

**FINAL**

**Torrance County Board of Commissioners**

**Regular Commission Meeting**

**March 23, 2022**

**9:00 AM**

**Commissioners Present:**

**RYAN SCHWEBACH – CHAIR**

**LEROY CANDELARIA-VICE CHAIR**

**KEVIN McCALL- MEMBER**

**Others Present:**

**JANICE BARELA – COUNTY MANAGER, ABSENT**

**JUAN TORRES - DEPUTY COUNTY MANAGER**

**JEREMY OLIVER -- FINANCE DIRECTOR**

**JOHN BUTRICK – COUNTY ATTORNEY, VIA ZOOM**

**YVONNE OTERO – COUNTY CLERK**

**VALERIE SMITH – ADMINISTRATIVE ASSISTANT**

**1. CALL MEETING TO ORDER**

**Chairman Schwebach:** Called meeting to order at 9:07 A.M.

**2. INVOCATION & PLEDGE**

**PLEDGE:**

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

**Commissioner Candelaria:** Led the Commission in an invocation,

**INVOCATION:**

**Commissioner McCall:** Led the invocation.

**3. CHANGES TO THE AGENDA:**

**Deputy County Manager Torres:** Requested to defer item 11-B, as the Resolution is not prepared for presentation.

**Chairman Schwebach:** Approved the deferment of item 11-B.

**4. PROCLAMATIONS:**

NONE THIS DAY

**5. CERTIFICATES AND AWARDS:**

NONE THIS DAY

**6. BOARD AND COMMITTEE APPOINTMENTS**

**A. COMMISSION:** Discussion and possible action regarding removal of Torrance County's current representative to the EMWT Regional Water Association Board and appointment of new representative to the Board.

**Chairman Schwebach:** Said that he wants an elected official on the EMWT Board. He wanted to remove Jason Quintana and install Commissioner Leroy Candelaria.

**Commissioner Candelaria:** Said that if an issue comes up that involves the Commission, that he would have to recuse himself, but that he will be on the board if asked.

**Chairman Schwebach:** Asked why Commissioner Candelaria would have to recuse himself from a vote that involved the Commission.

**Commissioner McCall:** Cautioned Commissioner Candelaria not to represent the entire Commission when at the meetings.

**Commissioner Candelaria:** Said that it is just a possibility. That he supposes that he can make it possible. He wants anyone that has an issue with him being on the Board to remember that he lives in Manzano and wants to share his land with his kids. Also, that he won't take anyone's water and will work to preserve the water in the Basin. He is also a member of EBRA, the Estancia Basin Resource Association. He wants to serve honestly and said that there are no secret hidden agendas.

## **ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to remove Jason Quintana from the EMWT Board and replace him with Commissioner Leroy Candelaria.

**Commissioner McCall:** Seconded the motion.

**Commissioner Candelaria:** Did not vote at first in the roll call because he was the one being voted on. He then said yes.

## **Roll Call Vote:**

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

## **Motion Passed.**

## **7. PUBLIC COMMENT and COMMUNICATIONS**

**Deputy County Manager Torres:** Introduced the employees, residents and guests who had signed up for public comment.

**Joe Everett:** Said that he didn't sign up for public comment, that he is on the agenda. He sat back down to wait for his agenda item 12-A.

**Charlene Guffy:** Lives in a residential subdivision, not an R. V. park. She had come to the County Building and asked Planning and Zoning to see the Ordinance on R. V.s but was only shown the definition and given a Statement of Intent on R. V.'s that was created 12 years ago. Planning & Zoning hasn't done anything about the R. V. issue. The R. V.s negatively affect land values and they create environmental damage to our lands.

Yesterday at the Estancia Valley Solid Waste Authority (EVSWA) meeting, the Board which consisted of a Commissioner, 5 Mayors and one Appointed Board Member made a decision that was not for the health, safety or wellbeing of the employees or people of the County. It was a political vendetta and a bloodbath.

**Jason Quintana, Manzano Land Grant President:** Spoke about the fact that he was just removed from the Board at EMWT, even though he is an elected official, and he is very displeased. He said that George Immerwahr is allowed to remain on the Board although he is not an elected official, and he doesn't understand why. Anyone who is put on a Land Grant Board is a State-of-New-Mexico-recognized elected official. Being on the EMWT Board, he asked a lot of questions that may not have been popular, but they were questions that people wanted answers to. He promised that he will not stop asking these questions.

**Fire Chief Don Dirks:** Came to update the Commission on the billing, where the biggest issue was waiting for the DEA's licensure to come through, which it finally did. The State and Federal License are not completed but now they must get with the pharmacological board. QMC was tentatively scheduled to go live March 15, but there are concerns by County Attorney John

Butrick about the current Image Trend contract. This is the company that does their reporting, and the billing company gets their information from. The amendment with Image Trend allows for the export to QMC for the billing. The amendment is no cost to the County. The Federal Government needs some personal information from the Board of County Commissioners for Medicare and Medicaid.

So far in March there have been 3 major structure fires, 4 major grass fires, and many small grass fires. The Fire Chief believes that it will be a large fire season. District 3 is expected to receive their new brush truck in April.

The new ambulance will be shown at the Region 3 EMS Conference on April 30th and will be delivered later that day.

**Commissioner Candelaria:** Asked Chief Dirks to expand on the fire that happened below his house in Manzano.

**Chief Dirks:** The fire that happened near the Commissioner's house was started by a bullet casing or a shotgun shell and it started a 62-acre grass fire. He cautioned people that they need to be careful while shooting because you can start a fire by shooting a gun.

**Commissioner McCall:** Asked the Fire Chief to expand on how long it would be until the billing will begin.

**Chief Dirks:** They were scheduled to go live on March 15, but just found out about the issue with the Image Trend contract around that time. They need some information from the Commissioners, but once that is gathered, they can press on with the amendment and then work on getting billing payments ready.

**John Butrick, County Attorney:** Let the Commission know that he had already submitted his questions, comments and concerns regarding the Image Trend contract the previous day. The Manager's Office, Chief Dirks' Office and the Fire Department have those comments, and he will be glad to work together.

**LaShae Chavez:** Stated that she had been on the Estancia Valley Solid Waste Board as former Secretary and Board Member serving Mountainair for two years, and that she had been a Domestic Violence Prevention Specialist for Torrance County's D. V. program. She has realized how corrupt the government is. She gave the benefit of the doubt to the leadership of this County. Torrance County allows bullying in the workplace, including of minors, they make rules but then overlook said rules, sweeps complaints under the rug. When you have open eyes, you can see that people with the same agendas have power in numbers. The same people, being put on boards, remove board members who do not align. She told Chairman Schwebach that he has poked a sleeping bear, and that she hopes the members of the community start to get involved and stand up for what is right.

**Deputy County Manager:** Asked if there were any public comment on Zoom?

**Jeremy Oliver:** There is one person, Augustine Montoya, signed up for public comment on Zoom.

**Augustine Montoya:** Greeted the Commission and attendees and said that he was there to follow up on the Solid Waste board. He said that the treaty of Guadalupe-Hidalgo was a treaty between the United States and Mexico. This treaty recognizes that Land Grants are political subdivisions of the United States Government. Pursuant to Article 2, Section 5 of the New Mexico Constitution. When the Commission stated that the Boards will be made up of elected officials, it is then their duty to include Land Grant Presidents and Boards of Trustees, as they are also duly-elected officials.

That point being made, Mr. Montoya moved on to state that when it comes to groups like EMWT, it is important to elect officials to the Board that understand that individuals DO own water rights, according to the New Mexico Office of the State Engineer. It was told to Mr. Montoya by one of the Commissioners that “individuals do not own water rights, just farms and ranches do,” which is a falsehood and a misnomer. Mr. Montoya said that he will be at all the meetings, asking the tough questions and making sure that he is heard.

## **8. APPROVAL OF MINUTES**

- A. COMMISSION:** Motion to approve the March 9, 2022, Torrance County Commission Meeting Minutes.

### **ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to approve the March 9, 2022, Torrance County Commission Meeting Minutes.

**Commissioner McCall:** Seconded the motion.

There was no discussion.

### **ROLL CALL VOTE:**

**Commissioner Candelaria:** Yes; **Commissioner 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.



**ROLL CALL VOTE:**

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

**Motion Passed.**

**10. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE  
NONE THIS DAY.**

**11. ADOPTION OF RESOLUTION:**

**A. ROAD: Motion to approve Resolution 2022-22, Approval and submittal of the Annual Certified Torrance County maintained Mileage Report pursuant to New Mexico Statutes 67-3-28.3, due by April 1, 2022.**

**Chairman Schwebach:** Opened the Resolution up for discussion.

**Charmen Padilla:** Presented; she was there to get signatures for the Annual Certified Torrance County maintained Mileage Report so that she could send it off to the NM Department of Transportation by April 1, 2022.

**Commissioner McCall:** Asked for the mileage.

**Charmen Padilla:** Gave Commissioner McCall the mileage report.

**Commissioner McCall:** Asked if as the County chip-seals the roads, if it takes it off the maintenance side of it.

**Charmen Padilla:** Answered in the affirmative and explained that it adds it to the chip-seal side. Last year there wasn't much added, and what was sealed was re-sealed. There were a few miles that were added to that.

**Commissioner McCall:** Asked for the previous year's mileage reports.

**Charmen Padilla :** Said she doesn't have them but can get them easily.

**Commissioner McCall:** Said that there is less maintenance that needs to be performed with the chip-seal.

**ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to approve Resolution 2022-22, approval and submittal of the Annual Certified Torrance County maintained Mileage Report pursuant to New Mexico Statutes 67-3-28.3, due by April 1, 2022.

Commissioner McCall: Seconded the motion.

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

Motion Passed.

**B. MANAGER: Motion to approve Resolution 2022-\_\_\_, Restructuring of the Torrance County Fair Board membership and a paid administrative support position.**  
**ITEM WAS DEFERRED, RESOLUTION NUMBER NOT ASSIGNED.**

**C. FIRE: Motion to approve Resolution 2022-\_\_\_, Changing the probationary period of Fire Protection positions from six (6) months to one (1) year.**

**RESOLUTION NUMBER NOT ASSIGNED.**

**ACTION TAKEN:**

Chairman Schwebach: Made a motion to approve Resolution 2022-23.

Commissioner McCall: Seconded the motion.

Chief Dirks: This will bring them in line with the Fire Department and Dispatch, who already do 1-year probation periods.

Commissioner McCall: Will this cause tension in the volunteers?

Chief Dirks: This is more for the paid crew, but it could. This gives them more flexibility to understand and watch how someone works in the long term.

Commissioner Candelaria: Does this also include the volunteers? This will make it difficult to make people want to volunteer.

Chief Dirks: This move was suggested by the County Manager's office because issues always seem to arise around the 4-5-month mark in a person's employment. Probation can always be extended, if necessary, but it must go through several layers of approval first. He would be open to changing this where the Fire Chief would have the option to solely extend the probation. It could be prohibitive.

Chairman Schwebach: Asked the Fire Chief what his preference would be, disregarding the County Manager's Office's opinion on the matter.

Chief Dirks: Would prefer to keep it at 6-month probation but have the option to make the call on extending the probation if necessary.

Deputy County Manager Torres: With respect to the paid employees, this would keep volunteers on par with them. That way there is no class separation between paid and volunteer positions. It also makes sense to keep them in line with the rest of the Torrance County Staff.



**John Butrick, Torrance County Attorney:** It would make sense for the Volunteer first responders, to keep them on par with the rest of the First Responders. To put them all on the same line. This gives them time to get their certifications that are necessary.

**Chief Dirks:** Can we keep the volunteers at 6 months?

**John Butrick:** Said that he would be cautious of that because the volunteers must do the same training that the paid staff must take. This gives them ample time to make sure their trainings are complete. If there is a difference in the training of paid vs. volunteer staff, then it would be applicable to keep the volunteers at a 6-month probation.

**Chief Dirks:** Said that he would not be concerned about the volunteers only having a 6-month probationary period, as most of them already have the necessary training, and those that don't usually do not have issues the same way a full-time, paid employee does.

**Commissioner McCall:** It is sounding as though after the probationary period employees and volunteers don't have to abide by the rules, and that is not the case.

**Chairman Schwebach:** Is there a difference in benefits between the probationary period?

**Chief Dirks:** For the paid staff, there is not. For volunteers, it's the stipends [they don't receive] and the PERA.

**Chairman Schwebach:** There is a motion and a second for approval, but the Chairman wants to review this Resolution more before passing it.

**Roll Call Vote:** **Commissioner Candelaria:** No; **Commissioner Schwebach:** No; **Commissioner McCall:** No.

**MOTION FAILED**

## 12. APPROVALS

A. **FIRE: Presentation, discussion and possible action regarding proposed Fire Plan including, but limited to, hiring personnel. (Chief Dirks).**

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

**Chief Dirks:** This is the proposed Fire Plan for the EMS; they can bring in the 2nd ambulance because they will now be billing. He explained the presentation and said that what is holding them up right now is billing. He said that they need more positions to fill the openings the 2nd ambulance creates. Chief Dirks said that once the DEA license is in place, there will be room to put the ambulance on the ALS. He went on to explain the presentation of what is necessary. This would be five additional full time EMTs, Basic through Paramedic, and two additional EMT lieutenants, which will cover the last four days that they don't have covered now for the second ambulance. He needs a Deputy Chief to take care of the day-to-day operations, the personnel issues, and to help with the volunteers. They are getting so busy that he hasn't had time to go back and see what is going on with the volunteers on the Fire Department and feels his





leadership has somewhat fallen short in that area. He needs a Deputy Chief to help with some of the day-to-day operations

**Jeremy Oliver, Finance Director:** These are the same salary rates that were approved in the last budget, it is either \$14, \$15, or \$16/hour.

**Commissioner Candelaria:** Wants to know if the salary is comparable to surrounding counties.

**Jeremy Oliver, Finance Director:** Yes, the way fire EMT's work, they work only 2 days a week, but they work 48 hours. They get paid for the downtime when they aren't doing actual calls.

**Chief Dirks:** That is changing quickly. The EMS is a big monster to tackle. Superior is not doing their job, and he did his due diligence in figuring out if County-run EMS is the way to go by calling AMR, and the cost would be \$1.2 Million/year for 3 units, plus billing.

**Commissioner Candelaria:** Asked if there is an agreement with any other companies.

**Chief Dirks:** Not at this time. There are agreements with Bernalillo and Santa Fe County, and Moriarty is in the works.

**Commissioner McCall:** Asked if there was automatic aid with any of the local departments. He also asked about adequate housing in the South.

**Chief Dirks:** Explained that there is not adequate housing in the South, that District 3 in McIntosh is the only one that has enough housing. The building is Superior's. He spoke with IDIC to get approval to get the building at Indian Hills, as most calls come from the Indian Hills area. They would be able to house a 24-hour operation.

**Commissioner McCall:** Is there any kind of funding?

**Chief Dirks:** Said that the people in the southern part of Torrance County are the worst off when it comes to car accidents and life-threatening emergencies. Even Mountainair does not have anything further south.

**Chairman Schwabach:** Said that there is an MOU with Mountainair.

**Chief Dirks:** Yes, and they want to help, and help cover the Southern part of the Count

**Deputy County Manager Torres:** There is an appropriation of approximately \$380,000. They filled out the bond questionnaire so they should have the sale in June or July of this year.

**Commissioner McCall:** With this addition of \$477K of new staff, how will housing look? He asked about Homestead Estates and Indian Hills.

**Chief Dirks:** We don't have housing in the south except for District 3 in McIntosh. The Homestead Estates building belongs to Superior. They have the funding to get housing in the Indian Hills area. Chief Dirks spoke with IDIC, and they are drawing up plans and getting

contractors in there. He does not have a time frame yet. They would be able to house a 24/7 operation.

**Commissioner McCall:** Do you see the Northern part of the district being housed there? District 3 being the housing for District 7?

**Chief Dirks:** District 3 is the housing for District 7.

**Commissioner McCall:** Asked if that put them in a place that they can respond, as right now Superior is coming from Moriarty. This would put them 10 miles closer.

**Chief Dirks:** A majority of their calls are closer to the Indian Hills area, as well as a lot of calls from District 2, south of Edgewood. That's their biggest population base in there. This would centralize the northern part other than the interstate, which would still be closer 10 miles closer to the interstate than District 3.

**Commissioner McCall:** Asked about the other rescue that is needed.

**Deputy County Manager Torres:** Explained that there is an appropriation in the approximate amount of \$380k. They have filled out the Bond Questionnaire and hopes the get the sale going at the June/July Bond Sale, first thing this coming fiscal year.

**Commissioner McCall:** That came out of the current Legislation Capital Outlay, for the public's knowledge.

**Chairman Schwebach:** Asked Jeremy Oliver to break down the numbers on the slide again.

**Jeremy Oliver:** Explained the breakdown of the billing presentation. He said that the presentation is the most recent estimated billing that the County would receive, based on what Superior was charging. It would be their \$815k plus the current \$250k would pay for all the salaries within the Fire Department. There is probably not enough for complete operational cost, so they included another \$100k from County funds on top of the \$250k, as well as possibly another \$100k. That would be fuel, additional medical supplies that the EMS allotment doesn't cover. And then minor items like office supplies. uniforms, stuff that's not covered under the Fire Department allotment or EMS allotment. He guessed it's probably about \$100,000 based on costs and fuel needs.

**Chairman Schwebach:** We're probably looking at four to 500,000 side, to cover the gap performance come from analysts, just typically speaking.

**Jeremy Oliver:** Said that the fund for salaries is close to zero, so they will be adding funds to that account. With the addition of the positions added last time, we never did an increase.

**Chairman Schwebach:** Asked Chief Dirks where the next viable location for Southern or Western housing is.

**Chief Dirks:** Said that he has looked at Mountainair and Willard, but there is really nothing out there, and believes the best course of action would be to purchase a piece of property and build a facility.

**Chief Dirks:** He said that they are in the process of figuring out exactly, they are willing to do, as they want to help, and they want to help cover it. He knows they have a pay structure similar to Torrance's stipend program. They need some help with funding to get them started. He gave them Torrance's billing company information, and they are trying to work with the billing company to see if maybe they can maybe piggyback off Torrance County's contract for their billing because whatever company they're using is charging an exorbitant amount of money.

**Chairman Schwebach:** Torrance County also has an agreement with Bernalillo County when we get further north in this area.

**Chief Dirks:** There is a gap in service in South Willard and further South to Corona. That is why the County doesn't get a lot of calls down there, but when they do it's usually pretty serious.

**Commissioner Candelaria:** People are not all aware of the population South of Estancia. There are a lot of people in the Southern part of Torrance County,

**Chief Dirks:** Said that his vision is to get a third ambulance and expand South.

**Commissioner McCall:** Asked when the contract with Superior was finished, and if they are still not fulfilling their contract.

**Chief Dirks:** Answered that the contract is up in January of 2023, and they are still not fulfilling their agreement. Their contract was to have two units and a third available, but it has only been one unit for over 1 ½ years. He had spoken to Chris Archuleta, the owner, approximately a month ago, He told Chief Dirks to "let us know when you want us to leave."

**Commissioner McCall:** Said he doesn't see why a private company such as Superior cannot perform the duties they are paid to do. He said they have got to protect and serve the community and the citizens. He also said he doesn't see why they can't, with all the Federal and State monies that are available to them, do it without costing the County a ton of money. He is grateful for this presentation, to see where they are heading. It gives him a dollar figure and a little better understanding where the Fire Chief thinks we are headed with EMS. There was some talk with Ben Ray Lujan about Federal monies. With the 285-corridor remastered after this presentation, he thinks they need to shift gears and ask for some funding for a Southern department that can house staff 24/7.

**Chief Dirks:** Mentioned that he spoke to a Senator or another federal representative.

**Commissioner McCall:** Thanked the Chief and Hanna Sanchez for all that they do. He said that he believes they need to keep pushing for more federal monies. He questioned whether there was a second unit available for new staff being hired.

**Chief Dirks:** Answered that there is a unit available for the new staff. They have older units that need maintenance done because they have been used a lot. He doesn't see this costing the County much money and noted that the biggest issues have been with errors on the paperwork that was submitted and small hurdles like that. He also mentioned that the water well went dry at District 3. They are working on getting a new well drilled, but in the meantime between the Northern District and District 3, they can house 2 units, while Indian Hills is worked on.



**Commissioner McCall:** Asked him for a date when this may be finished

**Chief Dirks:** Answered that it would most likely be between August and October, though it is hard to pin down. They spoke about the building that Superior is in, and in the past the owner has either leased or sold the building they are using. The fact that it is ready for housing is a plus.

**Commissioner McCall:** Asked Chief Dirks if they are ready to cut ties with Superior for good.

**Chief Dirks:** Said that once the new staff is trained, he would be set to cut ties. That he would do it that day if possible. They have the equipment necessary to work

**Chairman Schwebach:** Said that they have the equipment, and are ready to take the leap, but they have to have "it in the bank" to even apply.

**Commissioner McCall:** Since Superior does not want to work with the County anymore, and everything is in place, then it is time to go. He asked about the budget, and whether they should wait until July 1<sup>st</sup> or just begin now.

**Jeremy Oliver:** Said that either way, he will have to add funds into the account. They were aware that this would happen when the two positions were added in the fall.

**Commissioner McCall:** Asked if the two positions were filled.

**Jeremy Oliver:** Affirmed that they are. He said that he isn't sure what they will need to add. He said that he was waiting for the June adjustments to figure exactly what to put in, so that he didn't put in \$500k if all they needed was \$200K. With projecting the budget, it will take money whether the positions are added today or not. It's just a matter of how much and waiting until they know that exact number. If they can make it through the end of this quarter, he won't have any problems with State reporting.

**Commissioner McCall:** Said that he wasn't aware of what was coming, but he is not against it. They need to make some adjustments to the budget and get the jobs advertised.

**Chairman Schwebach:** Said that he was ready to move forward with the funds, and if they hit snags then they will deal with them as they pop up.

**Commissioner Candelaria:** Is in agreement that they need to move forward.

**Jeremy Oliver:** The County also considered PRN, which is a contractor filling the position. It would be approximately \$20k cheaper, but a private contractor has no real ties to the County and can choose their own schedule. It is worth the extra money, it was decided, to have reliability. They are asking for \$2900K for the EMT's, \$122K for the Lieutenant positions, and \$65k for the Deputy Chief. He mentioned that the two Lieutenants would work 6 days a week and be on call for the 7th.

**Commissioner McCall:** Asked if this would give the County the same or better than what Superior is offering.

**Chief Dirks:** It would be better than Superior.

**Jeremy Oliver:** This way they can provide ALS on both units. The P-4 position alternates days on the ambulances. And then the E-1 through E-7 is an EMT that can be Basic through Intermediate, and the unit would still be able to provide the ALS as long as they have that paramedic in that first position on there. The \$290k is based on all people being paramedics, obviously that's not the case. Now, that's not likely to be the case when hiring these new seven people, or five people there and the lieutenants would need paramedics, because they're kind of the top of the hierarchy right below the Chief and Deputy Chief. That is based on the \$16 an hour salary. The salary is the same set up with last year's budget, if they are a basic, they're getting paid the \$14/hr, if they're intermediate, the \$15/hr, and if they are a paramedic, it is \$16/hr. There is rollover potential in that the same that we've set up with them in the road department within this last budget cycle. So, while we need to budget for the highest amount, it's not necessarily being used. The total would be \$477k.

**Chief Dirks:** When Chief Dirks was hired, there was conversation about him becoming a Fire Marshal. Chief Dirks sees a major need for a Torrance County Fire Marshal. He has a 3-7 year plan where he can go and take classes, find out what he needs to do to adopt the fire codes, and become the Fire Marshal. There is a hierarchy that would not upset the whole plan of everything to have a Fire Marshal to do inspections and to have a fire code. The Deputy Chief will be the most important position hired.

**ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to approve the personnel as presented in the amount of \$477,000 per year.

**Commissioner Candelaria:** Seconded the motion.

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

**Motion Passed.**

**B. FIRE: Motion to approve the 2021 Volunteer Firefighters Annual Reporting for District 1 (Duran) VFD. (Chief Dirks)**

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

**Chief Dirks:** It is the responsibility of the District Chiefs to report their volunteer PERA. It is required for the Commission Chairman to sign off on the report so it can be sent to the State. It is stating that they completed 50% of their meetings and 50% of the calls that they're responsible for. There is also a District Chief at every District now.

**Chairman Schwebach:** Item tabled until the information was given to Chairman Schwebach.

**ITEM TABLED UNTIL FURTHER IN MEETING**

ITEM REVISITED AFTER ITEM 12-C.

**Chief Dirks:** This is for the Volunteer Fire PERA. The County doesn't put into it, it's just for the Volunteer PERA. And this is an every-year thing where the District Chief, in this case, it's district 1 Duran, who is the only one that has kept it up over the years, and he reports every year for the volunteer PERA for his group. They are trying to get all the district chiefs to back up and running and doing this. What is required is for the Commission hair to sign it. As to that the everything was followed. And all the rules were followed, and they hit 50%. He thinks it's on there, 50% of their meetings and 50% of their calls they're responsible for and they keep all those records in their office. They look that over and then just submitted to the Commission Chair for approval.

**John Butrick:** That was my main thing and talking with Chief versus, you know, trying to get this instituted for all the districts as opposed to just district one going forward.

#### **ACTION TAKEN**

**Chairman Schwebach:** Made a motion to approve the 2021 Volunteer Firefighters Annual Reporting for District 1 (Duran) VFD.

**Commissioner McCall:** Seconded the motion.

**Roll Call Vote: Commissioner Candelaria:** Yes; **Commissioner Schwebach:** Yes;

**Commissioner McCall:** Yes.

#### **Motion Passed.**

NEXT ITEM IS 12-E.

#### **C. FAIR BOARD: Discussion and possible approval to move ahead with site plan and engineering assessment of fairgrounds. (Marcie Wallin, Chair)**

**Chairman Schwebach:** Opened Item 12-C for discussion about cost, possible approval to move ahead with site plan and engineering assessment.

**Marcie Wallin, Torrance County Fair Board:** Her plan today was to discuss where the County is in the progress of attaining Fairgrounds and the progression from that point forward.

**Chairman Schwebach:** Answered that they are waiting on DFA approval to look at the purchase of the property. As soon as that is done, then they can move on to closing and be done possibly by the end of this week, if not next week, just based on timeframe to get stuff back from DFA.

**Marcie Wallin:** Asked about any progression on the type of building the Commission wants and the location, and if anything can be done to speed the process up.

**Commissioner McCall:** Was thinking about getting pigs and fixing the show arena.

**Marcie Wallin:** Said that 100' x 200' was the final decision. She said that she would like to see how to move forward.

**Chairman Schwebach:** The catalyst for everything is the purchase of the property. If that is not owned, then there cannot be improvements made to the property.



**Commissioner McCall:** They cannot move forward with any funding until the land is deeded to the County. DFA, Legislators and the State were concerned about appropriating funds without owning the property.

**Marcie Wallin:** They can move forward with the Commission deciding the type of building and the location, because now the easements are actually stated, so they know that it is accurate.

**Commissioner McCall:** Doesn't think much can be done or decisions can really be made without an architect. There is \$150k plus \$700k. He thinks there is another \$298k somewhere to be put in as well. He also wants to get an architect at the next Commission Meeting.

**Chairman Schwebach:** There is \$700k available from the first two appropriations bond sales.

**Commissioner McCall:** That means the \$298 has not been sold. He believes they should go the route of an architect from the standpoint that he thinks that metal building is going to be the route they go. And in doing that those companies pre-engineered plans where their architect does the build out with it.

**Deputy County Manager Torres:** Asked what type of planning Ms. Wallin anticipates. He also told the Commissioners that one of the things he did recently was to go out for an RFP for engineering and architectural services. As soon as that's complete, they will have on call architects available. They won't necessarily have to go through the formal bid process since they will be part of on their own. They can essentially ask them for estimates and then issue a task order off that agreement. That will be available shortly.

**Jeremy Oliver:** They need to review and award because he thinks it was a multisource award, so they can award every responsive submittal.

**Deputy County Manager Torres:** The architects will be on retainer for up to four years.

**Jeremy Oliver:** He was asked what time frame he has for this, but he said he needs to speak with Procurement Director Noah Sedillo to see when it's opening and review it. Afterward any responsive proposal may be accepted.

**Deputy County Manager Torres:** Believes that it's up to four companies. They have a kind of a pool to play, but he is not sure how many responsive bids they will receive. There's the potential in the ERP for engineering and architectural firms.

**Cheryl Allen, Torrance County Grants Manager:** One of the things that they talked about in the ICIP workgroup was the discussion at the walkthrough of the Fairgrounds last year whether to focus just on the getting a plan for the new building and the construction of that or to also do a plan for the entire Fairgrounds. They have a comprehensive plan of what they are going to do with everything as they move forward. She wanted them to be aware that.

**Chairman Schwebach:** Said that there will be no action taken on this item.

**NO ACTION WAS TAKEN.**

**D. FAIR BOARD: Discussion and possible action regarding a carnival at the County Fair. (Marcie Wallin, Chair)**

**Chairman Schwebach:** Opened the floor for discussion and possible action regarding a carnival at the County Fair.

**Marcie Wallin, Torrance County Fair Board:** She said she has been in contact with a company that is interested in having a carnival during the County Fair at the Fairgrounds. They're worried about foot traffic, and that's how they make their living is foot traffic, and ticket sales. Torrance County has had other small vendors come to the Fair they don't make enough money, they pull up and leave immediately, you know, within three hours of low foot traffic. So her question is, and she has discussed this with John Butrick, the County Attorney, if there is any way to entice them through funding from County or the DWI program, if they receive something for free, if they just for instance, will donate \$500, we will pay you \$500. She believes it's important that the County does have a carnival, it improves the Fair as a community. If they just focus on the fair itself in the past, they would like to have some form of community involvement to improve the fair.

**John Butrick, County Attorney:** They cannot donate, as there is an Anti-donation clause. It has to be bargain for exchange.

**Marcie Wallin:** They will get a proposal. She talked to him again today, and the State is requiring a \$3 million insurance policy for them. If they have rides that an adult can ride, currently, it's a \$1 million policy that they do hold. Those are for the smaller rides. So that individual is finding out how much money that those policies will cost them. They cannot get someone out of state.

**Jeremy Oliver:** Procurement on this would be considered a small purchase if it is under \$5,000.

The conversation continued about whether the procurement laws would allow them to hire a carnival.

**Chairman Schwebach:** Asked Ms. Wallin to have to carnival owner put a proposal together.

**Deputy County Manager Torres:** It would be beneficial to reach out to other County Fair Boards and see what type of agreements they typically have. That is the quickest way to see how they don't violate anti-donation clauses.

**Chairman Schwebach:** Suggested that there is a desire for a carnival, so thinks that Ms. Wallin should bring some ideas because and then they can run it up the chain. He thanked Ms. Wallin.

**NO ACTION WAS TAKEN.**

MOVED BACK TO TABLED ITEM 12-B.



**E. MANAGER: Discussion and possible action regarding the East Torrance Soil and Water Conservation District's placement of a community garden at the Torrance County Fairgrounds. (Joe Everett, Board Member)**

**Chairman Schwebach:** Opened discussion regarding the East Torrance Soil and Water Conservation District's placement of a community garden at the Torrance County Fairgrounds. (Joe Everett, Board Member).

**Joe Everett:** Mr. Everett has come before the Commission because he wants to put a garden in the Southwest corner of the Fairgrounds. He works for the East Torrance Soil and Water Conservation District who shares a portion of the fence with the Fairgrounds. He is going to try to get a budget passed with Soil & Water for \$5,000. He wants to erect a fence 30 feet going straight from East to West, and 50 feet South, with a gate on the east. There would be a combination lock that people who want to use the garden would have access to. They would also like to use the natural fertilizers dropped by the animals.

Discussion continued about the exact location of the fence, the garden and where everything would be.

**Chairman Schwebach:** No actions were taken at this time; the County does not own the land right now and cannot promise a portion of the land until they own it.

**NO ACTION WAS TAKEN**

**F. GRANTS: Motion to approve the use of funds from the State and Local Fiscal Recovery Funds/American Rescue Plan Act (SLFRF/ARPA) to cover grants management costs of wages and benefits of Torrance County employees who are required to complete SLFRF/ARPA management tasks.**

**Chairman Schwebach:** Possible motion to approve the use of funds from the State and Local Fiscal Recovery Funds/American Rescue Plan Act (SLFRF/ARPA) to cover grants management costs of wages and benefits of Torrance County employees who are required to complete SLFRF/ARPA management tasks.

**Cheryl Allen, Torrance County Grants Manager:** Compensating employees' salary and benefits isn't an allowable expense with the ARPA funds. To get around that problem, the HR department has set up a job code in which any person that is working on an ARPA task logs in on that so they can track it. Previously, they had not been doing that, and prior to setting up the job code, she estimated that between Finance and the Grants department, they have at least already worked 80 hours toward the ARPA funds. According to Jeremy, the Finance Director, they can take funds directly from the ARPA line item and use it to pay salaries, or they can just pay the salaries as ARPA currently are. And using based off the tracking the completed with the job code that we've set up that fund then the money could then just go into the general fund as well. It's just another means of utilizing these funds. And another option for doing this, as I had noticed

that on the agenda was you're proposing a hiring a Grants writer. And there is a possibility where in the Grants department, she and the Grants Assistant would not work at all on doing any of the management for ARPA. She would have the grant writer do that as part of their duties. And at least that portion of their time their salary and benefits could be paid using the ARPA funds for the time duration that we do have that person. She understands the Grants Assistant that's being proposed may be a temporary position because of the additional funding that's been made available with through the Federal Government with the COVID funds. This would be a way of paying for that position. Otherwise, it's just a way to compensate the Finance and Purchasing and Grants for the time that they spend on that just to pay part of their salaries and benefits.

**Commissioner Candelaria:** Don't grants have a clause in there that so much money can be used for administration?

**Cheryl Allen:** Explained where the administrative funds may go.

**Chairman Schwebach:** Asked if it was necessary to use the ARPA funds.

**Jeremy Oliver, Finance Director:** No, but it is a way to replenish the General Fund.

**Cheryl Allen:** Broke down how much time goes into ARPA Grants and how they track their time. She is asking for an approval amount. She broke it down to a \$25 average salary, plus about \$2,500 for one quarter annual benefits, and it would equal \$23,000 a year, through December 31, 2024.

**Commissioner McCall:** You've got to remember that these ARPA funds could be considered a grant. And anytime we take the funds from the ARPA funds, it keeps us from spending those funds on what could be what they could be used.

**Cheryl Allen:** Yes, but there are certain things each of these categories can go into. So, any time the Grants people are working on those projects, then they are allowed to use that money on their salaries.

**Commissioner McCall:** He said he feels like these ARPA funds come with some responsibility from the County, that there is going to be a management aspect to handle these funds. He feels it is their due diligence are our portion of getting \$3.2 million for them to manage it internally in house. It broadens where they can spend it. He thinks the Commission has ideas with infrastructure and things that qualify for our funds, that at the end of the day, they are going to say, "I wish I had more funds." At the end of the day, it's robbing Peter to pay Paul.

**Chairman Schwebach:** Said that because there are General Funds right now to pay for salaries and the County is not hurting for money, that he wishes to keep the ARPA funds where they are.

**Cheryl Allen:** It's just by doing this, it gives us \$23,000 A year that has a broader usage than just what's defined in ARPA. It is a way of unrestricting some of the restrictions on ARPA.

**Jeremy Allen:** If they were running short to finish a project, and we need it that 40,000 We just transfer it and add it in there

**Chairman Schwebach:** Agreed that continuing to track the expenses is a good idea. Discussion continued on the reports that are due for ARPA.

**Cheryl Allen:** After the April 31st report, it will then be an annual report. Everything needs to be the project's end on December 31, 2024. But if there's a big project, they have an extra two years to complete the project. They will be doing management at that time as well, so it is due basically at the end of 2026.

**Chairman Schwebach:** No action will be taken, but the Chairman suggested to keep on keeping track of time spent working on ARPA.

**NO ACTION WAS TAKEN.**

**G. CLERK: Motion to approve invoice for Automated Election Systems for equipment and supplies used for the 2021 Real Local Election.**

**Chairman Schwebach:** Opened discussion for possible approval of invoice for Automated Election Systems for equipment and supplies used for the 2021 Real Local Election.

**Yvonne Otero, Torrance County Clerk:** They're requesting payment in the amount of \$1,233.90. It's the election supplies and what they call Mi-Fi routers that are used on election day. It's kind of like a Wi-Fi but something different that they deal with. And they must have them at the election sites because they need internet to operate. The BOD, which is the computer that prints your ballot, must be connected to the Wi-Fi so that they communicate with all the other computers that are in the County as well as with the Clerk. That way, nobody can go in and try to vote twice. And the reason that it's being requested is because she didn't know what it would cost. She tried to pay with accounts payable, but that is not allowed. The money is in her budget.

**Commissioner Candelaria:** This money wasn't covered by the Secretary of State.

**Yvonne Otero:** She put it on the refund, so she has already been reimbursed the money, but there was no P.O. and the County Policy is that all purchases require a purchase order. And the only thing that is covered in state statute is the MiFi routers. She couldn't get anything from the Secretary of State to verify so that she could just pay it right away. She needed to take care of this and clear it up for everybody because the election supplies aren't covered, but the routers are, and it was a huge mess. She said the money's there, they've already reimbursed her and just needs to get it paid.

**Jeremy Oliver, Finance Director:** He thought it was better safe bringing it to the Commission for approval then potentially finding later because this portion wasn't covered under any of the P.O.s the clerk's had in place. And all those P.O.s were closed out before this invoice came to be paid. Kind of just a procedural thing because there was no P.O. in place beforehand.

**ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to approve invoice for Automated Election Systems for equipment and supplies used for the 2021 Real Local Election.

**Commissioner McCall:** Seconded the motion.

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

**Motion Passed.**

**H. CLERK: Motion to approve invoice to The Independent Newspaper for ads that were run during the 2021 Real Local Election.**

**ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to approve invoice to the Independent Newspaper for ads that were run during the 2021 Real Local Election.

**Commissioner McCall:** Seconded the motion for the sake of discussion.

**Yvonne Otero:** Ms. Otero was under the impression that these were paid because she received invoices from the Independent, but about a month and a half ago, they contacted her saying that these weren't paid. After going through everything, it was figured out it should be charged separately; The Independent bills separately for full page ads as opposed to legal ads. So, she paid her legal ads. But these weren't paid because she never got an invoice. They ran the ads even though these have not been paid. This one had to be paid because she had to enter it into the Secretary of State's into the MOU that she had in place with the Secretary of State. This has already been paid through the Secretary of State's and is back in her fund, but it hasn't been paid out to the Independent because they never sent her a bill or an invoice.

**Jeremy Oliver:** Now these invoices showed up a month ago. You've seen some of the issues they've had with billing and stuff. These showed up late after the election. The story that he received from the Independent is it was missed on their side because their billing clerk had left during that time. The invoice that was missed, they caught it and sent Torrance an invoice. There wasn't a purchase order in place for the full-page ad, just the legal notice, which had been already closed out.

**Chairman Schwebach:** There is a motion and a second for approval.

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

**Motion Passed.**

**Yvonne Otero:** Mentioned another item, as follows. June 7, is, of course, the primary election, and a Commission Meeting the following day. She has to canvass the election, obviously, it's not going to be ready. So, she is going to have to call a special meeting the following week. Which causes another problem, because for the New Mexico Counties Meetings, they're a week after elections. She tried to see if they could set reset the dates to visualize like two weeks after the election, because they know but they said everything was already in place. And there's nothing that we could do. She has 10 days to canvass.

**Chairman Schwebach:** Said that he and she will have a discussion to work out the logistics.

**I. COMMISSION: Discussion and possible action regarding repurposing of the Emergency Management Building into a Youth Center/Community Center.**

**Chairman Schwebach:** Opened the floor for discussion on the possible action regarding repurposing of the Emergency Management Building into a Youth Center/Community Center.

**Commissioner McCall:** He said he has been out of town so much at conferences and conventions from his personal business that he let this go just a little bit. He got an update today from Janice Barela. She spoke to some Bernalillo County rec programmer there and Bernalillo County kind of got some ideas how poorly our county is handling youth rec centers. He has a list of folks that he would like to get together for a meeting. Not for a committee yet, but to throw out some ideas and get information from others. He would like to challenge you to submit some names of individuals that you know of that would bring some great information and or thought process to this plan. He is concerned about the operational costs. Janice Barela also made him aware of that there are some funds out there at the State level when it comes to recreation and the reoccurring funds as well, he was excited that Torrance might have use for them and for the operational cost. He doesn't really have an update on this. And he would like to know now that he is resuming and to sit down with them and give the Commission his idea of how to repurpose the Emergency Management Building.

**Chairman Schwebach:** Thanked the Commissioner and moved on to the next item.

**NO ACTION WAS TAKEN.**

**13. DISCUSSION**

**A. MANAGER: Estancia Valley Economic Development Association (EVEDA) Annual Update. (Myra Pancrazio, Executive Director)**

**Chairman Schwebach:** Opened the floor for discussion to Estancia Valley Economic Development Association (EVEDA) Annual Update. (Myra Pancrazio, Executive Director).

**Myra Pancrazio:** Updated the Commission on the Estancia Valley Economic Development Association with the annual update.

Discussion included items such as the following:

Showed the first phase Western Spirit Wind and Transmission for the audience. It's a \$2 billion dollar project. 377 turbines, 1050 megawatts. 254 miles on a 345 kV line will go through southern Arizona into Southern California whose purchasing power was 985 construction jobs, 57 permanent full-time jobs, total wages during construction was \$65 million, operations is \$130 million. We will end up with local wages, I see over a period of 30 years, looks like payments of \$12.3M, gross receipts \$67.4 and \$88 million in payment in lieu of tax money.

The Second Phase is called Sun Zia Wind and Sun Zia Transmission. It is a 3,000-megawatt project, 3x bigger than what was just constructed. They are going to start the fourth quarter of this year and start construction in mid-2023. It is a three to four year build out project. Once this portion is done this additional 3000 megawatts a big majority that's in Torrance County. This will be the largest wind project in the northern hemisphere of New Mexico.

With Pattern Energy coming on board, they're adding 150 full time jobs in that corridor and up to 1800 construction jobs.

In the last year, EVEDA has added seven new projects throughout the valley. 76 additional jobs they are working on for infrastructure projects, one water, and one I-40 bridge.

EVEDA has an additional expansion they are working on that will add another 20 jobs.

Another expansion they are working on will add another five jobs. Those are both in Moriarty. A new aviation related project is looking at three sites, two sites in Torrance County, one in southern Santa Fe. This is 200 jobs. EVEDA is also working on infrastructure in the town of Estancia at the airport. Funding to pave that runway and looking at a new meat processing plant. This one would be in Torrance County

They do have a new cannabis manufacturer that's interested in the area hasn't landed on whether it's going to be Torrance County or a particular community with a small manufacturer.

EVEDA is looking at funding for a couple of housing projects and we're trying to move a little bit of those housing projects a little further south into the McIntosh area, with EMWT being able to get some of their infrastructure in place that helps a lot maybe we can afford housing. We have all these jobs. Just the 71 jobs, but there's no housing available. So hopefully they will get something around the McIntosh area. They are hoping to continue to work with the New Mexico Association accounting, some their Economic Development Committee Subcommittee. They work with the Albuquerque Regional Economic Alliance. They are a member of that alliance. That's the Four County Alliance and Mexico Industrial Executive Association, which is where we work on legislative bills that help with economic development. And Sky is in the old Google building out at the Moriarty airport. They have received a \$10 million emerging technologies grant from the State of New Mexico to come up with their research and development. They are also a member of Renewing New Mexico and that is about rural renewable energy.

**Commissioner Candelaria:** Thanked EVEDA for the hard work that they do, even though much of it goes unseen.

**B. MANAGER: Partnership for a Healthy Torrance Community (Health Council) Update and introduction of Community Health Worker. (Debbie Ortiz, Director)**

**Chairman Schwebach:** Opened the floor for discussion by Partnership for a Healthy Torrance Community update and introduction of Community Health Worker by Debbie Ortiz.

**Debbie Ortiz:** She is the Director of the Partnership for a Healthy Torrance Community which is the local Health Council. They also do other things out of the DWI Memorial, such as managing the Office of Substance Abuse Prevention Grant, which they work with Commissioner McCall during Pumpkin Patch Season to bring awareness to drugs and alcohol. She brought Stephanie Reynolds and Adrian Ortiz. They helped register seniors for the COVID vaccines, and are following up with home testing kits. She outlined many other things that they do within the community regarding health and prevention.

Their meetings are open to the public, and are held the first Monday of each month at 11:30 A.M. They have their meetings in person and via Zoom, in Estancia, Moriarty and Mountainair to try and accommodate everyone. They also provide a medication takeback day.

**C. MANAGER'S REPORT**

**Juan Torres, Deputy County Manager:** Touched base about the power adapter hopefully coming in before the next meeting, where he wants everything to be switched over to the new system before then. He updated the Commission about the water issue in District 3 and said there is only about 15-20 feet of water left in in the well. He believes that would potentially be a good use of ARPA funds.

**D. COMMISSIONERS' REPORTS**

- 1) Commissioner McCall, District 1

Said that he wants to get moving on the Fairgrounds and hopefully have a building by County Fair 2023.

The DOT is going to repave from Pilot Truck Stop North on 41 5 miles, just past the County line.

- 2) Commissioner Schwebach, District 2

A. Federal and State Grants – discuss hiring a Grant Writer

Due to audio issues, the recording is unintelligible at this point.

The discussion was between the Commissioners and Deputy County Manager Torres, as well as Cheryl Allen, regarding hiring a semi-permanent grant writer to try and direct some of the Federal Funds and the ARPA funds.

Cheryl Allen: This is a great idea, and she could use the help because this is a very busy job for much of the year. The lowest median salary for the Grant Professionals Association in the Western Region is \$28.61/hr. She believes that beginning at \$25/hr. out here would be great.

**Chairman Schwebach:** Interested in finding out about Grant Writers on a contract basis.

**Cheryl Allen:** Said that they would most likely end up paying more than \$25/hr. for a contract Grant Writer.

Discussion on the pros and cons of contract vs. full-time employment Grant Writing positions.

3) Commissioner Candelaria, District 3

**Commissioner Candelaria:** Updated the County on the fact that fires can be started in the most unlikely of places. For instance, a parked vehicle that is idling can start a grass fire with the catalytic converter. He also wanted to congratulate the County on the great audit, and wants the employees to keep it up!

#### 14. EXECUTIVE SESSION

15. **Announcement of the next Regular Board of County Commissioners Meeting:** April 13, 2022, at 9:00 AM.

#### 16. SIGNING OF OFFICIAL DOCUMENTS

#### 17. ADJOURN

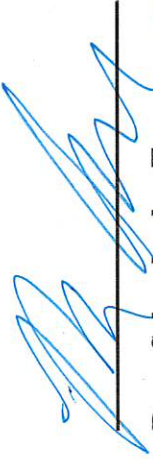
**Chairman Schwebach:** Made a motion to adjourn the meeting.

**Commissioner Candelaria:** Seconded the Motion to adjourn.

**Chairman Schwebach:** Adjourned the meeting at approximately 1:26 P.M.



Signed By:

  
\_\_\_\_\_

Ryan Schwebach – Torrance

County Board of Commission

Chairman

  
\_\_\_\_\_

Valerie Smith – Administrative Assistant III,

Torrance County Clerk's Office

Date:     /     / 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.

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