: Introduced the presentation. The ICIP Presentation was shown on the Power Point.

Discussion was had that included Chairman Schwebach, Commissioner Candelaria, Commissioner McCall, and County Manager Janice Barela and

Finance Director Jeremy Oliver, Torrance County Operations Manager Nick Sedillo

ACTION TAKEN:

The ICIP Projects were ranked, presentation with completed ranking hereto attached. The State of NM requests a 10% cost to be added to each project. The ICIP is not a funding request, it is a plan. Funding requests come through by applying for grants, capital outlay or Governor's outlay request. This is to establish the actual plan and in what order they will be completed which can be seen in the attached ICIP Plan that is attached. This includes the first printout and the amended presentation. All the requirements for the projects are listed in the presentation.

The following is the ranked ICIP Projects by year.

Year 1 Priority:

1. County Fair Ground Improvements
2. New County Government Offices
3. Road Department Equipment (Steel Roller)
4. 4x4 Sheriff Patrol Vehicles
5. Green Road Repaving (Moriarty Bypass)
6. County Road Improvements (McNabb Road)
7. Security Fencing/ Target Hardening
8. Restoration and Preservation of Historical Records
9. Duran Water System Improvements
10. Emergency Management Facility
11. Water System Upgrade (Fire Stations)
12. Purchase and Equip Medical Response Vehicles.

Year 2 Priority:

1. Mescalero Reservoir Dam Mitigation
2. New Type 6 Urban Wildland Interface Apparatus
3. Emergency Services Infrastructure
4. Remodel Former Jail/Evidence Area
5. New Regional Animal Shelter

Year 3 Priority:

1. Abo Water System Development
2. Develop Torrance County Park

Year 4 & Year 5: Nothing Listed.

Projects:

Senior Centers

All Centers:

Delivery Transportation Vehicles

Estancia:

Renovations

Moriarty:

New Senior Center Building (Planning)

Mountainair:

Renovations

Chairman Schwebach: Made a motion to approve ICIP Projects as discussed and presented and to adopt the FY 2023-3027 Infrastructure Capital Improvement Plan, Resolution No. 2021-35.

Commissioner McCall: Seconded the motion.

ROLL CALL VOTE:

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

MOTION PASSED.

D. FINANCE: Motion to approve budget increase, Resolution No. 2021-36.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve budget increase, Resolution No. 2021-36.

Commissioner Candelaria: Seconded the motion.

Jeremy Oliver, Finance Director: Presented the resolution for the budget increase.

ROLL CALL VOTE:

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

MOTION PASSED.

12. APPROVALS

A. MANAGER: Motion to approve Professional Services Agreement with New Mexico Demographic Research, LLC for Redistricting County

Commission Districts, as required every ten (10) years based upon the latest US Census data.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve Professional Services Agreement with New Mexico Demographic Research, LLC for Redistricting County Commission Districts, as required every ten (10) years based upon the latest US Census data.

Commissioner Candelaria: Seconded the motion.

Madam County Manager Janice Barela: Mr. Rod Adair was there, but unfortunately had to leave. Madam County Manager Barela presented the agreement with NM Demographic Research LLC. There is a proposed timeline, looking at redistricting the 3 Commission Districts. Redistricting is required right after the Census. Every municipality and school board will have to do the same. It must be split fairly and equitably, by looking at the numbers and demographics. Any elections must be completed before redistricting may be done. The company that they are trying to go through, NM Demographic Research, LLC, has contracts with many cities and counties, Redistricting must happen after elections have taken place.

NM Demographic LLC has come up with a timeline that can be followed for a timely project beginning and end. The project timeline is as follows:

October 15th: Deliver to Torrance County Proposed plans.

October 20-29th: Public presentation occurs at the Commission Meeting that is set.

November 5th: Delivery to Commission.

November 8-12th: Review by Commission.

November 15: Final Draft Proposed.

November 22-30: 2021 Redistricting put on Commission Agenda for a Commission Meeting to present the final Redistricting Plan to the public.

December 1-8: Commission meeting choose and adopt final plan.

December 13-15: NMDR Finalized data is required by the Secretary of State.

December 16: Finalized plan submitted to the Secretary of State.

Madam County Manager Barela listed many of Mr. Adair's degrees, diplomas and certifications.

John Butrick, Torrance County Attorney: Is in the process of writing indemnity clauses into the contract, as well as insurance provisions. Both the County and NM Demographic Research, LLC want to be protected in case of any unforeseen occurrences.

Mr. Butrick claimed that every company should sign an indemnification clause. He is also waiting on proof of an insurance policy from NM Demographic Research, LLC. Mr. Butrick made sure there is an indemnity clause in the contract.

Noah Sedillo, Chief Procurement Officer: Explained the importance of having insurance to cover both the company and the County.

Madam County Manager: Asked for the Commission to give her the authorization to sign the contract.

Chairman Schwebach: Amended his motion to add that the Commission authorizes Madam County Manager Janice Barela to sign on behalf of the Torrance County Commission.

Commissioner Candelaria: Seconded the amended motion.

Commissioner McCall: Asked if the redistricting was all County funded.

Madam County Manager Janice Barela: Yes, it is.

ROLL CALL VOTE:

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

Motion Passed.

B. MANAGER: Motion to approve Professional Services Agreement with Estancia Valley Economic Development (EVEDA) for Economic Development Services.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve Professional Services Agreement with Estancia Valley Economic Development (EVEDA) for Economic Development Services.

Commissioner Candelaria: Seconded the Motion.

Madam County Manager Barela: Presented the agreement with Estancia Valley Economic Development (EVEDA) to pay \$25,000/ year annually, for almost 2 years. The contract with EVEDA puts Torrance County in compliance with Ordinance 2003-1. The 2-year contract should have begun on July 1st, but it would begin on this day, September 8th, 2021.

The EVEDA Executive Director Myra Pancrazio, and Bill Williams are available to answer questions.

Chairman Schwebach: Wanted to know if all the Torrance County communities are a part of EVEDA, and how much they contribute if so. He also wanted to know if there are investors and how much the investors put in.

Myra Pancrazio: Moriarty, Estancia and Edgewood are all part of EVEDA. Edgewood and Moriarty each pay \$10,000 and Estancia pays \$5,000. Torrance County Matches this with \$25,000. The investors put in the same amount but beat the \$50,000 by 1%.

Chairman Schwebach: Commissioner Candelaria was on the EVEDA Board in the past; he asked Commissioner Candelaria for his opinion on the necessity of EVEDA in the County.

Commissioner Candelaria: Believes that EVEDA does good work and helps the County in significant ways and may be very useful to the County in the coming days.

Commissioner McCall: Asked to get a report on an annual basis.

Myra Pancrazio: EVEDA always sends out an annual report in May or June. An in-person report would be available if requested. Commissioner Candelaria is on the EVEDA Board, and he gets reports every quarter.

Chairman Schwebach: Wants an in-person report once a year. He believes it has been an asset but needs to be sold better to the Community.

Commissioner McCall: Knows that a previous commissioner did not see eye to eye with EVEDA and knows that the southern part of the County does not feel as though they get their money's worth from EVEDA.

Commissioner Candelaria: If they are interested, they can be a part of what is going on.

Myra Pancrazio: Can show a list of programs that EVEDA has worked on and facilitated. She answered that EVEDA does work in the southern part of the County, but they are not bragging about what they have done.

Chairman Schwebach: If there is nothing to brag on, then the money shouldn't be spent.

Myra Pancrazio: An economic development bullet would be great to have on the website. It would tell the Community who the economic development liaison is.

Commissioner Candelaria: Although he is on the board of EVEDA, Commissioner Candelaria believes that there is no conflict of interest between his EVEDA Board membership and his elected position on the Torrance County Board of Commissioners.

ROLL CALL VOTE:

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

Motion Passed.

C. COMMISSION: Motion to approve joint project with Edgewood Soil and Water Conservation District for the thinning of the Torrance County Park, to approve the 20% match, and to authorize County Manager Janice Barela to sign Water Trust Grant Cost Share Assistance application.

Chairman Schwebach: There is no motion yet because he wanted a dollar amount, only open discussion.

Madam County Manager Barela: Commissioner Candelaria had this as a project he was interested in. She worked with Edgewood Soil and Water Conservation District to see what was needed to complete the project. It requires a 20% match,

but Madam County Manager wanted the Commission to decide exactly how much to put in. The Park is quite large, over 100 acres. She did not want the Commission to believe that they had to thin the entire park's forest. Claunch-Pinto may also be interested in helping with the project, which means there may not need to be a match at all. The 20% was listed as just in case. She would also like to know what the cap is.

Chairman Schwebach: Suggested \$10,000 to get the ball rolling.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve joint project with Edgewood Soil and Water Conservation District for the thinning of the Torrance County Park, to approve the 20% match, and to authorize County Manager Janice Barela to sign Water Trust Grant Cost Share Assistance application.

Commissioner McCall: Seconded the Motion

ROLL CALL VOTE:

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

Motion Passed.

D. SHERIFF: Motion to approve reorganization of the Torrance County Sheriff's Office Transport/Civil Division to Community and Court Services Division (CCS) and additional Patrol Deputy positions.

Chairman Schwebach: Made a motion to approve reorganization of the Torrance County Sheriff's Office Transport/Civil Division to Community and Court Services Division (CCS) and additional Patrol Deputy positions.

Commissioner McCall: Seconded the motion.

Torrance County Undersheriff Eli Lucero: Explained that he wants 3 of the 5 current transport deputy positions to go to Patrol Deputy positions. The other two positions should be to accommodate staffing duties with the service aide responsibilities as well as Deputy Transport Services. They will have a full time Community and Court Services position. This helps to accommodate the Court

Services Personnel. He wants to have 4 certified, but there is not enough money in the budget now.

Chairman Schwebach: Amended motion to Undersheriff Lucero's first choice.

Commissioner McCall: Seconded the amended motion.

ROLL CALL VOTE:

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

Motion Passed.

E. SHERIFF: Motion to approve accounts payable to DT Automotive, invoice over \$5,000 threshold.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve accounts payable to DT Automotive, invoice over \$5,000 threshold.

Commissioner Candelaria: Seconded the motion.

Torrance County Sheriff Rivera: The repairs on the Sheriff's vehicles went over \$5,000 so it needs an approval from the Commission.

Commissioner McCall: Said that he saw a lot of vehicles worked on, with no license plates being written down. Documentation is very important.

Sheriff Rivera: Said that he has gotten on the TCSO employees, and he will tell them all again. Undersheriff Lucero is in charge and will speak to them again.

ROLL CALL VOTE:

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

Motion Passed.

F. SHERIFF: Motion to approve MOU between HIDTA Drug Enforcement Administration and Torrance County Sheriff's Office and authorizing County Manager Janice Barela to sign.

Chairman Schwebach: Made a motion to approve MOU between HIDTA Drug Enforcement Administration and Torrance County Sheriff's Office and authorizing County Manager Janice Barela to sign.

Commissioner McCall: Seconded the motion.

Torrance County Sheriff Rivera: There is a HIDTA DEA Memorandum of Understanding (MOU). HIDTA stands for High Intensity Drug Trafficking Association. It is a standard MOU. Sergeant Duran is assigned to it. It is a standard MOU from the various law enforcement arms, such as the ATF.

Commissioner McCall: Asked if any funds are coming out of the County.

Sheriff Rivera: Answered in the negative.

ROLL CALL VOTE:

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

Motion Passed.

ITEM 12-H. WAS PRESENTED NEXT.

G. COUNTY ATTORNEY: Motion to approve restructure of County Attorney's Office, eliminating Executive Assistant position and adding Records Custodian duties to Legal Assistant and setting salary.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve restructure of County Attorney's Office, eliminating Executive Assistant position and adding Records Custodian duties to Legal Assistant and setting salary.

Commissioner Candelaria: Seconded the motion.

Chairman Schwebach: Announced County Attorney John Butrick to explain the request.

Torrance County Attorney John Butrick: Explained why he was asking for the consolidation of the Executive Assistant position and adding Records Custodian to the job description. He also explained that he needs access to Madam County Manager Janice Barela very frequently. He no longer wants to move to the Fire Admin building. It will save \$26,000 to keep Mr. Butrick in the Admin Building.

Mr. Butrick also did the math regarding the salary differences between having one and two assistants. The bare minimum salary he would ask for would be \$17/hr.

Commissioner McCall: Wondered if Mr. Butrick will get the same quantity and of work out of one person being paid more than two employees being paid less.

John Butrick: Believes that one employee who has more education, such as a paralegal and would have a better chance of knowing what is expected and going about projects with the knowledge of expectations.

Madam County Manager Janice Barela: There are two vacancies, but they have not been posted yet on the County website.

Chairman Schwebach: Asked what the differences are in the qualifications that Mr. Butrick is seeking.

John Butrick: Answered that a paralegal is more educated usually having a bachelor's degree or Associates with a certificate. They may help in drafting legal documents and interviewing

Chairman Schwebach: Believes that Mr. Butrick knows exactly what he needs for his office and is inclined to go with what Mr. Butrick requests.

John Butrick: Prefers to have a paralegal for his assistant. Has a calculated salary range.

Commissioner McCall: If the County is going to hire someone, whoever gets hired will need a certificate to earn the highest salary.

Chairman Schwebach: Amended the motion to approve restructure of County Attorney's Office, eliminating Executive Assistant position and adding Records

Custodian duties to Legal Assistant and setting salary between \$18-22/hour, with high end salary minimum qualification of certificates, and to tie the salary with experience at the discretion of Attorney John Butrick.

Commissioner McCall: Seconded the motion.

Chairman Schwebach: Amended motion with a second. No further discussion.

ROLL CALL VOTE:

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

MOTION PASSED.

BREAK FOR DISC CHANGE. Back In Session, move to 11-C

H. FINANCE & PURCHASING: Motion to approve award for IFB 2022-01 - HFE 100P Oil to HollyFrontier Refining & Marketing, LLC

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve award for IFB 2022-01 - HFE 100P Oil to Holly Frontier Refining & Marketing, LLC.

Commissioner Candelaria: Seconded the motion.

Noah Sedillo: This is an award that would enable the Road Department to work on various projects, such as Paradise Meadows, Indian Hills, Cedar Lane, Willow Lake and Ewing Road, and to finish chip sealing these roads. There is only one bid right now, from HollyFrontier. There have been no other bids currently.

Chairman Schwebach: Remarked that he was not seeing the total price per pound.

Noah Sedillo: Said that it is because they cannot get an accurate price per pound.

Chairman Schwebach: Asked if there is a cap?

Noah Sedillo: Answered that there is, they are pertaining to the SP and SB Projects that are funded from the State. Each road gets its own Purchase Order.

ROLL CALL VOTE:

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

MOTION PASSED.

Skipped 12-I. and moved to 12-J.

I. FINANCE & PURCHASING: Motion to approve award for IFB 2022-02 - CSS-1 Fog Seal to Oil to HollyFrontier Refining & Marketing, LLC.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve award for IFB 2022-02 - CSS-1 Fog Seal to Oil to HollyFrontier Refining & Marketing, LLC.

Commissioner McCall: Seconded the motion.

Noah Sedillo: Discussed the fact that this is another part to the Chip Seal for Road repair. This is the Fog Seal to Oil.

Discussion was held regarding the pricing and the fact that there are not any other choices it seems for road work. Mr. Sedillo will check into the prices that the State of New Mexico pays.

ROLL CALL VOTE:

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

MOTION PASSED.

Moved on to Discussion

J. MANAGER: Motion to approve an additional three-month extension of Torrance County’s current contract with Estancia Valley Solid Waste Authority (EVSWA).

Chairman Schwebach: Made a motion to approve an additional three-month extension of Torrance County’s current contract with Estancia Valley Solid Waste Authority (EVSWA).

Commissioner McCall: Seconded the motion.

Madam County Manager Janice Barela: The current contract that we have expires at the end of September. She is asking for an extension to the contract while the new contract is finished. She noticed that there were billing errors, so she asked for bills from many years prior to research and make sure that there were no other mistakes. She also has Jeremy Oliver going over it. She is in contact with the EVSWA as well, and he has agreed to this, but it needs to go before his board as well. She is asking for the extension and the approval to sign the contract when it is complete.

Chairman Schwebach: Let Madam County Manager know that she already has the approval to sign.

ROLL CALL VOTE:

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

MOTION PASSED.

Moved back on to 12-I.

13. DISCUSSION

A. FINANCE: Update of FY 2022 budget approval from Department of Finance Administration.

Jeremy Oliver, Torrance County Finance Director: Last part of the FY 2022. DFA has approved the operating budget for FY2022. There was a negative 21% change to our reserve fund, but that means that the reserve grew by 21%. The money coming in couldn’t be spent fast enough.

B. ASSESSOR: Annual Report to Commission. MOVED TO AFTER ITEM 11-A.

Jesse Lucero, Torrance County Assessor: Presented Annual Report. He did not read everything but went over the major points of his presentation.

Mr. Lucero claimed that there are many projects being build without permits. The use of the Pictometry program has helped curb that issue. Mr. Lucero claimed that the return on investment was \$5,568,000

The increase in tax dollars was \$111, 697.68. The cost of Pictometry was \$180,000. This means that the program has proven it's value.

ITEM 12-G WAS PRESENTED NEXT.

C. MANAGER'S REPORT: Madam County Manager Barela: Introduced her new Administrative Assistant Amber Pava and exclaimed how proud she is of the job that she has done thus far.

D. COMMISSIONER'S REPORTS:

1) Commissioner McCall, District 1: No Report

2) Commissioner Schwebach, District 2: No Report

3) Commissioner Candelaria, District 3: As Follows:

Post 22 of the American Legion has planned their Flag Retirement Ceremony, where used flags are burned. Mayor Dial knows the exact date. Mayor Nieto from Mountainair will be putting on an "Art of Wrestling" exhibition on October 2, 2021, at the Dr. Saul Community Center.

14. EXECUTIVE SESSION

No Executive Session This Day.

15. Announcement of the next Board of County Commissioners Meeting: October 13, 2021, at 9:00AM. The September 22, 2021, Regular Commission Meeting has been cancelled due to lack of quorum.

16. SIGNING OF OFFICIAL DOCUMENTS

17. ADJOURN

ACTION TAKEN:

Chairman Schwebach: Made a motion to adjourn meeting.

Commissioner McCall: Seconded the motion.


Roll Call Vote:

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

MOTION PASSED.

MEETING ADJOURNED AT: 2:05 P.M.

Signed By:



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



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

Date: 10 / 13 / 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.

INFORMATION REGARDING DWI PREVENTION SERVICES:

4th Annual Torrance County Suicide Awareness and Prevention 5k

(aka "Suicide Prevention and Embrace Life Celebration")

Estancia

September 19, 2021

Dance Under the Stars

Moriarty

September 11, 2021

Adult Mental Health First Aid

Moriarty

August 29, 2021

Adult Mental Health First Aid (two-day class)

Estancia

August 30 - 31, 2021

Participating in:

Pinto Bean Fiesta

September 25, 2021

Moriarty

MADD Honoring Heroes

September 18, 2021

Albuquerque

Sunflower Festival

August 28, 2021

Mountainair

Zoom Bingo

Wednesday evenings

From the comfort of your own home!

Email for Bingo Cards.
