

FINAL

Torrance County Board of Commissioners

Regular Commission Meeting

WEDNESDAY, May 25, 2022 @ 9:00 AM  
205 S. Ninth Street, Estancia, NM 87016

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

Other Present: JANICE BARELA – COUNTY MANAGER  
JOHN BUTRICK – COUNTY ATTORNEY  
YVONNE OTERO – COUNTY CLERK  
TRACY SEDILLO – COUNTY TREASURER  
JEREMY OLIVER – FINANCE DIRECTOR  
KEVIN PHAM – ADMINISTRATIVE ASSISTANT

1. Call to Order

Chairman Schwebach: Calls the May 25, 2022, Regular Commission Meeting to order at 9:00AM.

2. Invocation and Pledge of Allegiance

Pledge lead by: Chairman Schwebach

Invocation lead by: Vice Chair Candelaria

3. Changes to the Agenda

Madam County Manager Barela: Request for Item# 13. D, 13. A, 13. B, 13. C to be presented after Item# 9. A.

Chairman Schwebach: I have no problem with that.

4. PROCLAMATIONS - NONE

5. CERTIFICATES AND AWARDS - NONE

6. BOARD AND COMMITTEE APPOINTMENTS - NONE

7. PUBLIC COMMENT and COMMUNICATIONS



**Madam County Clerk Yvonne Otero:** As you all know Absentee and early voting has begun. So far with absentee we have sent out a total of 133 ballots. We have received 50 of those back and 83 are still out. Here in Torrance County Admin. Building for early vote, we have 138 people come to vote. Moriarty just open on Saturday, between their two days they already have 105 people came into vote. Moriarty is open Tuesday through Saturday from 10AM to 6PM. Here in the Torrance County, we are open Monday through Thursday 7:30AM to 5:30PM, and Friday and Saturday is from 9:30AM to 5:30PM. I opened a couple of extra days for the convince of the voters. We haven't had that many but hopefully for the next two weeks we will. I understand that Chairman Schwebach and Commissioner McCall have question about the MOU and where the funding comes from. There is a state election budget in the amount of 2 million dollars. Secretary of State is required to help pay with the administrative part of the election.

**Commissioner McCall:** So, it has nothing to do with population?

**Madam County Clerk Yvonne Otero:** No! Its more toward voter turnout.

**Chairman Schwebach:** So, it has to do with population vote.

**Madam County Clerk Yvonne Otero:** Yes, but not for the population of the whole County.

**Chairman Schwebach:** Understood.

**Madam County Manager Barela:** Next we have Daniel Harman.

**Daniel Harman:** Commissioners I am here today, not because I want to be. I believed there is a significant error and abuse of discretion by the Torrance County Planning and Zoning Director and Department. Recently the neighbor to the west of me was required to accommodate the Torrance County Zoning Ordinance for conditional use permit to install submittal dwelling unit in the zoning district in which he lives. Agricultural Preservation 40. Shortly thereafter the neighbor to the north of me, who also lives in the same zoning district. Agriculture Preservation 40 does not have to accommodate the Torrance County Zoning Ordinance for conditional use permit to install their submental dwelling unit. Why didn't the neighbor to the north of me have to accommodate the Torrance County Zoning Ordinance in the same Agricultural Preservation 40 Zoning District? Why did the Torrance County Zoning Director and Department permit the neighbor to the north of me with this regard of the Torrance County Zoning Ordinance in the Agricultural preservation 40 Zoning District? The neighbor to the west permit for his new mobile home is temporarily, and the neighbor to the north permit for their mobile home can exist permanently. If this is indeed true? Torrance County descriptions, under mind the integrity of our community. Create conflict between the community members and violate the trust of our community and create incentive for further abuse. Today I am filing an appeal to the Torrance County Commission, and request resolved in this matter. Please require the Torrance County Zoning Director and Department to follow the most recent recorded Ordinance? Thank you.

**Emergency Manager Samantha O'Dell:** I just want to give you an update as far as the mutual aid that Torrance County is providing to San Miguel County for the Calf Canyon Fire. On Sunday of last week through last night, we do have a type 1 Tinder form Torrance County Fire Department with two volunteer that responded to assist in Pecos with structural support. Last week Wednesday through Friday we had two volunteers go out and assist with the animal shelter there cleaning kennels, feeding dogs, and cleaning the dogs. We are also in contact with the Emergency Operation Center for the State, almost daily as far as what resources are needed and

coordinating with what we can provide as for as mutual aid for the fire. Thank you.

**Patty Alexzander:** I wanted to speak today about the voter integrity. We are approaching Memorial weekend. As we all know Memorial is memorializing those who have giving their lives for this Country. Over the last few years, I've seen this Country slowly decline. It seems like it's in a fast-track heading in the wrong direction. It is disgusting on how there is a lot of voter fraud that is going on in this Country. I'm not saying that it is going on in this County, but throughout this Country and our judges are not listening. We the people basically need to stand up and say enough is enough. Whether it is by stop paying our taxes or whatever we must do to hit their pocketbooks. I hate that we are going backwards instead of forward. With Covid taking over our lives and the Government stepping in not letting doctors be doctors. We have a Governor in this state that does not allow doctors to pretreat people as though they are showing symptoms. They say put your mask on, and mask don't work as we know. I've seen videos of peoples wearing medical mask where they were smoking through them. The biggest factor is that the Government said the more people die from Covid the more money we'll get. We the people just need to stand up and say enough is enough. There is so much evidence out there that proves that our election was stolen, and that's the truth that our election was stolen from us.

**Shane Lutrick:** I would like to thank the Commissioners for allowing the Clements for presenting their information and the Clements for taking their times to come here today. We know that there is a lot of information out there about voter fraud. At the Estancia Community Center last night was shown a documentary in 2000's mule, and there was an excellent turn out.

**Leon Kessinger:** I'm very concerned on the voting integrity of our voting systems. I would be very pleased to meet with others with similar concerns.

**Sheriff Marty Rivera:** This is an update on May 19, 2022, the Sheriff Department participated in the New Mexico Law Enforcement Torch Run for the Special Olympics. We ran from Lisa's Truck Stop to the TA Truck Stop which is about two and a quarter mile. We have been participating in this run for the last ten years. Moriarty PD and Estancia PD also joined us in this run. Yesterday the Sheriff Department along with Edgewood PD, Moriarty PD, Estancia PD, and State Police executed a felony warrant in the area. The suspect was believed to be armed and dangerous and barricaded himself in the trailer. After 20 minutes or so the suspect exited the trailer and was taken into custody without incident. Yesterday we had a fatal crash in McIntosh area. Car T-bone a truck and the driver and passenger of the car died in result of the crash. Please be careful and mindful of your driving. Speed kills. The calls stats from May 1<sup>st</sup> through May 24, 2022, there were a total of 1,383 calls for service. Torrance County Sheriff Office handled 615 of those calls. In the Town of Estancia, we handled 106 calls. City of Moriarty there was 507 calls we handled 61 of those. Town of Mountainair was a total of 60 calls, we handled 16 of those. Forest patrol have started meeting with the Forest Service Department to closely monitoring the fire dangers and illegal activities. Forest Service have closed most of the forest roads and trails due the fire dangers. You can find more information on those closure on the Sheriff Office Facebook page, or the US Forest Service, Cibola National Forest, and the Grassland Facebook page.

## 8. APPROVAL OF MINUTES

A. **CLERK:** Motion to approve the April 27, 2022, Torrance County Commission Meeting Minutes. (Deferred 5/11/2022)



**ACTION TAKEN:**

**Chairman Schwebach:** Made a Motion to approve the April 27, 2022, Torrance County Commission Meeting Minutes. (Deferred from 5/11/2022)

**Commissioner McCall:** Second the Motion.

**Roll Call Vote:** District 1 Voted Yes, District 2 Voted Yes, District 3 Voted Yes. All Commissioners in Favors, **MOTION CARRIED.**

- B.** **Chairman Schwebach:** Motion to approve the May 11, 2022, Torrance County Commission Meeting Minutes.

**Vice Chair Candelaria:** Second the Motion.

**Roll Call Vote:** District 1 Voted Yes, District 2 Voted Yes, District 3 Voted Yes. All Commissioners in Favors, **MOTION CARRIED.**

**9. APPROVAL OF CONSENT AGENDA**

- A. FINANCE:** Motion to approve payables.

**ACTION TAKEN:**

**Chairman Schwebach:** Make a Motion to Approve Payables.

**Commissioner McCall:** Second the Motion.

**Roll Call Vote:** District 1 Voted Yes, District 2 Voted Yes, District 3 Voted Yes. All Commissioners in favors, **MOTION CARRIED.**

**13. DISCUSSION**

- D. COMMISSION:** Discussion and Presentation on election integrity issues and vulnerabilities. (David and Erin Clements)

**David Clements:** Former Business Law & Consumer Protection Attorney. Considering the evidence that we are about to present to you today. I want you to know that we come here today my wife and I, not to make life difficult, but we were confronted with difficult facts considering our nation election integrity. We would like to become a resource along your side. We would like to give you an overview on what we discovered in Otero County with an audit. We will be discussing about the input and output of the voting system process. (Video being played with Audio) So there's nothing today that I'm going to tell you that you don't already know. People went to bed thinking that Trump has won the 2020 Election but woke with a completely different narrative. There have been 450 Election fraud lawsuits filed. One in fifty concerning the November 2020 Election. 99.9% of the lawsuits were dismissed because of standing grounds. Let me walk you through the input and outputs on how you vote. (Image here to attach) These poll books are hooked through the internet. Let's think about vulnerabilities with these devices being hooked up through the internet. (Video being played with Audio) David had further discuss that



the Tabulators are indeed hooked up to the internet. (Video being played with Audio) Now your County Clerk and Clerk Personal will provide you with the same assurance, because they will look at the same operating procedure as followed. I don't want to make it like our Clerks have something to do with it. Our Clerks are outstanding with election codes and election practice. They are not machine experts. They will be the first to tell you that they understand the voting process to a "T", but when it comes to the machine itself, they are totally dependent on the vendors to tell them how the machine works. The reason why, is because there is a software in these machine that the Clerks doesn't know exist. (Video being played with Audio) David further discussion on the Tabulator machine. The Tabulator machine are certified by either two companies, one is SLT Compliance, and the other is Pro B and B. These are independent auditor that effectively give a rubber stamp to Dominion machines. On the existing setup of the machine, Jeffery Lemberg had a Microsoft SQ old tool that he uses to do all the flipping of the ballots in house. The Clerks didn't know about it, he found that on their drop-down menu. If you ask Dominion Reps, you'll have to take their words for it. If you crack open the machine and ask the Clerks if they knew what the parts are they wouldn't know how to answer you. Why? Because they are not machine experts to tell you which microchips does what for the machine. Which is why we are dependent on a third-party vendor to assure us that there is nothing wrong with their machine. We keep on providing proof that there is. Let's just say for instant that these Tabulators are not hooked up to the internet. Inside of these Tabulators there is a thing called SD cards, which are uploaded to the County Election Management System which are just a computer. These systems are network which means they can be hacked. Now let's look at a larger scale of flips. (Video being played with Audio) Now many of the Swing States are Electoral for the presidential races. You are looking 10 to 11 thousand was the margin of victory for Biden. Is this a conspiracy, yes, it is, and you need to know that? The reason why this happen is because under the pretext provided by Covid. (Videos being played with Audio) David insist that there is a feature on the machine which allowed it to wake themselves up, and the screen won't even turn on. Being that your Clerk and the election worker would even know that the machine is being accessed. Before I turn this over with a bit of recommendation. I will plant the seed with you right now. In Otero County, under the nose of their County Clerk. Dominion went in and deleted the entire project file for the November 2020 election. That is a violation of State and Federal Law. It is a felony under State and Federal Law. This file must be preserved for 22 months. When you wiped out the digital media that is use in the preparation of verifying your voter rolls, that's a 4<sup>th</sup> degree felony. I turn the floor over to Erin.

**Erin Clements:** For the last year in a half, I have been collecting data to see where the problem is, and how to fix it. We use the term Election integrity over seeing our Election System. I believed what we have going is called Election corruption. All graphs, tables, and power point are here to attach.

**David Clements:** Recommend we should go back to paper hand tally counts.

**Chairman Schwebach:** I would like to see a show of hands in the audience on who is agreeing that we have an issue?

**Audience:** Majority agree.

**Chairman Schwebach:** Our upcoming election is the Primary Election on June 7, 2022. Are the paper ballots available for counts after that? Will we have the tabulation to count by hand?

**Madam County Clerk Yvonne Otero:** When they take the ballots out of the machines and put it in a ballot box, which will be sealed, and cannot be open until 90 days after the election. We



can't break the seal and open the ballot box and pull all the ballots out, for that we will need a court order from District Court. At the end of the night when they are closing the polls, they will then pull all the ballots from the tabulator and put them in the ballot box. The box will be locked and sealed with a serial number on it. They will then deliver the box back to my office at the end of the night, and I will put the in storage.

**Chairman Schwebach:** This is your poll workers that are doing this?

**Madam County Clerk Yvonne Otero:** These are all my Presiding Judges. If there is something wrong our missing, and you must get into the Ballot Boxes itself, we will have to get a court order to open the boxes. You cannot just open the box until 90 days after the election.

**Chairman Schwebach:** So, what will happen if this Commission just simply say I'm not buying it?

**Madam County Clerk Yvonne Otero:** I would do what you guys ask of me to do. We just won't have any result immediately until everything is hand tallied.

**Erin Clements:** Can I suggest Yvonne? I know you have hand tally sheets and they're printed by Dominion.

**Madam County Clerk Yvonne Otero:** Yes, but they are not printed by Dominion. We print them ourselves.

**Erin Clements:** So, a certain number of ballots are always hand tally every election, correct?

**Madam County Clerk Yvonne Otero:** Only ballots that do not go into the machines, which are the write in and the provisional ballots.

**Erin Clements:** Can all the ballots be processed that way rather than stuffing it in the Tabulators?

**David Clements:** The only problems is, once you put the ballots in the machine you won't be able to see them again until 90 days after the election. If we have paper counting through hand tally you will have a more accurate count through the clerk staff. That would be one of the recommendations. We are so thankful that you guys have a Clerk that is open for us to come take a look. I think the hand counting should be a start, and these are manageable fixes.

**Commissioner McCall:** Why does the Government does what they do? Why are they locked for 90 days? What is sacred about them? We are trusting you with our vote. Why can't we trust you with the paper ballots?

**Madam County Clerk Yvonne Otero:** From what I have been told, there must be a recount. So, if there is a recount, the ballots are in a secure place without anybody tempering with it. With the recount we would come in and open the Ballot Box and go through the process. With that we don't need a court order for after 90 days.

**Chairman Schwebach:** So that will give this commission the authorities to say we demand a recount regardless.

**Madam County Clerk Yvonne Otero:** Yes, when we come in to do the canvassing, and if you think the result are not correct. You can say, I want everything to be recounted.



**Chairman Schwebach:** That would trigger the hand counts before he 90 days.

**Madam County Clerk Yvonne Otero:** I'm looking at both side and not just one side or the other. What I can do is have my Canvassing Board come in for three days after the election and do all the hand tally.

**Commissioner McCall:** Does that need a Court order.

**Madam County Clerk Yvonne Otero:** No! Because I am not going to lock the ballots.

There was a Discussion between the parties on tabulators being a printer, and ink bleed through the ballots from pens mark, and no ink bleed through from the ink cartridge from the tabulator.

**Chairman Schwebach:** How did we have vision and impaired individuals vote prior to those machines.

**Madam County Clerk Yvonne Otero:** They can bring somebody to the poll locations and help them. They must let the Presiding Judge know that they are visually impaired, and that they need someone to read the ballot for them.

**Chairman Schwebach:** Did they remove that ability?

**Madam County Clerk Yvonne Otero:** No, they can still do that.

**Chairman Schwebach:** So, my thought process is to demand the ink cartridge and ribbons to be removed from the machines.

**Commissioner McCall:** That would fix half of the problems from what we have heard today.

**Vice Chair Candelaria:** Yvonne, before you certified those machines to be used in the election, the Candidate can be there to see that the machine is zero out.

**Madam County Clerk Yvonne Otero:** Yes, they can, it is open to the public.

**Chairman Schwebach:** John, this is what I'm going to task you with. I want answers, I want the statue in front of me explaining to me about those drop boxes. Also, the statue on what the Clerk can and cannot do regardless of what the Secretary of State advice is. I want to be able to tie it to what the Commission can do through Ordinance, and through Finance. At this point that is a start.

**A. MANAGER:** Presentation on the status and projected timelines for the SunZia powerline project. (John Ryan)

**John Ryan:** We are proposing the largest clean energy in the Western hemisphere. Fourteen years in and 200 million dollars in at risk capital. The company is fantastic the fact that they stayed in NM and stayed on this project, with a numbers of other transmission project. We also have some good rules and laws that crate some incentives to bring in the County from renewable energy. A lot of the rural community benefit from that in Torrance County. What we are doing is going to additional Right A-Way Amendment with the Federal Government. We are in the



Federal Government Permitting process. In Torrance County we parallel with the Western Spirt Project about 30 miles. So now we are in the Public Comments period phase, on the 29<sup>th</sup> of April 2022. For 90 days up until August 1, 2022, people can comment on the draft of the Environmental Impact Statement that BLM have put together. It that draft, they have a preferred alternative route. They are suggesting one route, and we like that route. We are encouraging folks to look at the route. Study it and comment into the record. They will be open on August 1<sup>st</sup>, and that will be the end of 90 days. You can mail and submit comments through the internet, and call.

The amount of mileage that SunZai is in Torrance County is a little over 58 miles. We have agreement with six of the seven County that we intersect in NM. That we pay each of the County 20,000 Dollars per miles for whatever route the BLM chooses. We are back here in Torrance County hoping that you would evaluate the project and comment on it. We must line our transmission line up with the wind developer pattern energy. So, we must be complete when they are complete, so they can sell that product to other utility whomever they might be. We are doing two lines, primarily the first line will be of focus. So, the community benefit agreement. Say for SunZia if you guys might consider we can do the first line right now. Then we will come back to you with the second line agreement later. The first line will be a DC line, so that DC line transmission carries twice the capacity as an AC line.

**Commissioner McCall:** So, when you're saying two lines, does that mean two polls with two lines or one poll with two lines?

**John Ryan:** It'll be two separate polls with two separate lines. They parallel each other for the most part. We do have to separate through the Servia Wildlife Refuge, because we are using existing Right A-Way easement. We will them collocate with the two utility that have transmission lines enroute.

**Chairman Schwebach:** So, at this point how far out are you? Right now, you're at the public comment stage. So, what is the next stage?

**John Ryan:** Let me give you a little more detail on the public comments part. There will be three virtual meeting that the BLM will hold. That will be on June 21, June 28, and June 29. You must go on their website to register to participate in those virtual meetings. The anticipated final EIS will occur in March of 2023 with the record of decision in May 2023. It will a year away from completing for the most part of the Federal permits. With that, it will allow us to get in construction finances, and start working on that. We should be in construction by the end of 2023. We anticipate two to two and a half years of building SunZia first line. We need to be in service by the end of 2025.

**Commissioner McCall:** I know this became a RETA project. Are you going through the IRB process as well?

**John Ryan:** No, we are not going to do the IRB process. As a partner to the Renewable Energy Transmission Authority, there is some incentive there that a lot of the developers are looking at to come into NM. We have 100% of our right of way for the first line completed.

**Commissioner McCall:** 100% in NM or 100% to the destination?

**John Ryan:** To the destination.



**Commissioner McCall:** 100%?

**John Ryan:** We may not have 100% of them signs but we feel like we are at 100%. If the BLM identify a route and it becomes final, and we don't have our right of way complete in that individual that entity can block us.

**Commissioner McCall:** Can you explain with this partnership with RETA, what does it do for property taxes in Torrance County?

**John Ryan:** I think Rob Burpo would be a much better person for that question.

**Vice Chair Candelaria:** While working with SunZia, I would like for our Emergency Management be in the loop of what is going on. Because they might have some question that they might have that we don't.

**John Ryan:** I believed at 58 miles for 20k a mile that comes out to be \$1,160.00 for the first line. That is County money, and you can do whatever you want with it. It comes in phases, we'll start close to signature with in 30 days, and 10% by next month. It will be gradual until we are in service, and we will complete it when we are in service.

**Commissioner McCall:** Is this a one-time deal?

**John Ryan:** Yes, for line one.

**B. MANAGER:** Presentation and discussion of proposed Community Benefit Agreement between Torrance County and SunZia and possible Resolution of support from the County. (Rob Burpo, County Financial Advisor)

**Rob Burpo:** In your packet were two documents for this section. One is a purpose community benefits agreement between SunZia and the County. We made a couple of technical changes on the fourth "Where As" on page 2. Under the definition of health safety in welfare project. We are recommending that we add "for as otherwise allocated by the County Board of Commissioners." So, for other words. You'll be able to determine what is consider a county benefit. It's not restricted to the langue within the original agreement. As John mentioned they are proposing \$20,000 per miles per line a total of \$1,166,00. 12.5% will be paid on or around July of this year, and the remainder will be paid in July of 2023. Pattern does IRB with you. In other words, they go out and they develop the whole project. They than put it on the County books that you are the owner. You then lease it back to them, and you have no control over operating authority. That the way you will conduct with the IRB. In this case with SunZia going across with six or seven different counties. They do basically from a 30,00-foot view, they are doing an IRB with the Rural Electric Transmission Authority. With their agreement, it's for all the counties that they go through, instead of doing a special deal with each one. The State of NM created the Rural Electric Transmission Authority. SunZia will basically do an IRB for the entire project line with one entity at the State level instead with the different counties. What I also add is on #7 Miscellaneous. Nothing in this transmission agreement shell prohibit the County from working with NM Rural Electric Transmission Authority to explore other consideration agreement and possible benefits to the County. I just want to make sure that the agreement between SunZia and the County does not preclude the



County from having conversation with RETA about other consequential benefits. This is an agreement for the County to verbalize that request SunZia to communicate with the Emergency Team, and I'll work with County Manager Barela on that language to be added to this. That is basically the discussion on the Community Benefit Agreement. The other component of this presentation is SunZia asking for a Resolution for support of this. In 2017 from the prior Commission wrote a Resolution that is in your packet. I made one change from that language that talked about the fact that you've been following all the action since 2010. I didn't want to put you guys in position where you're putting in a resolution saying something that you haven't really done. So, we took that out, and I did is in term I substitute it. It's the fifth "Where As" the County realizes the importance that SunZia transmission line will have on the economic viability of rural counties, as renewable energy project comes online in return increase property tax revenue and other benefits. I took out the thing that say you have been following contently with what they have been doing since 2010 and substitute it with the Economic Development Benefits Comments. That's the two documents I like for you to look at and consider and maybe discuss it. At the next meeting if you would like to take an action item on one or both. We can finalize those out. I will work with Janice on the language for the Emergency Management component.

**Vice Chair Candelaria:** I'm also a member of the Water and Soil Conservation, so when we put in a grant it requires Emergency Management to have documents up to date. We need that to go forward with that organization.

**Rob Burpo:** When they begin construction, there's going to be a need of a lot of communication within the County. Emergency Management will probably be the key, because when dealing with that level of construction. Response time is often very critical, and the more EMS involvement the better it is.

**Commissioner McCall:** Could you address the property taxes in partnership with RETA?

**Rob Burpo:** What happens right now is that there's nothing in the statute with RETA that say they have to compensate the local Government in any way shape and form. The relationship is really between SunZia and RETA. There's nothing in there that says they can't work with the County. It's an untold statement. I think it's worth for the County and other Counties to get together and talk about, is there something that is worth wild going to RETA and discuss it. The IRB with Pattern, you get no control. Transmission with SunZia is done with the RETA level.

**Commissioner McCall:** If the line crosses private property, and there's a tower sitting on that property is that indivial taxed based upon that one tower?

**Rob Burpo:** It is in the form of a lease, so it doesn't. The value of that improvement itself does not go on to his tax liability.

**Commissioner McCall:** It stays on SunZia.

**Rob Burpo:** Absolutely

**Commissioner McCall:** So that indivial is not compensated?

**Rob Burpo:** No, we compensate them. Just for the lease.

**Commissioner McCall:** But this will not increase the property value?

**Rob Burpo:** They separate the equipment improvement from the land. Increasing property taxes does not exist on the real property. It only affects the personal property which is given to you guys, and you guys turn around and lease it back to them. That's how you are able to negotiate the payment of those taxes. You than own the improved property.

**Madam County Manager Barela:** For those time that I dealt with when I was in the Treasurer office, we were dealing a lot with the Assessor doing the evaluations for this property that did have the improvements on it as far as the wind turbines. It is my understanding from the discussion I have previously with the County Assessor, that valuations for the property does increase, but there is no tax liability for the property owner because it was built into their leases with Pattern Energy. For example, whoever owns the leases for those turbines they in turn would pick up their taxes for them. That is how it's not passed on to the owner, and the County still gets paid for the increase in valuation and increase in taxes.

C. **MANAGER:** Update on proposed loan financing for new Administration Building. (Rob Burpo, County Financial Advisor)

**Rob Burpo:** We have a conference call between Torrance County team last week, and we finalize all terms and conditions on what we are going to ask the bank. The bank has accepted them all. The bank has written its commitment to the County. We are doing the documents as we speak. We are anticipating on having the first draft of documents out at the end of next week. A lot of them were already written from another transaction at that same bank so we are able to save a lot of time. The big change between the old transaction and this transaction, is the other one was a pledge of a gross receipt tax, and this is a pledge of pilot from the last IRD you did with Pattern. The bank has already done its diligent and underwriting on those pilots. They are very comfortable with those, so they have written their commitment based on that. The big issues we will have right now, is it'll be a 20-year loan. Two years of interest only during construction, then it converts into 18 years amortization. You can prepay any or all of the loan at any time without being penalize. Interest is 4.07. the key is if we did the loan with the finance authority, first they fund the whole thing upfront, and you start paying interest on the whole thing. The other issues are you have to take the 10% of what your barrow is and put it in an investment account that they manage, so you will be paying interest on a 110% of what you get. Then you can't pre-pay the loan for ten years. At the end of the day, we will be saving about \$206,000 with the way we are going now.

**Commissioner McCall:** Are those rates subject to change until when?

**Rob Burpo:** Until we locked them in, and that's possibly going to be in the middle of July, and that's when we are going to pass the ordinance to lock the rate three days before.

**Chairman Schwebach:** I have no more questions.

## 10. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE



**11. ADOPTION OF RESOLUTION**

**A.**

**TREASURER:** Motion to approve Resolution 2022-30, Procedure for the Acceptance of Payments by Credit/Debit Card and Electronic Transfer.

**Tracy Sedillo:** I'm here today asking for your approval of the procedure for the acceptance of payments by credit cards and electronic transfer. The Department of Finance and Administration say that this one component of many things that they are requiring us to submit for FY-2023 Budget Approval. These procedures outline our current practices with regards to credit cards and electronic transfer of payments.

**Chairman Schwebach:** Currently we accept credit card payments?

**Tracy Sedillo:** We do, we accept them online, in our office, Clerk's office, Planning and Zoning, Sheriff office, and the Animal Shelter.

**Chairman Schwebach:** Is there a fee charge for acceptance?

**Tracy Sedillo:** There is a fee that's passed on to the customers at the time of sales. This is outlined in the procedures. We notify the customers what the convince fee is, and that they will be charge. At that point they can decide if they want to continue that route or if they want to pay with a different method.

**Chairman Schwebach:** And we are not changing that?

**Tracy Sedillo:** No, we are not. That's one of the things that Department Finance and Administration is trying to get to the root of is how many entities pass that fee on, and how many are paying for them. Which I don't. As I read the statue, that doesn't allow us to pay that fee. I think that fee would be substantial if we did. They are making sure that we follow statue 6-10-1.2 with the regards of credit cards, and electronic payments transfers.

**Commissioner McCall:** But you will continue to accept cash as a payment?

**Tracy Sedillo:** Yes, we do, that's why we ask people before we process their payment, we will let them know what the fee is going to be, and they can choose to pay with other payments. The procedure is required as part of 6-10-1.2.

**ACTION TAKEN:**

**Commissioner McCall:** Made a motion to approve Resolution 2022-30, Procedure for the Acceptance of Payments by Credit/Debit Card and Electronic Transfer.

**Vice Chair Candelaria:** Second the Motion.

**Roll Call Vote:** District 1 voted yes, District 2 voted yes, District 3 voted yes. All Commissioners in favor. **MOTION CARRIED.**

B. **HUMAN RESOURCES:** Motion to approve Resolution 2022-31, Authorizing an Election for Adoption of Municipal Police Member Coverage Plan 5.

**Jeremy Oliver Finance Director:** This is the first step to change the PERA plans is part of the initial three-year plan then we move to plan four two years ago, and then plan 5. After this resolution, it will then go to the PERA Board for accepting our resolution. Then the election would be held with the certified law enforcement officers, at which point the time for that election is after the PERA Board approval. We will then move to plan 5 if the election is passed by the law enforcement. There is no increase for the County Contribution from plan four to five.

**ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to approve Resolution 2022-31, Authorizing an Election for Adoption of Municipal Police Member Coverage Plan 5.

**Vice Chair Candelaria:** Second the Motion.

**Roll Call Vote:** District 1 Voted Yes, District 2 Voted Yes, District 3 Voted Yes. All Commissioners in Favor. **MOTION CARRIED.**

## 12. APPROVALS

**A. FIRE:** Motion to approve the change of required certification for Emergency Medical Services (EMS) Lieutenant from Paramedic to Intermediate or above.

**Assistance Fire Chief Hanna:** Request a change in licenser level for the EMS Lieutenant from Paramedic to the intermediate level. We have run into a roadblock where we have one potential candidate for the position at the paramedic level, he was offering a job with a higher rate. We do currently have people interested at the intermediate level that are able to fulfill the duty of Lieutenant. I believe that they are very capable, so I just wanted to check with you if we could approve that.

**Chairman Schwebach:** What do we put the paramedic levels to begin with, and what does this mean if they are not?

**Assistance Fire Chief Hanna:** This is back when we requested that the Lieutenant be put at the Paramedic levels, and that's when we were trying to get to the ALS. With intermediate there's just a slight change from ALS, it's a few drugs and including the cardiac monitoring. Right now, we are working with our Medical Director to get the plus classes going so we can get an ILS Plus level. That would let them do the cardiac monitoring at the intermediate level, as supposed to ILS. Right now, currently Torrance County only has one Paramedic and three intermediates.

**Chairman Schwebach:** I understand we don't have a paramedic, and no one wants to take the jobs. But we have intermediates that are qualified.

**Assistance Fire Chief Hanna:** We currently have one Paramedic that is in the EMS Lieutenant position, but we have two vacancies.

**Commissioner McCall:** Would there be a change in compensation?

**Assistance Fire Chief Hanna:** No, the Lieutenant price is a different amount.

**Commissioner McCall:** How long has that position been open?

**Assistance Fire Chief Hanna:** For the two position is about two months.

**Commissioner McCall:** I feel that we should keep it there for a bit longer. If you are going to be in the level of supervisor, I feel like you should have the talk. I don't know if we have given it enough time, and I get it.

**Assistance Fire Chief Hanna:** With all due respect, we get what we pay for. With the amount we are paying for paramedics, it's not going to happen.

**Chairman Schwebach:** What are we paying for this position?

**Assistance Fire Chief Hanna:** This position currently right now is \$17.00 an hour.

**Chairman Schwebach:** That is not comparative?

**Assistance Fire Chief Hanna:** At the intermediate is \$17.00 an hour.

**Chairman Schwebach:** What does the lieutenant do?

**Assistance Fire Chief Hanna:** The Lieutenant helps with inventory controls, day to day operation, personnel issue, scheduling, and the one paramedic we have now became more burdensome because he's also running the 48-hour shift if not more.

**Commissioner McCall:** what do you think you need to get to per hour to get to a Paramedic? What is comparative?

**Assistance Fire Chief Hanna:** I have purposed this to County Manager Janice Barela to go with our two-year plan that was in our pay scale, I believed it was last year salary scale. I purpose a dollar up, because your basic was starting at \$14.00 an hour. Intermediate \$15, Paramedic \$16, and Lieutenant \$17. I fell like it should be up a little more.

**Commissioner McCall:** So do I. I recall having that discussion. I was shocked at what they are making with minimum wage where it is currently.

**Chairman Schwebach:** I remember that discussion, and the answer was given is because they work 48 on that they have a flexible schedule for any individual that have other jobs to compensate their pay. What I'm hearing now that is not the case.

**Assistance Fire Chief Hanna:** Currently now I have two employees in our EMS system that have other jobs. The rest of them, this is their job.

**Chairman Schwebach:** I'm going to go on record right now I am not ready to take action this today, because I'm just now learning the issue, and I have a lot of questions on this. I don't know who the individual is, but to change the rules to accommodate somebody who has applied for a job that is posting. I do not think that is right. Until we start the whole process over again. I would like to review policies on which jobs come first when we need them. If we are jumping up pay, I am expecting us to be first. If we can resolve that through employee policies, then I'll go down that road. In light of this information, we got from whomever apply, I would like you guys to get with Mrs. Barela to come up with some of the solutions for the next meeting. Hopefully we resolve it with some options.

**Chairman Schwebach:** No Action will be taken.

**B. FINANCE:** Discussion and possible action on increasing Emergency Medical Technician (EMT) pay scale.

**Jeremy Oliver Finance Director:** The Fire Department is requesting a dollar an hour raise for each of the position, which is currently at \$14, \$15, \$16 for basic, intermediate, paramedic, \$17 for lieutenant. They are requesting it goes to \$15, \$16, \$17, and \$18. I have provided a break down that shows that dollar increase, and in addition with those 75 cents that is awarded to all positions as of July.

**Chairman Schwebach:** This is based on our previous conversation. This is relevant to lieutenant changing to paramedic.

**Madam County Manager Barela:** If we can get the pay increase for the paramedic and for the lieutenant position, then we can advertise it at a higher rate. Then there is a higher possibility that we might be able to get a Paramedic to apply for the Lieutenant position, and also fill these other EMT positions. We are receiving enough applications to fill these positions that the Commissions have approved.

**Chairman Schwebach:** We are making decision based on what we are presented on, but I want to go back to the Fire Chief. Essentially here is we either jump up the pay or changing our requirement for Lieutenant. Give me the pros and cons of having a Paramedic there? We have a Lieutenant because he has other duties. Should we look jumping up the pay for Paramedic? What are some options?

**Fire Chief Don Dirk:** With the change here, the big is between the ILS and the Paramedics. Is very few, because some of the drugs that the Paramedic can issue to patients the ILS can not apply. With the new skills they are coming out with now, they are allowing intermediate with ILS skills to do a lot of the paramedic skills in the field. We can get them trained up to that level. Where we can use intermediates basically almost like an ALS call. Which is 90% of our calls. Now that they are allowing that, we are getting training for this. We have intermediate that we can get this special training for, and they can step up into the role of a Paramedic.

**Chairman Schwebach:** Who supplies the training?

**Fire Chief Don Dirk:** Our medical Director.

**Chairman Schwebach:** Who pays for that?

**Fire Chief Don Dirk:** It's part of his service.



**Chairman Schwebach:** Who is the Director?

**Fire Chief Don Dirk:** Dr. Jason Hazey.

**Chairman Schwebach:** How long is the training?

**Assistance Fire Chief Hanna:** We are working on that right now. We are supposed to get a schedule here soon for the training sessions.

**Chairman Schwebach:** This is being allowed because it is straight through our Medical Director.

**Assistance Fire Chief Hanna:** Because we don't have enough certified EMT in our state. That is why they provide this class so they can get people to provide care in the prehospital session.

**Commissioner McCall:** When you say they, who are they?

**Fire Chief Don Dirk:** EMS Board.

**Chairman Schwebach:** I would like to review the pros and cons, because a lot has changed in the past 12 months. I think we need to look at it with a full acknowledgement within this department and where we are at with our budget. We will have it in the next meeting.

No Action Taken on item #12B.

C. **FIRE:** Motion to approve submittal of applications for the FY23 Fire Protection Fund Grant for all Volunteer Fire Districts and Fire Administration.

**Fire Chief Don Dirk:** This is the same application we did last year, so this is just a request to apply.

**ACTION TAKEN:**

**Chairman Schwebach:** Made a Motion for approval.

**Vice Chair Candelaria:** Second the Motion.

**Roll Call Vote:** District 1 Voted Yes, District 2 Voted yes, District 3 Voted yes. All Commissioners in favor, **MOTION CARRIED.**

D. **FINANCE:** Motion to approve advertisement and hiring of Kennel Assistant immediately instead of in the start of Fiscal Year 2023.



**ACTION TAKEN:**

**Chairman Schwebach:** made a motion to approve advertisement and hiring of Kennel Assistant immediately instead of in the start of Fiscal Year 2023.

**Vice Chair Candelaria:** Second the motion.

**Roll Call Vote:** District 1 voted yes, District 2 voted yes, District 3 voted yes. All Commissioners in favor, **MOTION CARRIED.**

**E. ANIMAL SERVICES:** Motion to approve the agreement for the Carroll Petrie Foundation for \$25,000 to support the Torrance County Animal Services spay and neuter program and authorize County Manager Janice Barela to sign.

**ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to approve the agreement for the Carroll Petrie Foundation for \$25,000 to support the Torrance County Animal Services spay and neuter program and authorized County Manager Janice Barela to sign.

**Vice Chair Candelaria:** Second the Motion.

**Roll Call Vote:** District 1 voted yes, District 2 voted yes, District 3 voted yes. All Commissioners in favor. **MOTION CARRIED.**

**F. EMERGENCY MANAGEMENT:** Motion to approve the submittal of the Emergency Management Performance Grant (EMPG) – A grant funding half of the salary and benefits of Emergency Management personnel. (Deferred 5/11/2022.)

**ACTION TAKEN:**

**Chairman Schwebach:** Mad a to approve the submittal of the Emergency Management Performance Grant (EMPG) – A grant funding half of the salary and benefits of Emergency Management personnel. (Deferred 5/11/2022)

**Commissioner McCall:** Second the Motion.

**Roll Call Vote:** District 1 voted yes, District 2 voted yes, District 3 voted yes. All Commissioners in favor. **MOTION CARRIED.**

**G. GRANTS:** Motion to ratify application to expand Juvenile Justice Grant in FY2023 to include addition of Restorative Justice Program and continued expansion of Boys Council and Girls Circle programs in the Estancia Valley bringing proposed grant

award from \$98,385 to \$134,694 plus a 40% match to equal \$53,877.60.

**ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to ratify application to expand Juvenile Justice Grant in FY2023 to include addition of Restorative Justice Program and continued expansion of Boys Council and Girls Circle programs in the Estancia Valley bringing proposed grant award from \$98,385 to \$134,694 plus a 40% match to equal \$53,877.60.

**Vice Chair Candelaria:** Second the Motion.

**Roll Call Vote:** District 1 voted yes, District 2 voted yes, District 3 voted yes. All Commissioners in favor. **MOTION CARRIED.**

**13. DISCUSSION**

**E. MANAGER'S REPORT**

- 1) Estancia Public Library and American Legion Post 22 have joined Dolly Parton's Imagination Library The goal is to raise \$3,000 by the end of the year to provide a free book each month to children ages zero to four.

Report here to attached.

- 2) County Employment Opportunities, visit the County website at <https://nm-torrancecounty.civicplushrms.com/CareerPortal/Jobs.aspx>

**Madam County Manager Barela:** Please go visit our website if you are looking for a job. We do have opportunities available. This Commission have been wonderful to provide services needed for our Count

**F. COMMISSIONERS' REPORTS**

1) Commissioner McCall, District 1

**Commissioner McCall:** I may add that every time this happen, it seems to be in a large community, and large school.

You think we are lucky that we got a little school district. Well, this happens in a small town and a small school district. I think that proves the point that this can happen anywhere at any time.

2) Commissioner Schwebach, District 2

A. Estancia Basin Water Planning Committee (EBWPC) has two vacant County representative positions: governmental representative and agricultural enterprise representative.

**Chairman Schwebach:** We have two positions that we can appoint. One of the representatives Steve has resigned.

**Madam County Manager Barela:** Yes, because Steve has retired.

**Chairman Schwebach:** The other one has been removed from the board. I would like to get these positions filled. Get with Mrs. Barela if you know of anybody our yourself is interested.

3) Commissioner Candelaria, District 3

**Vice Chair Candelaria:** Let's not forget what happened in Texas and see what we can do or look at something here that we can do to be able to reduce something like that from happening here within our county offices. I would like to thank the Road Department for paving the road, they did a really good job.

**14. EXECUTIVE SESSION**

**ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to go into executive session.

**Commissioner McCall:** Second the motion.

**Roll Call Vote:** District 1 voted yes, District 2 voted yes, District 3 voted yes. All Commissioners in favor. **MOTION CARRIED.**

Entering in executive session at 1:15 pm.

**ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to return to regular session from executive session.

**Vice Chair Candelaria:** Second the motion.

**Roll Call Vote:** District 1 voted yes, District 2 voted yes, District 3 voted yes. All Commissioners in favor. **MOTION CARRIED.**

**A. ATTORNEY:** Discuss threatened or pending litigation (Board of Trustees of La Merced Del Pueblo de Tajiue v. Board of County Commissioners of Torrance County and Gravity Pad Partners, LLC), closed pursuant to NMSA 1978, Section 10-15-1(H)(7).

**Chairman Schwebach:** No action will be taken at this time.

**B. COMMISSION:** Discuss limited personnel matters (County Attorney's Annual Performance Evaluation), closed pursuant to NMSA, Section 10-15-1(H)(2).

**Chairman Schwebach:** No action will be taken at this time. I would offer this statement, that the Commissioners have found that our Attorney has gone above and beyond his duties and is doing an excellent job.

**15. Announcement of the next Board of County Commissioners Meeting:**

**Chairman Schwebach:** Next Regular Commission Meeting we be on June 22, 2022, at 9:00am.

**16. SIGNING OF OFFICIAL DOCUMENTS**

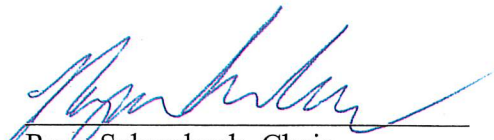
**17. ADJOURN**


**ACTION TAKEN:**

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

**Vice Chair Candelaria:** Second the motion.

**MOTION CARRIED.** Meeting is adjourned at 2:13pm.

  
\_\_\_\_\_  
Ryan Schwebach, Chair

  
\_\_\_\_\_  
Kevin Pham, Admin Asst

  
\_\_\_\_\_  
Date