

**FINAL**

**Torrance County Board of Commissioners**

**Regular Commission Meeting**

**October 27, 2021**

**9:00 AM**

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

**Others Present:**

**JANICE BARELA – COUNTY MANAGER**  
**JUAN TORRES- DEPUTY COUNTY MANAGER**  
**JEREMY OLIVER – FINANCE DIRECTOR**  
**JOHN BUTRICK – COUNTY ATTORNEY**  
**YVONNE OTERO – COUNTY CLERK**  
**VALERIE SMITH – ADMINISTRATIVE ASSISTANT**

**1.     CALL MEETING TO ORDER**

**Chairman Schwebach:** Called meeting to order at 9:06 A.M.

**2.     PLEDGE**

**Chairman Schwebach:** Led the Pledge of Allegiance.

**INVOCATION:**

**Commissioner McCall:** Led the invocation.

**3. CHANGES TO THE AGENDA**

**No Changes to the Agenda.**

**4. PROCLAMATIONS**

**A. Naming October 2021 as “Breast Cancer Awareness Month” in Torrance County.**

**Madam County Manager Barela:** Presented the proclamation to name October 2021 “Breast Cancer Awareness Month.”

**B. Naming October 2021 as “Domestic Violence Awareness Month.”**

**Madam County Manager Barela:** Presented the proclamation to name October 2021 as “Domestic Violence Awareness Month.” She also introduced Ms. Anna Martinez, from the Torrance County Domestic Violence Prevention Program, who spoke about what the Domestic Violence Prevention offers. That includes resources for the abused and abusers. Some of the offerings are 24-hour D.V. hotline, emergency shelter for those that need it, help getting into long term shelters, transport and help with protection orders against abusers. They also help by going to court with victims when getting a Protection Order against their abuser.

**5. CERTIFICATES AND AWARDS**

**A. MANAGER: Announcement of Employee of the Quarter: Amber Pava, Administrative Assistant.**

**Madam County Manager Barela:** Presented the Employee of the Quarter to Amber Pava.

**Amber Pava, Administrative Assistant:** Accepted her award and thanked Torrance County.

**6. BOARD AND COMMITTEE APPOINTMENT**

**None currently.**

**7. PUBLIC COMMENT AND COMMUNICATIONS**

**Yvonne Otero, County Clerk:** Updates on the Election were presented, hereto attached. Asked for the Commission's permission to open the Clerk's Office late, at 9:00 a.m., Wednesday, November 3, 2021, which is the day after the local election. The staff of the Clerk's Office will have to stay until after polls close and the ballots are all returned on Tuesday, November 2, 2021.

**Chairman Ryan Schwebach:** Granted permission for the Clerk's Office staff to open at 9:00 am on Wednesday, November 3, 2021.

**Charlene Guffey, Torrance County Resident:** Asked the Commission questions about the Planning and Zoning Ordinance Amendment, 94-12. The Commissioners answered the questions to her apparent satisfaction.

**Fire Chief Don Dirks:** Chief Dirks put in for State Fire Marshal. He updated the Commission about the 7 grants that had been applied for; all 7 were approved. There are no matching funds necessary on any of them, and all but the District 2 grant are fully funded. Chief Dirks also announced the opening of another EMS position.

**John Butrick, County Attorney:** Mr. Butrick introduced Ms. Demenica Garcia as his new Legal Assistant. The County welcomes Ms. Garcia.

## **8. APPROVAL OF MINUTES**

**A. COMMISSION:** Motion to approve the October 13, 2021, Torrance County Commission Minutes.

### **ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to approve the October 13, 2021, Torrance County Commission 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 Candelaria:** 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

**ACTION TAKEN:**

**Chairman Schwebach:** Opened the floor for discussion.

**John Butrick:** Explained what had been added to the amendment per the public hearing held October 13, 2021. The changes are as follows:

The caption at the very top of the document was in the original document, then taken out, but have been put back in at the request of Charlene Guffy. The 4th line in the caption says, “describing procedures for establishing solid waste management fees and providing penalties, severability, and effective date.” It does not establish but describes procedures and penalties.

Mr. Butrick is unaware of any changes to Section 10, as Ms. Guffy had suggested they had been.

All where-as statements that Ms. Guffy had requested be returned to the document have been added, less the one that Chairman Schwebach asked for to be removed.

Minor scribes' errors were corrected. "NM Statute Annotates" was replaced with "NM Administrative Code."

The dates set forth on the document match what the rule is, that 30 days from the date of approval the amendment to the Ordinance will be approved. There were also small changes to wording. It has been signed on the back page. There are no substantive changes to the wording.

**Steve Guetschow, Planning and Zoning Director:** Mr. Guetschow made the changes that were requested of him at the previously held Public Hearing on October 13, 2021, more specifically, returning the "where-as" statements back to the document. He also changed the definition of "hauler" to the definition that has been taken directly from the NMAC that was requested by Estancia Valley Solid Waste Authority.

**ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to approve Resolution No. 2021-47.

**Commissioner McCall:** Seconded the motion.

**Chairman Schwebach:** Retracted his motion to approve Resolution No. 2021-47 and made a motion to approve replacement of Solid Waste Management Ordinance 94-12.

**Commissioner McCall:** Seconded the motion.

**ROLL CALL VOTE:**

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

**MOTION PASSED.**

## **11. ADOPTION OF RESOLUTION:**

**A. FIRE: Motion to approve Resolution No. 2021-47, intent to adopt Fire Protection Personnel Overtime Exemption.**

**Chairman Schwebach:** Opened the floor for discussion.

**Madam County Manager Barela:** Presented in lieu of Torrance County Human Resources Director. During the first presentation and discussion of this Resolution

at the October 13, 2021, meeting, the hours for Fire Protection Personnel Overtime Exemption were not clearly defined. Now therefore be it resolved that the proposed Fire Protection Personnel after 106 hours during a 14-day workweek, the overtime exemption may go into place.

**ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to approve Resolution No. 2021-47 intent to adopt Fire Protection Personnel Overtime Exemption.

**Commissioner Candelaria:** Seconded the motion.

**ROLL CALL VOTE:**

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

**MOTION PASSED.**

## **12. APPROVALS**

**A. OPERATIONS MANAGER: Motion to hire a Facilities Maintenance Position per discussions at previous County Commission Meeting on October 13, 2021.**

**ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to hire a Facilities Maintenance Position per discussions at previous County Commission Meeting on October 13, 2021.

**NO SECOND, MOTION DIES.**

**Chairman Schwebach:** Opened the floor for discussion.

**Commissioner McCall:** Explained that he would like to hear a presentation for the position before voting on it.

**Nick Sedillo, Operations Manager:** Presented the job description and his argument for wanting a new employee on his team. He presented how many work-orders he has had this year and this month. So far, there have been 144.

**Chairman Schwebach:** Asked if the work orders he has received are jobs that need a handyman or an actual plumber or electrician.

**Commissioner McCall:** Asked for a job description and asked if getting a new employee could cut down on the need to call TLC.

**Nick Sedillo:** Answered that the County requires regular maintenance from Plumbers and Electricians. This and HVAC has cost about \$7,000 a month. He read the work orders from this month. There are 14 sites that need constant care. The ones that need it the most are the Senior Centers, especially Mountainair, and the Judicial Complex.

**John Butrick:** Explained that the County must consider the cost; they have already got a contract with TLC. They travel to us and are contracted to work for us, as well as being insured. Asked if a new employee would breach any contract that the County has with TLC.

**Commissioner Candelaria:** Explained that a risk of having a plumber or electrician on call would be that if they are to get hurt, it would be the County's responsibility to insure them.

**Nick Sedillo:** Is aware of the risks. Mr. Sedillo and his employees have many minor issues that require electrical expertise, but they do not have the required knowledge. These are issues that are too small to call the electrician for, but not easy enough for them to fix alone. Things like re-doing all the watering plumbing at Animal Services would be a project that Mr. Sedillo and his crew have the expertise to complete. Mr. Sedillo explained that TLC is good at what they do, but that he believes having an employee with the experience he needs at the County Admin building that can fulfill work orders quickly and expertly would be very helpful. It can take days for some of the contractors to have the availability to work, and about 150 different pieces of HVAC equipment between all these sites.

**Chairman Schwebach:** Asked if the \$7,000 that the County pays to TLC covers everything pertaining to HVAC or if there are extra fees.

**Nick Sedillo:** The \$7,000 fee covers all HVAC work. If they need to be called for plumbing or electric work, that is an extra fee. Mr. Sedillo told the Commission that since the work order process has changed, everything is running more efficiently, but that now he needs an additional employee to keep up. The work order process is different now because it goes straight to Mr. Sedillo as well as Management.

**Commissioner McCall:** Noticed on the job description, groundskeeping covered a large portion of the responsibilities. Mr. McCall believes that the groundskeeping can be improved.

**Nick Sedillo:** Mr. Sedillo does not have all the equipment he needs to run his department effectively, though he has been diligent in ordering it. When he took over the position there was no equipment to run the department. Mr. Sedillo explained that he gets the Judicial Building and the Admin Building taken care of first when it comes to groundskeeping, then works on the other departments. Gave an example of when the biggest snowstorm happened last year, that he made sure that those two buildings were cleared first. Luckily Leonard Lujan from the Road Department had the backhoe available that day. Him and his entire crew worked all morning on clearing the parking lots and sidewalks.

**Commissioner McCall:** Asked how much overtime Mr. Sedillo and his crew get annually.

**Nick Sedillo:** Answered that usually it is not much, but things happen without notice, like last Friday's work order that the Sheriff's gate not working, which caused overtime to happen.

**Commissioner McCall:** Asked if he could keep a 40-hour a week employee busy and improve the look of the grounds.

**Nick Sedillo:** Answered in the affirmative.

**Chairman Schwebach:** Suggested that the item be deferred until Chairman Schwebach has a better understanding of the duties of all Maintenance Department employees, as he does not feel he can confidently agree to another full-time employee until that happens.

**Commissioner McCall:** Also wants more information. Asked Mr. Sedillo if the County would benefit from a plumber or electrician more.

**Nick Sedillo:** Answered that an electrician would be more helpful.

**Chairman Schwebach:** Wants to talk to Mr. Sedillo more about what responsibilities the department has and what it is lacking. He would like another two weeks to compare the cost of keeping TLC vs. hiring a full-time employee who can also do everything that TLC does and more. He reiterated the \$7,000/mo. cost for TLC. He wants to defer the motion until the next Commission Meeting.



**Madam County Manager Barela:** Asked if the price for the TLC contract went up when the County acquired 2 more buildings.

**Nick Sedillo:** Answered that it did not.

**Commissioner Candelaria:** Told the Commission and the public that he sees the need for another employee, and he is happy to see the department grow. He sees the necessity of the Maintenance Department.

**Chairman Schwebach:** Asked Commissioner Candelaria if he and Commissioner McCall were okay with deferring the item.

**Commissioners Candelaria & McCall:** Answered in the affirmative.

ACTION TAKEN:

ITEM DEFERRED.

**B. FIRE: Motion to approve payment in the amount of \$207.64 to Coast 2 Coast Automotive Performance & Tires, rendered services on 10/30/2020.**

ACTION TAKEN:

**Chairman Schwebach:** Made a motion to approve payment in the amount of \$207.64 to Coast 2 Coast Automotive Performance & Tires, rendered services on 10/30/2020.

**Commissioner Candelaria:** Seconded the motion.

**Hannah Sanchez, TC Fire Department:** Requested payment in the amount of \$207.64 be made to Coast 2 Coast for services rendered on 10/30/2020. An invoice was not received until 10/13/2021. That means the PO was closed out during the last Fiscal Year. The invoice only said, "Replace tire on fire truck," but gave no specifics.

**Chairman Schwebach:** Explained that he needs that information.

**Madam County Manager Barela:** Told Chairman Schwebach that it was labeled on the invoice as a 2018 Chevy Silverado.

**Hannah Sanchez:** Said that she vaguely remembers the previous Fire Chief Gary had a nail in the sidewall of his tire around that time.

**Don Dirks, TC Fire Chief:** While investigating why this was not taken care of, Chief Dirks found that the previous Chief had taken the tire in to get fixed just days before his employment with Torrance County ended, so it was overlooked during that time.

**ROLL CALL VOTE:**

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

**MOTION PASSED.**

**C. DISPATCH: Motion to approve Service Agreement between Torrance County and Motorola for enhanced radio system.**

**ACTION TAKEN:**

**Chairman Schwebach:** Asked Mr. Daugherty to present the Motorola service-agreement plan.

**Ben Daugherty, TC Dispatch:** Mr. Daugherty presented the plan that Motorola has given Torrance County Dispatch (See Commission Packet). Motorola came to them and proposed a 6-year maintenance contract. All equipment and fees, as well as maintenance, is included. Mr. Daugherty went over the details of the contract, and what is provided each year. The annual fee is the only thing that is paid. The County already uses Motorola.

**Chairman Schwebach:** Said that this essentially locks the County in with Motorola for the next 6 years.

**Ben Daugherty:** Answered in the affirmative but said there is not another viable provider for this service anywhere close to Torrance County. He went over the numbers and explained the increases in yearly fees as standard incremental additions. The County is behind in upgrades. The table's bottom row gives the total of \$656,286.39, broken up over 6 years. That is a little over \$105,000/year. Previous years have been steadily increasing, with last year being approximately \$96,000.

**Chairman Schwebach:** Asked if previously it was a 1-year contract.

**Ben Daugherty:** Correct. Under the new contract everything is covered regarding trip fees or upgrades. Motorola is a State-contracted vendor, and this plan gets Torrance County upgraded. If Torrance goes with the yearly plan, there will be another \$180,000 total spent in upgrades.

**Commissioner McCall:** Asked if all the equipment will be brought in at once.

**Ben Daugherty:** Explained that the equipment is already in place, it is just upgrades that are needed. There haven't been charges in the last 5 years to replace any hardware systems, even though they have.

**Commissioner McCall:** Asked Mr. Daugherty to explain the \$285k Astrosystem Essential Plus.

**Ben Daugherty:** Explained that Astrosystem is the complete radio system. They are 6 consoles that connect to 8 different radios, which connects everything. Astrosystem is the interface.

**Madam County Manager Barela:** Said that the County would not be paying all at once, but yearly, for the system and upgrades. This is included in the agreement. Instead of just basic maintenance, with additional payment for upgrades, this new plan would get the County up to date with everything, it is very important to be up to date with communications systems.

**Matt Propp, Emergency Manager:** Plans on bringing a letter of intent for a County-wide system upgrade, that ties into the State-wide radio system. Motorola will be the host of that system, so having this contract already would be very beneficial to tying in with the State-wide system.

**Madam County Manager Barela:** The price is locked in for the next 6 years, and with the State needing upgrades over the next six years, including at our facility, and this helps keep the cost low.

**Commissioner McCall:** Asked why the County needs to sign this contract if the County already uses Motorola. Asked if we already have the system, what the \$275,000 is for. Is that alone for maintenance?

(Speaking off microphone.)

**Ben Daugherty:** We do already have the system. Under a bond, the previous County Manager paid \$1.2 M for the system.

**Commissioner McCall:** Asked if that was going away.

**Ben Daugherty:** Answered in the negative. Explained that we usually pay one year at a time, and that does not include upgrades. This is a 6-year contract that includes upgrades for the system and is locked in on price. He showed the Commissioners the itemized bill. He also explained again that the price is for the constant service and upgrades. Even though Torrance County has the equipment, it needs constant care and maintenance, plus there is a yearly service fee. The computers and 6 desks need to be replaced. The estimated pre-tax total for the upcoming fiscal year is \$41k.

**Chairman Schwebach:** Told the Commission that he does not understand why Mr. Daugherty wants the County locked into a 6-year contract that requires so much care and maintenance, requiring the County to buy or upgrade this equipment that they may or may not need.

**Ben Daugherty:** The County will need the equipment. It is the primary communication for Law Enforcement and Fire. Speaking about the State-wide system that is being implemented, he said that it will be 20-25 years before it is ready to be a replacement for local systems. It is only a supplement to the local systems. It will let the County tie in with the State radio. Mr. Daugherty showed a new document (included in Commission Packet) that had more information regarding pricing. He then read the pricing plan. He explained that the increases are increases that have already been happening yearly. With the 6-year plan, year one will cost \$70,902 (estimated with tax.) The plan increases every year, culminating at \$126k. If the County does a 1-year contract, it will cost \$99k to upgrade, and then a review again next year, and every year after. The discount will be about \$30k.

**Commissioner McCall:** Asked what it will cost to move to State-wide radio.

**Matt Propp:** Does not have those numbers. He wants to bring the State representatives in to present those numbers.

**Chairman Schwebach:** Asked why they are presenting a 6-year term now.

**Ben Daugherty:** The County used to go through another company, but the workmanship and customer service was so bad that Motorola cut ties with the company. Now there is no middleman, and the County deals directly with Motorola.

**Commissioner McCall:** Asked why the equipment needed to be replaced.

**Ben Daugherty:** The equipment is already 4-5 years old, and the PCs all run 24/7. The industry average for radios is 4 years.

**Commissioner McCall:** Explained that he wants to know exactly what equipment needs to be installed, and when.

**Ben Daugherty:** The technology can be unpredictable. There are still computers using Windows XP at Dispatch.

**John Butrick, Torrance County Attorney:** Pointed out the terms and conditions, specifically the termination of the contract if necessary.

**Chairman Schwebach:** Said that he had noticed the terms of termination. He wants a guarantee that all the equipment would be updated. Asked how the contract transpired.

**Ben Daugherty:** Dispatch was trying to do their budget for the upcoming fiscal year, and Motorola came to them because they noticed that there was a lot of equipment that had failed to be upgraded in previous years. There is some hardware that is 5 years out of date. They want to upgrade everything we have, then we keep everything.

**Commissioner McCall:** Made it clear that he was for updating equipment and agrees that it is important. He believes that it is in the best interest of the County to see a roadmap of exactly what the County will get and when, instead of relying on a company to “keep the County up to standards.”

**Ben Daugherty:** That is what the list of central equipment is in the presentation. While Dispatch is upgrading the consoles, Motorola is also installing some of the new hardware.

**Madam County Manager Barela:** Pointed out that the contract in Section 16 states that the equipment does still belong to Motorola, that the County does NOT get to keep the equipment when they are done with it. The County would need to determine what they pay for it, and what we pay for it. Madam County Manager Barela asked Mr. Daugherty if the County has equipment currently that Motorola installed and paid for.

**Ben Daugherty:** The contract is all inclusive, unlike the contract with TLC where if something breaks, they must pay for the item that breaks. If all the Motorola equipment was destroyed, they would replace everything.

**Chairman Schwebach:** Wants to know if the County can get a bigger discount by cashing it out all at once, up front.

**Ben Daugherty:** The previous sales rep dropped the ball by not letting us know we must upgrade, though his information was much more readable.

**Commissioner McCall:** Made a point to ask about “local infrastructure repair,” and the \$30,000 fee for it. Asked if they must come out once in 6 years, then do we still pay \$30,000?

**Ben Daugherty:** Answered that it is like insurance.

**Chairman Schwebach:** Asked if there are insurance bills to cover acts of God and storms?

**Ben Daugherty:** Answered affirmatively, with a \$1,500 deductible. It is covered at the County sites, not the dispatch sites.

**Commissioner McCall:** Wants the County Attorney to look over the contract.

**Chairman Schwebach:** Wants more information. Wants to know if there are other vendors that can offer similar services.

**Ben Daugherty:** Asked if they want to roll the dice that someone will be out to help at one or two in the morning. These costs are the standard parts of the service agreement.

**Madam County Manager Barela:** Made the point that if the Commissioners are going to defer a decision, that they may ask Motorola to provide the County with a one-year contract to look over, as well as upgrades to become current, to compare. The question can also be asked about getting discounts for getting upgrades up front.

**Ben Daugherty:** If the County opts not to do the service agreement (6 years,) that a one-year amount will be \$99,178.41. The service agreement will be \$70,902. Next year, it will be \$108,351 or more, depending on their price increase. The discount is in the first year.

**Chairman Schwebach:** Have we failed to update the contract

**Madam County Manager Barela:** On year 1 the total with the system, tech support, dispatch, M.S.I., that comes to \$65,726.46, would that be an additional cost, where Mr. Daugherty said that the cost was \$99,000?

**Commissioner McCall:** Has serious questions for Motorola. Thought the salesman should be here to present to a Commission who they are asking for almost \$600,000.

**Chairman Schwebach:** Asked Mr. Daugherty, who said “as soon as possible,” wants to know if it will break down in the next two weeks.

**Ben Daugherty:** Answered that he hopes not. We still have a current service agreement.

**Chairman Schwebach:** Wants to speak to the salesman.

**Commissioner Candelaria:** Says that he agrees with the contract. He sees electronics change every year and knows how important an upgrade, especially for rescue and police personnel, is. It gets more expensive.

**Chairman Schwebach:** Asked if the County runs the risk of losing this offer in the next two weeks.

**Ben Daugherty:** Answered in the negative. Motorola is not going anywhere. They have top of the line equipment, and they have service capabilities that are better than the smaller companies.

**Madam County Manager Barela:** Stated that if they need additional questions answered by the purchasing director Noah Sedillo, that is possible, but it is also part of the State-wide price agreement.

**John Butrick:** Stated that he noticed that Motorola was the only game in town and that it is part of the Statewide price agreement, so he did not spend a lot of time on the contract and maximized his time elsewhere.

**ACTION TAKEN:**

There was no motion and second; Chairman Schwebach asked to defer.

The Commissioners agreed.

**D. ANIMAL SERVICES: Motion to approve Memorandum of Understanding (MOU) between Torrance County and the City of Mountainair for Dangerous Animal Services.**

**Chairman Schwebach:** Opened the floor for discussion on the MOU between Torrance County and the City of Mountainair for Dangerous Animal Services.

**Cyndi Sullivan, Animal Services:** Captain Reyes came to her and asked for Animal Control Services for the city of Mountainair. She said no because there was no facility to handle anyone else's animals. Animals are not being moved right now. She tries to help, so there is an agreement that they can both handle. Their officers cannot handle dangerous animals, so Torrance County will agree to be their transport, and only transport. If someone is bit, Animal Services will help catch the animal and transfer it to their facility. It will be controlled by the City of Mountainair, and it is a temporary measure until someone is hired for Animal Services.

**Commissioner McCall:** Asked if anything stops her from taking animals in.

**Cyndi Sullivan, Animal Services:** Answered that there are only 7 cages, so there is not enough room to take other entity's animals.

**Chairman Schwebach:** Asked if she could take in Mountainair's animals if she wanted to.

**Cyndi Sullivan:** Answered NM State Statute states that each municipality shall have their own animal control. The one call that was an aggressive dog pickup took three hours to complete, so the pricing is a schedule that Ms. Sullivan came up with herself.

**Chairman Schwebach:** Asked if the new Animal Services building will be big enough to satisfy the statute for other entities.

**Cyndi Sullivan:** Answered that Animal Services was previously a regional facility.

**Chairman Schwebach:** Asked if they can make Animal Services regional, does that then free up Mountainair or Estancia from the statute?

**Cyndi Sullivan:** Answered that if the contracts were in place and the County takes responsibility for them, then it is possible. Her understanding though is that they would be responsible for having their own Animal Control, and the County would just be housing their animals.

**Chairman Schwebach:** Wrapped up discussion on Animal Services.



**ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to approve Memorandum of Understanding (MOU) between Torrance County and the City of Mountainair for Dangerous Animal Services.

**Commissioner McCall:** Seconded the motion.

**ROLL CALL VOTE:**

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

**MOTION PASSED.**

**E. FINANCE AND PURCHASING: Motion to approve Grievance Hearing Officer (Professional Services) Contract between Brennan & Sullivan, P.A., and Torrance County.**

**Chairman Schwebach:** Opened discussion for potential motion to approve Grievance Hearing Officer (Professional Services) Contract between Brennan & Sullivan, P.A., and Torrance County.

**Noah Sedillo, Chief Procurement Officer:** Explained that the next 3 items are for the same things, just different names. They are recommended for approval of a multi-source award. This refers to the 2019 personnel Ordinance that requires 5 hearing officers on contract. On July 26, 2021, they began an RFP for hearing officers, and there were initially two responses. They consulted with Management and Human Resources and expanded the RFP which then netted an additional response. They brought them before the Committee, who evaluated them for the criteria, where they were then recommended for approval by the Commission. There need to be a total of 5 Grievance Officers, so a new RFP will be necessary.

Mr. Sedillo went over the cost differences of the investigators. Two of the officers are retired judges. (See Commission Packet.)

Ms. Brennan's costs are approximately \$50,000 annually, billed hourly.

**Chairman Schwebach:** "So if we don't use her, we don't pay her?"

**Noah Sedillo:** Answered in the affirmative.

**Chairman Schwebach:** Asked what would happen if they cannot get the other two officers. He also asked if they would then be in violation of the County's Ordinance.

**John Butrick, Torrance County Attorney:** Answered that he believes that the County needs 5 Grievance Officers, but that if they are trying to get others, but are just unable to, then they cannot be called non-compliant.

**Noah Sedillo:** Agreed that there needs to be 5 Grievance Officers.

**Commissioner McCall:** Asked if the odd number of 3 Grievance Officers would suffice.

**John Butrick:** Answered that it would not suffice because the Ordinance clearly states that there are to be 5 Grievance Officers to choose from.

**Madam County Manager:** Now may be a good time for the Commissioners to take another look at the Ordinance, and possibly amend it, seeing as there is trouble hiring Grievance Officers.

**ACTION TAKEN:**

**Commissioner McCall:** Made a motion to approve Contract between Brennan & Sullivan, P.A., and Torrance County.

**ROLL CALL VOTE:**

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

**MOTION PASSED.**

**F. FINANCE AND PURCHASING: Motion to approve Grievance Hearing Officer (Professional Services) Contract between Garcia Law Group, LLC and Torrance County.**

**Chairman Schwebach:** Asked Mr. Sedillo if this contract is similar to the previous item and opened it for discussion.

**Noah Sedillo, Chief Procurement Officer:** This is the exact same contract as the previous item with Brennan & Sullivan, but this is a multi-source award for the

RFP published. Asked the Commissioners to move to the last page to look at the schedule of fees. Judge French, a respected retired judge, has a rate of \$300/hr. for services rendered, not to exceed the proposed annual cost of \$24,000.

**ACTION TAKEN:**

**Chairman Schwebach**: Made a motion to approve Grievance Hearing Officer (Professional Services) Contract between Garcia Law Group, LLC, and Torrance County.

**Commissioner McCall**: Seconded the motion.

**ROLL CALL VOTE:**

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

**MOTION PASSED.**

**G. FINANCING AND PURCHASING: Motion to approve Grievance Hearing Officer (Professional Services) Contract between Robert F. Curtis and Torrance County.**

**ACTION TAKEN:**

**Chairman Schwebach**: Made a motion to approve Grievance Hearing Officer (Professional Services) Contract between Robert F. Curtis and Torrance County.

**Commissioner Candelaria**: Seconded the motion.

**Chairman Schwebach**: Asked for further discussion.

**Noah Sedillo, Chief Procurement Officer**: Mr. Sedillo explained that this contract is different than the last two items and proceeded to cover the differences. The previous contracts are to hire retired judges. This contract is an attorney, and they are working on an attorney's schedule, rather than a retired judge's schedule. He also has a different background than the other

He then read Mr. Curtis' fee schedule, hereto attached.

Mr. Curtis is based out of Arizona, which means he has travel expenses of \$1500.

**John Butrick, Torrance County Attorney**: The heartburn that Mr. Sedillo and Mr. Butrick had was with the travel cost. His contract has "Travel expenses" under

two different headings. Clarification is needed to know why travel expenses are written in two places.

**Noah Sedillo, Chief Procurement Officer:** Reminded the Commission on the rules of payment as written in the Ordinance, and if the decision was modified by the Hearing Officer, the Employee and County each pay 50%. If the employee was ruled in favor of, the County pays 100% to the Grievance Officers.

**Commissioner McCall:** Do you believe that there needs to be clarifications?

**John Butrick:** Answered affirmatively.

**Chairman Schwebach:** Read “travel expenses” as any travel to and from home to work. If expenses are not covered under travel and it’s a separate line item, then the County Manager needs to bring it back before the Commission. He amended the motion to give the County Manager signing power. He then retracted his motion and deferred it to the next meeting.

**Madam County Manager:** Explained that because it is an award of an RFP it may require the commission’s signatures. She is not sure of that.

**Noah Sedillo:** Noted that he can change the 3 lines for the Commissioner’s signatures to one for the Madam County Manager, as this was the directive from the motion. They also need to ensure that the travel expenses are fully inclusive of the fees on the bottom tallied by Mr. Robert Curtis. If it is now, then they will go back to negotiation, and bring an entire contract to them.

**ACTION TAKEN:**

**Chairman Schwebach:** Retracted motion to approve Grievance Hearing Officer (Professional Services) Contract between Robert F. Curtis and Torrance County, deferred the motion in preparation of passing it at the next meeting.

**Item Deferred.**

**H. EMERGENCY MANAGER: Motion to approve submittal of Hazard Mitigation Grant Application for up to \$75,000 with a 25% match (\$18,750 match.)**

**Chairman Schwebach:** Made a motion to approve submittal of Hazard Mitigation Grant application for up \$75,000 with a 25% match (\$18,750 match.)

**Commissioner Candelaria:** Seconded the motion.

**Matt Propp, Emergency Manager:** There to ask to submit the Hazard Mitigation Grant. They are required every 5 years to have this plan in place. Other entities within Torrance County use this plan to seek funding and grants for their programs. It is very important and entities such as the City of Moriarty, the Town of Estancia, and the Village of Encino. The number is 67,550. \$50,662.50 comes from the grant, and \$16,887.50 match from the County.

**Chairman Schwebach:** Asked if the grant is cash out of pocket or in-kind services.

**Matt Propp:** Answered that it is a mixture. A lot of in-kind through staff analysis and public outreach meetings.

**Chairman Schwebach:** Asked if it is within the Emergency Manager's budget.

**Matt Propp:** Answered that it is.

**John Butrick, Torrance County Attorney:** Informed that he had just received the grant moments before.

**Chairman Schwebach:** Informed Mr. Butrick that this was just a motion for submittal, not approval at this point.

**ROLL CALL VOTE:**

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

**MOTION PASSED.**

**I. MANAGER: Motion to approve a three-month extension to lease agreement with Tajique Land Grant for current location of the Transfer Station.**

**Chairman Schwebach:** Made a motion to approve a three-month extension to lease agreement with Tajique Land Grant for current location of the Transfer Station.

**Commissioner Candelaria:** Seconded the motion.

**Madam County Manager Barela:** Andrew, the Land Grant President, was okay with extending the lease and Torrance County.

**Madam County Manager Barela:** Proposed a three-month lease extension through January 31, 2022 .

BREAK: 11:19 a.m. TO 11:33 APPROXIMATELY.

### **13. DISCUSSION**

#### **A. GRANTS: Update from Juvenile Justice Continuum Coordinator regarding Juvenile Justice Grant.**

##### **Rebecca Armstrong, Juvenile Justice Continuum Coordinator:**

For Fiscal Year 2021, she shared 4 items.

- The Programs

Boys Council & Girls Circle:

They are in Estancia School, and they want to train and send workers into a new school. They ran 84 sessions last year for Boys Council. There were over 800 children in cumulative attendance during the 84 sessions.

They run Teen Court virtually every Monday night.

- The Accomplishments:

Updated the MOU from 2016 and Bylaws from 2018.

Improved attendance to the Board Meetings and hired Debby Ortiz.

EVCA (Estancia Valley Classical Academy) will be getting services, approved by CYFD, starting with Girl's Circle in January.

Prevention education in the schools is a new program that is beginning. 3rd, 4th and 5th grade in Mountainair just had prevention education, as well as Estancia. They did games and had the golf carts with "Drunk Goggles" to show what drinking and driving feels like.

- Financials

For FY 2021, they reverted \$42,000. This is half of what was reverted last FY, which was \$84,000.

The grant this year is the same amount, \$98,000.

Last year \$28,000 of \$30,000 was reverted from the Girls Circle funds. Beginning at EVCA in January will help draw funds down so fewer funds get reverted.

The minimum 40% match donation requirement is almost \$21,000, and it was exceeded by \$800.

- **Future Goals and Projects:**

The Board began a Restorative Justice Program and trained 16 people in May in the Torrance County Commission Chamber. There was representation from judges, courts, JPO, law enforcement, Torrance County DWI and MOPT, the Torrance County Office of Substance Abuse, and the Torrance County Grant Unit. They are now having subcommittee meetings, trying to get their grant application in to apply for more funds, trying to hire a facilitator, and trying to work on the getting more people involved.

They are working on getting counseling for kids and families in Torrance County.

They are also working on their referral process so that more kids who need it can be involved. They want to take input from the schools, law enforcement and other parts of the community.

**Chairman Schwebach:** Asked Ms. Armstrong to define “Restorative Justice.”

**Rebecca Armstrong:** Explained that there are many levels of restorative justice. She gave an example of a child that broke a window with a baseball bat. The offender, the offender’s family, the victim of the crime if possible, and the police if they were involved, would get together, and form a circle around that child. The people would then tell the child how they feel, what the consequences are of the rule or law that they broke, and then they would determine a punishment.

**Chairman Schwebach:** Asked if this was in lieu of criminal charges.

**Rebecca Armstrong:** Answered in the affirmative. She wants to build it into the referral system with the courts.

**Chairman Schwebach:** Asked if it is something that the schools can choose to participate in or not, and if so, how that works.

**Rebecca Armstrong:** Answered that it is complicated because every school does things differently. She said that the schools used to use JPO for first

offenses. Now the school administrators want the schools to handle things in-house. That way they are not being immediately put on probation and have a permanent record made.

**Chairman Schwebach:** Asked if there were a lot of people from the 4 schools in the area, being Mountainair, Moriarty, Estancia and Estancia Valley Classical Academy, that participated in the training and want to be a part of the program.

**Rebecca Armstrong:** Answered that there are, that everyone but Moriarty participated in the training, and that was only because they had another training that day and couldn't get anyone else to go in their stead. She said there were many referrals to Teen Court, which they want to see more of. Teen Court is for first time offenders, to try and intervene before things get out of hand.

**Chairman Schwebach:** Asked why the Police are less likely to refer kids to Teen Court.

**Rebecca Armstrong:** Answered that she wasn't sure but from what she has heard, they do not want to give them consequences, just a slap on the wrist and send them home. Edgewood Municipal Court are the only ones that are referring children to Teen Court.

**Cheryl Allen:** Our Juvenile Justice Grant does not fund Teen Court, only Rebecca Armstrong's participation in Teen Court. The police do come to the Board Meetings, and Teen Court updates are given at Board Meetings.

**Chairman Schwebach:** Asked if the results are proving that it works.

**Rebecca Armstrong:** Agreed that the results are positive.

**Commissioner McCall and Cheryl Allen:** Gave Rebecca a "pat on the back" for the time and enthusiasm she brings to Teen Court.

**Commissioner Candelaria:** Went to Teen Court and saw how real it is. It looks like real court.

**Commissioner McCall:** Asked what time the Board Meetings are at.

**Rebecca Armstrong:** They are from 4:00 to 5:00 PM every 4th Monday of every month, live in the Commission Room or on Zoom.

## **B. MANAGER'S REPORT:**



**Madam County Manager Barela: Gave her time to Steve Guetschow, Planning and Zoning.**

**Steve Guetschow:** At the last P&Z Board Meeting there was a conditional Use Permit that was denied, and because of the meeting schedules, the appeal date has been set for the next Commission meeting on November 10, 2021. The Public Notice letters went into the newspaper the previous Friday, and the notices have gone out to the neighbors that are surrounded.

**Madam County Manager Barela:** Continued with the Manager's Report.

### **C. COMMISSIONER'S REPORTS**

#### **1) Commissioner McCall, District 1:**

Commissioner McCall is looking into adding a 4-way stop at Cedar Lane and another at Martinez on Lexco. It has been brought to his attention that cars are travelling too fast on the road.

#### **2) Commissioner Schwebach, District. No Update.**

#### **3) Commissioner Candelaria, District 3:**

**Commissioner Candelaria:** Thanked the Road Department for putting caliche on Capilla Peak.

### **14. EXECUTIVE SESSION**

**A. ATTORNEY: Discuss threatened or pending litigation, closed pursuant to NMSA 1978, Section 10-15-1 (H) (2).**

#### **ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to enter executive session to discuss threatened or pending litigation, closed pursuant to NMSA 1978, Section 10-15-1 (H) (2).

**Commissioner McCall:** Seconded the Motion.

#### **Roll Call Vote:**

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

**MOTION APPROVED.**

**Enter executive session at approximately 12:11 P.M.**

**Chairman Schwebach**: Made a motion to reconvene Regular Session.

**Commissioner Candelaria**: Seconded the motion.

**Roll Call Vote:**

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

**MOTION APPROVED.**

**Regular Session reconvened at approximately 12:43 P.M.**

**Chairman Schwebach**: Topic discussed during executive session only included threatened or pending litigation, closed pursuant to NMSA 1978, Section 10-15-1 (H) (2). No action will be taken.

**15. Announcement of the next Board of County Commissioners Meeting: November 10, 2021, at 9:00 AM.**

**16. SIGNING OF OFFICIAL DOCUMENTS**

**17. ADJOURN**

**ACTION TAKEN:**

**Chairman Schwebach**: Made a motion to adjourn the meeting at approximately 12:46 p.m.

**Commissioner McCall**: Seconded the motion.

**Roll Call Vote:**

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

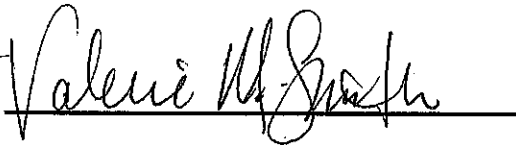
**MOTION PASSED.**

**MEETING ADJOURNED AT: 12:46 P.M. APPROXIMATELY**

**Signed By:**



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



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

**Date: 12 08 / 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.**

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Addendum to the October 27, 2021, Regular Commission Meeting Minutes:

**Item 12. I:**

Chairman Schwebach: Made a motion to approve a three-month extension to lease agreement with Tajique Land Grant for current location of the Transfer Station.

Commissioner Candelaria: Seconded the motion.

**ROLL CALL VOTE:**

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

**MOTION PASSED.**