

FINAL

Torrance County Board of Commissioners

Regular Commission Meeting

January 12, 2022

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 9:04 A.M.

2. INVOCATION & PLEDGE

PLEDGE:

Chairman Schwebach: Led the Pledge of Allegiance.

INVOCATION:

Commissioner Candelaria: Led the invocation.

3. CHANGES TO THE AGENDA

None this day.

4. ELECTION OF CHAIR AND VICE CHAIR

A. COMMISSION: Election of Chair and Vice Chair for Calendar Year 2022.

Commissioner Kevin McCall: Nominated Ryan Schwebach as Chairman of the Torrance County Commission.

Chairman Ryan Schwebach: Accepted position of Chairman.

Chairman Schwebach: Nominated Leroy Candelaria as Vice Chair of the Torrance County Commission.

Commissioner Leroy Candelaria: Accepted position of Vice Chair of the Torrance County Commission.

5. Open Meetings Act Resolution

A. COMMISSION: Motion to approve Resolution 2022-1 establishing the provisions of the New Mexico Open Meetings Act, NMSA 1978 § 10-15-1 and repealing Resolution 2021-1.

Chairman Schwebach: Every year the Open Meetings Act must be approved as a resolution, this year 2022-1, thereby repealing the previous year's Open Meetings Act Resolution.

John Butrick, Torrance County Attorney: Read the Open Meetings Act.

Chairman Schwebach: Asked if there are any changes to the Open Meetings Act from the previous year.

Madam County Manager Barela: There are no substantive changes to the OMA. The changes include Calendar Year date changes, and the third paragraph under "Special Meetings" was taken out.

Attorney John Butrick: Read paragraph 1 in Section C and replaced that with exact statutory language.

Madam County Manager Barela: Recommended reading the Open Meetings Act into record.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve Resolution 2022-1 establishing the provisions of the New Mexico Open Meetings Act, NMSA 1978 § 10-15-1 and repealing Resolution 2021-1.

Commissioner McCall: Seconded the motion.

ROLL CALL VOTE:

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

MOTION PASSED.

6. PROCLAMATIONS

NONE THIS DAY

7. CERTIFICATES AND AWARDS

NONE THIS DAY

8. BOARD AND COMMITTEE APPOINTMENTS

A. COMMISSION: Motion to create a New Administrative Building Committee, to appoint members of this committee, and to allocate funding for committee's work.

Chairman Schwebach: Opened the floor for discussion regarding creating a New Administrative Building Committee, to appoint members of this committee, and to allocate funding for committee's work, especially in seeking bank loans. The longer the wait to move, the longer it will take to get the new building started.

Commissioner Candelaria: The current Administrative Building was built around 1966-1967. The electronics don't always work, and sometimes it costs more to remodel than to start from scratch.

Commission McCall: Asked if it was time to put names to a committee.

Chairman Schwebach: Agreed it was time to put names forward. The County Fair Building will not cost what it was budgeted at. The Committee needs to look at securing bank loans, and if that would be the way to go as far as budgeting, and what can be done with the budget. Chairman Schwebach wants the committee to be formed, make decisions, and then move forward. He does not want to make the Committee just to delay the building, but to push it forward. He wants the Committee to make a decision within 6 weeks regarding the best course of action for funding.

Chairman Schwebach: Listed who he nominated for the Committee, who are: Jeremy Oliver, the Finance Director, and Commissioner Kevin McCall, because of his past in construction,

Commissioner Candelaria: Everything needs to be planned

Commissioner McCall: Asked if putting Financial Advisor Robert Burpo on the Committee is a good idea.

Madam County Manager Barela: Said that she spoke with Mr. Burpo and that he would be happy to help.

Commissioner McCall: Two Commissioners cannot be put on the Committee because of the possible quorum that is forbidden by the Open Meetings Act. Commissioner McCall wanted to state that he was not a fan of the idea of building a new Administrative Building at first, but now that the County is in a better place financially, and he sees how broken down the Admin Building is, he sees the need for a new building.

ACTION TAKEN:

Chairman Schwebach: Made a motion to create a New Administrative Building Committee, to appoint the following members of this committee, and to allocate funding for committee's work. Members: Robert Burpo, Financial Advisor; Kevin McCall, County Commissioner; Jeremy Oliver, County Finance Director; and Janice Barela, Torrance County Manager, or whomever Madam County Manager appoints in her stead. This Committee should only be banded for approximately 6-8 weeks.

Commissioner Candelaria: Seconded the motion.

Attorney John Butrick: Suggested more than 4 members in case of a vote.

Chairman Schwebach: Explained that it is more of an exploratory Committee than one that is to make decisions. There will be no voting.

ROLL CALL VOTE:

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

MOTION PASSED.

B. MANAGER: Motion to appoint Torrance County's representative to the Estancia Valley Economic Development Association (EVEDA) Executive Board.

Chairman Schwebach: Opened the floor for discussion regarding the motion to appoint Torrance County's representative to the Estancia Valley Economic Development Association (EVEDA) Executive Board.

Madam County Manager Barela: Every year, EVEDA elects new representatives to the Executive Board. The current representative is Leroy Candelaria. She thinks he has done a great job and nominates him to continue to be the representative.

Commissioner Candelaria: Accepted the nomination to continue to be Torrance County's representative to EVEDA.

ACTION TAKEN:

Chairman Schwebach: Made a motion to appoint Torrance County's representative to the Estancia Valley Economic Development Association (EVEDA) Executive Board.

Commissioner McCall: Seconded the motion.

ROLL CALL VOTE:

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

MOTION PASSED.

C. MANAGER: Motion to appoint Torrance County's two representatives to the Mid Region Council of Governments (MRCOG) Executive Board.

ACTION TAKEN:

Chairman Schwebach: Made a motion to appoint Torrance County's two representatives to the Mid Region Council of Governments (MRCOG) Executive Board. Annually, two representatives are chosen to represent Torrance County. Chairman Schwebach elected to keep Torrance County Manager Janice Barela and Torrance County Commissioner Leroy Candelaria.

Madam County Manager Barela: Willing to continue to serve.

Commissioner Candelaria: Willing to continue to serve.

Commissioner McCall: Seconded the motion.

There was no discussion.

ROLL CALL VOTE:

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

MOTION PASSED.

D. MANAGER: Motion to appoint County Manager Janice Barela as the Torrance County voting member on the New Mexico Counties Insurance Pool and Deputy County Manager Juan Torres as the alternate.

Chairman Schwebach: Asked Madam County Manager Barela to explain the significance of the appointing an Insurance Pool voting member.

Madam County Manager Barela: Explained the importance of having a voice at the table while the New Mexico Counties Insurance Pool and the New Mexico Counties Insurance Authority are discussing insurance that the County has with New Mexico Counties. Insurance has been changed, and some has been dropped because of legislation that has passed during the last voting session.

ACTION TAKEN:

Chairman Schwebach: Made a motion to appoint Madam County Manager Janice Barela as the Torrance County voting member on the New Mexico Counties Insurance Pool and Deputy County Manager Juan Torres as the alternate.

Commissioner Candelaria: Seconded the motion.

There was no discussion.

ROLL CALL VOTE:

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

MOTION PASSED.

E. MANAGER: Motion to appoint County Manager Janice Barela as the Torrance County voting member to the New Mexico Counties Insurance Authority (NMCIA) and Deputy County Manager Juan Torres as the alternate.

ACTION TAKEN:

Chairman Schwebach: Made a motion to appoint Madam County Manager Janice Barela as the Torrance County voting member to the New Mexico Counties Insurance Authority (NMCIA) and Deputy County Manager Juan Torres as the alternate.

Commissioner McCall: Seconded the motion.

There was no discussion.

ROLL CALL VOTE:

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

MOTION PASSED.

9. PUBLIC COMMENT and COMMUNICATIONS

Chairman Schwebach: Opened the floor to Public Comment and Communications.

Madam County Manager Barela: There are 4 people signed up for public comment, 3 in person and one via Zoom. She introduced Chief Don Dirks first.

Fire Chief Don Dirks: Chief Dirks updated the County Commission on the state of EMS services. They have been very busy due to the continual failure of Superior EMS. Their contract is due to expire January 26th, 2022. Chief Don Dirks has plans to contact Mr. Archuleta, as there has been minimal contact with Superior, except for the multiple times they have called Chief Dirks to announce that they had no coverage, such as on Christmas and New Year's Eves. There were multiple call-outs on those nights, as well as others. Superior will probably no longer be toned calls because they cannot be counted on to show up.

The Final Draft of the Moriarty Mutual Aid Agreement is currently being looked over by Attorney John Butrick. He is working on the Final Draft of the National Parks Service Mutual Aid Agreement, as well as the Mountainair Mutual Aid Agreement for expanded EMS service. This will be presented with new maps when complete, and then next is Estancia, after which will be Bernalillo and then Santa Fe Counties.

Commissioner McCall: Asked if there were automatic aid agreements with Bernalillo and Santa Fe, and whether they were in danger of lapsing.

Fire Chief Dirks: There is an Automatic Aid Agreement with them, and they are not in danger of lapsing.

Commissioner McCall: Would like to see something typed up to list who is Automatic Aid, and who has Mutual Aid Agreements.

Senaida Anaya, Representative of Torreon Land Grant: Here to ask for the American Rescue Plan Aid money for the Torreon Land Grant, as at the last Commission Meeting (December 08, 2021) Torreon was not included on the agenda.

Attorney John Butrick: Made a note that Torreon Land Grant has a spot on this agenda and in the meeting to speak about the American Rescue Plan monies.

Chairman Schwebach: Invited Mrs. Anaya to come to the podium during her delegated time.

Cheryl Huppertz: Was approached by Deputy Monica Torres of the Torrance County Sheriff's Office, about doing a fundraiser for the Sheriff's Office to purchase Angel Armor, which is lightweight body armor. They first approached the East Mountain Cowboy Church, but they declined to participate. The armor is 10 pounds, front and back, and about \$1400 per set. Some members of the Church still decided to help out, including Ms. Huppertz. Rosa's Gun Shop donated a couple of guns and other items for the raffle. Ms. Huppertz was disappointed in the lack of response regarding the money raised by Sheriff Marty Rivera. Undersheriff Eli Lucero was there to accept the check on December 19, 2021, the day the drawing was held. Ms. Huppertz presented a large check for \$11,127. to the Commission. This was a raffle where tickets were \$10 each.

Chairman Schwebach: Thanked Ms. Huppertz and took a photo with her.

Madam County Manager Barela: Pointed out that proof of the receipt of the funds raised will be in the budget resolution on the agenda this day.

Deputy Clerk Sylvia Chavez: Told the Commission of the GoFundMe account for Kathryn Hernandez, Chief Deputy Treasurer.

Ms. Chavez was out with COVID for almost 2 months and is still on oxygen. She has been very sick. She had to use sick time, and when she was informed at the end of the year that she had vacation time that would not be allowed to be carried over, but that she could donate her vacation time to a pool that went to whomever needed it. She made a plea to the Commission to at least let her donate her 90+ hours of vacation time to a specific person. The Commission denied her plea. She was told that if her 90+ hours were not used, however, that they would come back to her. She is very upset and disappointed, as well as disheartened, with the Commission. The Commissioners did not contact her at all, as she had requested, whether via an email or phone call, to tell her their decision but she had to find out second- or third hand. She has worked for the County for over 18 years and has put her whole life into keeping the County running smoothly. She was the Mayor of Estancia and knows what it is like to have to make decisions based on policy, but she also understood that behind every decision, there is a person whose life it will affect. She feels that in all the years she has worked for the County, that she has never had to say she was disappointed in a Commission, until now.

Linda Gallegos, Deputy Assessor: Came before the Commission to speak about the new Tyler software and give an update on where the transition is right now. The software was installed in the first part of 2021. It was supposed to go live in October 2021, but due to sewer issues and then COVID-19 hitting the building, it was delayed, until finally going live on December 21, 2021. They have access to RealWare until January 13, 2021. Ms. Gallegos has had experience with the Tyler software and loves the program. She is happy to see the Treasurer's Office transitioning and to hopefully see the Clerk's Office transition soon.

Madam County Manager Barela: The values have switched over very well.

Linda Gallegos: RealWare left some values in question, but Tyler is more precise. She understands there will be some issues in the conversion, but cleanup in conversion will take about a year and they are aware of and prepared for the issues. Over 34,000 accounts had to be transferred. Once the software provider feels the information is all correct and the County employees have a good grasp of the program, it will go live on the website. She also wanted to add that this time of the year is when the Agriculture Rendition reports are going out, and that if there are any questions, they can contact the Assessor's Office. There is also a Facebook page for the Assessor's Office. There are tutorials there, and more being posted.

Commissioner Candelaria: Asked if Veteran's Exemption rolls over.

Linda Gallegos: Answered yes, unless there is a sale or transfer of the property, or if the veteran in question has passed away.

Madam County Manager Barela: Introduced the new Facilities Director James Solomon, previously working for the Town of Estancia and the Estancia Valley Solid Waste Authority. He is also now the Safety Officer.

Tracey Master, Torrance County DWI Prevention Coordinator: Mrs. Master updated the County Commission on the LDWI grant application for FY 2023, and they are anticipating a projected increase in the distribution of approximately \$4,000. She hopes to have everything prepared to present for the February 9th Commission Meeting.

Mrs. Master shared statistics on narcotic use in the community.

She is looking for more ways to have drug and alcohol-free community activities, though it is difficult to have them with regard to the public health orders pertaining to COVID-19.

Chairman Schwebach: Opened the floor for any more public comment or discussion in person or via Zoom. There was none, and the Public Comment and Discussion portion was closed.

10. APPROVAL OF MINUTES

COMMISSION: Motion to approve the November 10, 2021, Torrance County Commission Meeting Minutes.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve the November 10, 2021, Torrance County Commission Meeting Minutes.

Commissioner Candelaria: Seconded the motion.

There was no discussion.

ROLL CALL VOTE:

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

MOTION PASSED.

11. 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.

12. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE

13. ADOPTION OF RESOLUTION

A. COMMISSION: Motion to approve Resolution 2022-2, Keeping Current Commission Districts after Review of the 2020 US Census Data.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve Resolution 2022-2, Keeping Current Commission Districts after Review of the 2020 US Census Data.

Commissioner McCall: Seconded the motion.

Madam County Manager Barela: Every county that has over 13,000 inhabitants must make sure their districts are evenly distributed. Torrance County has over 13,000 in population, so hired NM Demographics Research and found that the current districts are all in compliance to within 5% of each other. She requested to read the resolution into record, which Chairman Schwebach agreed with. She then read the Resolution 2022-2 into record. (See Commission Packet for Resolution.)

There was no discussion.

ROLL CALL VOTE:

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

MOTION PASSED.

B. FINANCE: Motion to approve Resolution 2022-3 Budget Increase and Budget Transfer.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve Resolution 2022-3: Budget Increase and Budget Transfer.

Commissioner McCall: Seconded the motion.

Jeremy Oliver, Finance Director: Mr. Oliver went over the 4 schedules he had for presentation.

Schedule A is the Traffic Safety Grant, the award comes for this in September-October, so there is no way to actually budget the numbers and runs on the Federal Fiscal Calendar. They have just closed the previous ones out and are now working on the new ones.

Schedule B is the increase on Gross Receipts for Dispatch. They have appropriations that are trying to get spent for the Security Center. Since the original quote multiple years prior, prices have increased. Other quotes are being considered, but this will at least get the County even with the quote that is on contract.

Schedule C is for the Angel Armor that Ms. Huppertz presented to the Commission Earlier.

Schedule D is the transfer. A few months previous there was a court-ordered auction. It was unknown if the County would be reimbursed on the expenses. It has since been determined that the County should be reimbursed. Schedule D is transferring the money from where it was initially put back into the General Fund.

Commissioner McCall: Asked how the transfer worked, if it says it is going in as a private grant and then through the Sheriff's Department.

Jeremy Oliver: It is segregated into its own fund; from there it is then transferred back into the General Fund. It is a donation with no specific intent, so it can be used for whatever necessary. Out of good faith it should be used for what it was originally intended, but for reporting purposes it is being put in as a grant. It will be put into its own separate fund and not comingled.

Chairman Schwebach: Asked for an update when the fund is spent and to be told when the Angel Armor is purchased.

ROLL CALL VOTE:

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

MOTION PASSED.

C. MANAGER: Motion to approve Resolution 2022-4, Acceptance of Agreement for Aging and Long-Term Services Capital Appropriations Project Renovations to the Moriarty Senior Center.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve Resolution 2022-4, Acceptance of Agreement for Aging and Long-Term Services Capital Appropriations Project Renovations to the Moriarty Senior Center.

Commissioner McCall: Seconded the motion.

Cheryl Allen, Torrance County Grants Manager: This is a Capital Appropriations Agreement for renovations bringing the Moriarty Senior Center up to safety code. The grant is for \$60,500, with Torrance County being responsible for anything exceeding this amount. Mrs. Allen listed the renovations that are planned. She believes that the way that costs are rapidly increasing will push the total renovation cost upwards of the \$60,500 limit.

Chairman Schwebach: Asked if the scope of work was not fulfilled as described, if it would make the grant agreement null and void and put liability on the County for the cost.

Cheryl Allen: To her understanding, the answer is yes, but she is willing to go back and speak to Long Term and Aging Services to draft an amendment.

Attorney John Butrick: Said that in reading this agreement this argument applies to the next one as well, because it's basically the same agreement. He said that his reading of the contract does not require the County to use the funds. It requires the County to use the funds for the purposes set forth.

Chairman Schwebach: Are we bound to complete the scope of work detailed in the contract?

Attorney John Butrick: That's a more nuanced question if we start so I don't know the answer specifically to that question.

Commissioner McCall: Asked who put the scope of work together and how long ago it was put together.

Cheryl Allen: The scope of work was part of the application, which was in this case, was written like two years ago and there was an increase from what was originally requested at that point in time. The costs have even gone up substantially more. That estimate here was determined using the ISBN software for 60,500.

Jeremy Oliver: Just to make clear, this is another state appropriation project. It's just through aging and long term, but it is different than some of the other projects that we have. It was in last year's IC IP, and we're just not getting the award. The grant agreement from aging and long term.

Chairman Schwebach: Said that his personal opinion is that he doesn't think we're going to be bound to have to fill the scope of work, especially with the cost they are looking at. He said he is sure that this Commission and Long-Term Services will be asked for additional funds to complete this entire scope of work, in which case we'll make that decision then, but I do not interpret this as binding us.

John Butrick: Agreed with Chairman Schwebach.

ROLL CALL VOTE:

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

MOTION PASSED.

D. MANAGER: Motion to approve Resolution 2022-5, Acceptance of Agreement for Aging and Long-Term Services Capital Appropriations Project Renovations to the Mountainair Senior Center.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve Resolution 2022-5, Acceptance of Agreement for Aging and Long-Term Services Capital Appropriations Project Renovations to the Mountainair Senior Center.

Commissioner Candelaria: Seconded the motion.

Cheryl Allen, Torrance County Grants Manager: This is to complete renovations with the same process that was followed with Moriarty. It's for \$176,000 and was from the result of an application to the Aging and Long-Term Services Department written two years ago using the ISBN software determine the cost estimate.

Commissioner McCall: Asked who will be facilitating this line of work, and if it be internal or external. He also asked if the new Facilities Maintenance will be involved in the projects.

Madam County Manager Barela: Answered that they are looking into getting a contractor. The goal right now is for it to be internal. If it turns out that they need to get external help, they will do that evaluation as needed. She specified that Mr. Solomon would be aware of and involved in all projects going forward, but not necessarily leading the renovation projects.

ROLL CALL VOTE:

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

MOTION PASSED.

E. MANAGER: Motion to approve Resolution 2022-6, FY2023-2027 Infrastructure Capital Improvement Plan

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve Resolution 2022-6, FY2023-2027 Infrastructure Capital Improvement Plan.

Commissioner McCall: Seconded the motion.

Deputy County Manager Torres: This one is just the same ICIP plan that the Commissioners previously passed in September with the addition of projects. The P-25 700-megahertz band signed that letter of intent, this will be asking for \$1 million in fiscal year 2023, and a subsequent \$1 million the following year. The first \$1 million asked for will be for dual band radios that can do analog and digital. The second year is a placeholder until the County gets some further information from the State as to what it would take to build infrastructure and accounting for that project. Then Torrance can be called a contributing partner in the project.

ROLL CALL VOTE:

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

MOTION PASSED.

14. APPROVALS

A. PLANNING AND ZONING: Motion to approve the Torrance County Planning and Zoning Board Meeting Schedule for 2022.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve the Torrance County Planning and Zoning Board Meeting Schedule for 2022.

Steve Guetschow, Planning and Zoning: This was supposed to come before the Commission last month but unfortunately, they had to cancel their P & Z meeting in the end of November. Last week, the Planning and Zoning board reviewed and unanimously approved this calendar and the schedule for their meetings next this coming year.

Chairman Schwebach: There is a motion but no second.

Commissioner McCall: Seconded the motion.

ROLL CALL VOTE:

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

MOTION PASSED.

B. MANAGER: Discuss and possible action regarding the planning and development of Fairgrounds.

Chairman Schwebach: Opened for discussion and possible action regarding the Planning and development of the Fairgrounds. This is a standing agenda item that will be left on the agenda until it is no longer necessary.

Madam County Manager Barela: Wanted to remind the public that they currently do not own the Fairgrounds. Any discussion had and possible action in regard to any improvements on this property would not take effect until they get the transfer completed. They still have not received the appropriations from the state for the \$700,000. The bonds have not sold, and Commissioner Schwebach had asked her to check into when those bonds could possibly be up next and she didn't get an opportunity to check that but will still visit with the DFA and find out.

Chairman Schwebach: Asked if there is a date for closing.

Madam County Manager Barela: Answered that they do not, but that they have a list of things they are working on in order to get that completed and had items that needed to be discussed in Executive Session rather than during the Open Meeting. There are certain items that the State Board of Finance requires. Another requirement is to put a resolution before the Commission on the next agenda to formally state that the Commission is purchasing this property.

Commissioner McCall: Asked if this was something that they already had.

Madam County Manager Barela: They don't have a resolution, they have minutes that stated a motion in the past, so they have that in the minutes, but the State Board of Finance requires a resolution from Torrance County and one from the Town of Estancia. Then all of that will go to the State Board of Finance.

Chairman Schwebach: Asked if these items were completed by the next meeting, it would then be in DFA's hands.

Madam County Manager Barela: Answered in the affirmative.

Commissioner McCall: Double checked that everything else was in order, such as the plats and insurance.

Madam County Manager Barela: Answered that there is one document that she is working on getting completed before the next meeting.

Commissioner McCall: Wants to see everything done that can be done to complete this in the next two weeks so that everything can move forward.

Chairman Schwebach: Reiterated what Commissioner McCall stated.

Estancia Mayor Nate Dial: Waiting on two documents from the County, and then they are ready to move forward.

Madam County Manager Janice Barela: Gave an update that she received an email from DFA on behalf of the State Board of Finance not long before. She said that it reads as follows: "Hi Janice. I inquired with the Board of Finance Deputy Director, and he let me know that a Board of Finance approval is not needed in this case." This is regarding the Fairgrounds sale. She will follow up on that just to confirm that what was told to them earlier is not the problem. The Commissioners also just received a copy of that email.

Chairman Schwebach: Asked to revisit this item after item 14-D, in light of new information that came in.

Madam County Manager Barela: Visited with Mayor Dial and with Trustee Stella Chavez. And the email that she received was confirmation from the DFA on behalf of Board of Finance, to let her know that it didn't have to go forward on the agenda. It will work the same way that it comes before you if we have items or vehicles that we want to sell, then it comes before you that's what the town of Estancia has to do to put that property on disposition of property and how they're going to dispose of it is by selling it to Torrance County, and then they would have a resolution, and Torrance County would have a resolution. Torrance would submit things like the deed or purchase agreement, the survey, whatever items that are on that list, and they would be giving it to the town of

Estancia and then the town would be the one to submit the entire packet to DFA for the Board of Finance. They will still be going to be on the same timeline as far as coming before the Commission with the resolution on January 26, unless the Commission decides that they want to have a special meeting that could be done sooner.

C. MANAGER: Motion to approve the appropriation of Torrance County's American Rescue Plan Funding for Torreon Land Grant.

Chairman Schwebach: Opened the floor for discussion on the motion to approve the appropriation of Torrance County's American Rescue Plan Funding for Torreon Land Grant.

Madam County Manager Barela: Explained that this is a follow up to a conversation a meeting the Commissioner Candelaria, Juan Torres, the Deputy County Manager, and she had with the land grant presidents, and they were talking about some of the needs that they may have, as far as water is concerned, and seeing ways that the County would be able to possibly partner with them or assist them. In the prior meeting it was brought before the Commission to assist with using the American Rescue Plan Act funds to help with the water tank inspections for the Manzano and Tajique land grants. At that time, they had not received this quote from the Torreon land grant, and they were not able to be a part of that approval. So that's why it's separate before the Commission today. And it is similar to what you've seen in the other request because it's the same company, same vendor that would be doing this work and includes a description of what the request is.

Chairman Schwebach: Asked for an explanation on two-line items, \$3,189 for cleaning inspection pricing, including inspection DVD, and then there's \$3,000 repair contingency reserve.

Senaida Anaya, Torreon Land Grant Representative: Explained that it was a contingency, and she could not say if they would be using that.

John Butrick: Wanted more explanation on multiple items, which Mrs. Anaya explained. He asked about certain line items, and who would be paying above and beyond any items that were not covered in the initial payment.

Chairman Schwebach: Questioned the way the motions were made. He did not remember if the last quotes were more of a fixed number, and that's why this will look different. But it is the same company. He believed that he made a motion to cover the quote, and thought it increased it about 3% to be paid directly to them at the final, but not over, to Midco. This will be billed directly to the County.

Jeremy Oliver: Explained what the procedures they outlined to Mr. Gutierrez and Mr. Quintana were. They're responsible for getting the work done and doing a P.O. under their Water Association. Once Midco invoices them, they turn around and give the

County the exact same dollar amount and a duplicate invoice to the County, up to the \$7,000 that was awarded. The County can then pay them out and they can then pay Midco. That way they don't have to go through the County's procurement issues and then we have no issue paying the Land Grant or the Water Association since a government entity we can pay them any amount and it's hard to subject to procurement. He is assuming the Water Association probably doesn't have their own procurement policy, so they would follow State statutes and their limits, and the \$7,000 purchase would be no issue without receiving additional quotes.

Commissioner McCall: Questioned whether this was covered under the American Rescue Plan, since it was maintenance and not new infrastructure.

Jeremy Oliver: Explained that Cheryl Allen is the person that is the expert on these things.

Senaida Anaya: Explained that she has taken the same classes as Mrs. Allen, working as her assistant, and that it is covered under the American Rescue Plan.

Commissioner McCall: Is your water system prepared to pay for fixing or the potential problems that this inspection might find?

Senaida Anaya: Said they are aware and preparing for any overages or things that may come from the inspection.

Commissioner McCall: Asked if private farms are eligible for American Rescue Plan funding.

Madam County Manager Barela: Said that she had Cheryl listening She did find out from her that this project is eligible for this funding. inspections of tanks are included. And that would basically be part of maintenance because you would need to inspect it before you find what problems may be there. So, this would fall within the parameters for the use of the funds and regards to your private company that you're talking about. If it's servicing anywhere in the county, that may be an opportunity for the County to help, she thinks they need to look at the language in there. She is willing to check and see if helping the private sector is something they can do.

John Butrick: There was written on the second page below that the dollar amounts, and it says fixed level indicator. He was wondering to what extent that is included or would be included in any kind of inspection. Or is related to any kind of inspection that was not on the other two quotes. And he just wanted to point that out for the purposes of this discussion here.

Chairman Schwebach: He is assuming the level indicator is going to be fixed while a diver is there, and they have the material precisely.

John Butrick: He just wanted to point out that part of this quote, it says the contents of this quotation are considered confidential and are not to be divulged to third parties. The County is subject to the IPRA statute, and so they will divulge if they have to.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve the appropriation of Torrance County's American Rescue Plan Funding for the Torreon Land Grant up to the amount of \$7,000.

Commissioner Candelaria: Seconded the motion.

ROLL CALL VOTE:

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

MOTION PASSED.

D. FIRE: Motion to approve Service Agreement between Torrance County and Quick Med Claims for EMS Billing and Reimbursement services.

ACTION TAKEN:

Chairman Schwebach: Make a motion to approve the service agreement between Torrance County and Quick Med Claims for EMS billing and Reimbursement services.

Commissioner Candelaria: Seconded the motion.

Fire Chief Don Dirks: Starting with this billing agreement, it has been reviewed by attorney. The question before was the \$60,000 limit that they could charge without going out for an RFP. They have agreed not to charge the County more than that for the first year. They are going to initiate an RFP and get that done in the next three or four months, which will complete this. Chief Dirks also had a presentation that he showed the Commission (See Commission Packet.)

He explained service levels to the Commission, and the difference between BLS and ALS calls. He explained why the differences in billing, mainly boiling down to what supplies are used and what medications are given. The difference in paying individuals versus non-paying individuals comes down to what Medicaid and Medicare is willing to pay for each distinct call. These calls are only County calls, not calls to any city entity.

ROLL CALL VOTE:

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

MOTION PASSED.

E. FIRE: Motion to approve the agreement between Torrance County and Consulting Pharmacy for Pharmaceutical Services.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve the agreement between Torrance County and Consulting Pharmacy for Pharmaceutical Services.

Commissioner Candelaria: Seconded the motion

Fire Chief Dirks: This contract is necessary to continue with getting a DEA license to administer and store narcotics. This pharmacist has agreed to help with this, as well as maintenance procedures and administration.

Commissioner McCall: Noticed that previously Torrance paid 250 a quarter before and now it is going to 500 per quarter.

Fire Chief Dirks: And that is because Torrance is upgrading their DEA license and they're going to have to monitor more and do more inspections and provide them with deals with those drugs. It is more of a service. There is a line item in the budget for this.

John Butrick: Wanted to make a note that he worked with Chief Dirks, Deputy County Manager Juan Torres, and Madam County Manager Barela, and all the changes he suggested were made.

ROLL CALL VOTE:

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

MOTION PASSED.

F. MANAGER: Motion to ratify entering into the participation and escrow agreements relating to the opioid settlement.

Chairman Schwebach: Opened the floor for discussion regarding the motion to ratify entering into the participation and escrow agreements relating to the opioid settlement.

Madam County Manager Barela: This agreement was signed by the Madam County Manager on December 21, 2021. There was originally a January 2, 2022, deadline, which has since been moved to January 26, 2022. She communicated with each of the Commissioners individually (no quorum) to get their input. The background to it is the New Mexico State Attorney General did file lawsuit against some large companies. The Settlement Agreement is a settlement that they're working for with the McKesson Corporation, Cardinal Health Incorporated Amerisource Bergen Corporation, and also, they're looking at Johnson and Johnson and it's parent company. The Attorney General

decided that he would work towards getting a settlement with these companies, and those that have entered the lawsuit in order for the County to partake and get the results of the money that would come from the settlement, the County would have to agree to the settlement as well. This has not cost the county anything as far as any legal representation to be a part of this. The Commission did approve this to be a part of this lawsuit. Getting the Commission's approval for the ratification that this agreement that was already signed is just another step in the process.

Commissioner McCall: Asked what this meant for Torrance County.

John Butrick: The nationwide settlement amount is approximately \$18.5 Billion. The State of New Mexico will then get their part, and then it will come down to the Counties. The alternative is for the County to opt out of the settlement and sue the companies themselves.

Commissioner McCall: Asked what does it hold these companies liable for? Is it for the distribution of opioids that they weren't doing their due diligence?

John Butrick: It basically boils down to the fact that these companies knew the drugs were addictive and hid that fact.

ACTION TAKEN:

Chairman Schwebach: Made a motion to ratify entering into the participation and escrow agreements relating to the opioid settlement.

Commissioner McCall: Seconded the motion.

ROLL CALL VOTE:

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

MOTION PASSED.

DISCUSSION

A. MANAGER'S REPORT:

Madam County Manager Barela: Read her report, hereto attached. The legislative session was incorrectly dated, it begins on January 18 and ends February 17, as it is a short (30 day) session.

John Butrick: Noted that you must be fully vaccinated, or have a medical or religious exemption, and then you must go through the medical detector.

Nathan Dial: You must wear a mask, take off your gun, and have been vaccinated or already proven you have a medical or religious exemption. You must send in a form to

prove your exemption. A committee makes these rules (answered in response to Chairman Schwebach.)

1.) Commissioner McCall, District 1:

His question to the County manager is how to contact their Legislators with all of these restrictions.

Madam County Manager: A conference call, Zoom type call. It would be easier to meet with them individually.

Commissioner McCall: Would like to bring multiple things before the legislators.

2.) Commissioner Schwebach, District 2:

Wished everyone a Happy New Year. He wants to know what the difference is regarding the Angel Armor to cover what was not covered by Ms. Huppertz' drawing. He also wanted to mention that he understands how COVID is wreaking havoc on our communities. He wants people to get educated in their individual actions and health. It is hitting our youth very hard. This will be dealt with for a very long time. As a community, be aware that our children will not be the same. Things are different.

3.) Commissioner Candelaria, District 3:

Thanked the Treasurer's Office for sending the pie chart detailing where the County taxes really go. He also wanted to mention that him and Juan Torres met in Santa Fe with Representatives Castellano and Zamora. He is going to work on the ICIP for the water tank storage in Belen. They took them the study, and Representative Zamora is willing to help on the ICIP for the water line. We are ahead of the game. The furniture in the Commission Room looks very professional.

16. EXECUTIVE SESSION:

NONE THIS DAY.

17. Announcement of the next Board of County Commissioners Meeting: January 26, 2022, at 9:00 AM.

18. SIGNING OF OFFICIAL DOCUMENTS

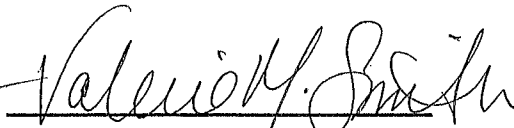
19. ADJOURN

Chairman Schwebach: Adjourned the meeting at approximately 11:23 AM.

Signed By:



Ryan Schwebach – Torrance
County Board of Commission
Chairman



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

Date: 2 1 9 / 2022

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.
