

**FINAL**

**Torrance County Board of Commissioners**

**Regular Commission Meeting**

**August 24, 2022**

**9:00 AM**

**Commissioners Present:** **RYAN SCHWEBACH – CHAIR, ABSENT**  
**LEROY CANDELARIA-VICE CHAIR**  
**KEVIN McCALL- MEMBER**

**Others Present:** **JANICE BARELA – COUNTY MANAGER**  
**JUAN TORRES - DEPUTY COUNTY MANAGER,**  
**INTERIM FINANCE DIRECTOR**  
**MICHAEL GARCIA – COUNTY ATTORNEY**  
**VALERIE SMITH – ADMINISTRATIVE ASSISTANT**

**1. CALL MEETING TO ORDER**

**Vice Chair Candelaria:** Called meeting to order at 9:04 A.M.

**2. INVOCATION & PLEDGE**

**PLEDGE:**

**Vice Chair Candelaria:** Led the Pledge of Allegiance.

**INVOCATION:**

**Commissioner McCall:** Led the invocation.

**3. CHANGES TO THE AGENDA:**

**Madam County Manager Barela:** Proposed to remove item 6A from the agenda because the EVYFC met and wanted to open the position up to everyone.

Proposed to move Item 12 I after the Executive Session, where they may discuss Madam County Manager Barela’s contract renewal outside of a public forum.



Vice Chair Candelaria: Approved proposed changes to the agenda.

4. PROCLAMATIONS

None

5. CERTIFICATES AND AWARDS

- A. **TREASURER: Recognition of Employee Service Pin: Franchesca Archuleta (2 Years)**  
(Deferred from August 10, 2022, Meeting)

Madam County Manager Barela: Presented an award to Franchesca Archuleta for 2 years of Service

Franchesca Archuleta: Accepted her award.

- B. **ASSESSOR: Retirement Announcement: After 26 years of service to Torrance County, we recognize and celebrate Victoria Sedillo.**

Madam County Manager Barela: Presented an award to Victoria Sedillo to thank her for 26 years of service and congratulate her on her retirement.

Chief Deputy Assessor Linda Gallegos, Victoria Astorga, Geno Jones, County Clerk Yvonne Otero, Commissioner Candelaria, and Commissioner McCall: Said kind words to Victoria and thanked her for her time with the County.

6. BOARD AND COMMITTEE APPOINTMENTS

- A. **GRANTS: Motion to appoint Jennette Hunt to the Estancia Valley Youth & Family Council (EYFC) as the representative from the faith-based community as allowed per the Bylaws of the Estancia Valley Youth and Family Council. The term expires 8/15/2024 at which time the Commission may renew the appointment.**

Item Taken Off Agenda.

7. PUBLIC COMMENT AND COMMUNICATIONS

Vice Chair Candelaria: Opened the floor for public comment and communications.

Madam County Manager Barela: Introduced the public commenters in person and on Zoom.

Rob Wagner, Pro Tem Chair for the Libertarian Party in Torrance County: Spoke about election integrity. He questioned a payment made to Mary Theresa Otero, the mother of County Clerk Yvonne Otero.

**Madam County Manager Barela:** Explained to Mr. Wagner about the reasoning for a payment in the Commission Book, which is that it was a per diem paid to Mary Theresa Otero for going to election school.

She then introduced Chief Dirks.

**Fire Chief Don Dirks:** Updated the Commission on the previous work schedule of 72 hours, they are now working 48 hour shifts again. This gives coverage of one ambulance, five days a week, and two ambulances, two days a week. They will have to adjust their MOU (Memorandum of Understanding) with Mountainair and Estancia. Estancia and Mountainair do not do their own transport and it takes resources away from the County.

**Tracey Master:** Gave updates on the DWI Prevention Program and on the upcoming community activities. She will be reaching out to local vendors to advertise. She recognized Sylvia for her work on the Suicide Prevention 5K. She would appreciate any extra support from the community. She expects there to be a petting zoo, and she is hoping that the Golf Cart and Goggles is done by the Sheriff's office. She will also speak to Noah Sedillo about doing a fishing derby. See attached for list of activities that the Commission updated.

**Destry Hunt, Editor, Estancia News:** Expressed support for Madam County Manager Janice Barela and her willingness to entertain his concerns for election integrity. He said that the agenda has an item with requested approval of a \$97 check to the County Clerk's mother, he said she was a "Precinct Judge for the Absentee Board" during the election. He believes this is nepotism. There is a resolution on the agenda to consider designating polling locations, and it references an MOU with the Secretary of State. He believes that "the Secretary of State agrees that if the Counties do what she says, she pays them \$36,000." He had other concerns of "nepotism" in the County offices. He wants transparency, said that the County will bear the responsibility of the "mistakes of the County Clerk," and said that "things are going to escalate."

## 8. APPROVAL OF MINUTES

A. **COMMISSION:** Motion to approve the August 10, 2022, Torrance County Regular Commission Meeting Minutes.

### ACTION TAKEN:

**Vice Chair Candelaria:** Made a motion to approve the August 10, 2022, Torrance County Regular Commission Meeting Minutes.

**Commissioner McCall:** Seconded the motion.

### Roll Call Vote:

**Vice Chair Candelaria:** Yes; **Chairman Schwabach:** ABSENT; **Commissioner McCall:** Yes.



MOTION PASSES.

9. APPROVAL OF CONSENT AGENDA

- A. FINANCE: Motion to approve payables.

ACTION TAKEN:

Vice Chair Candelaria: Made a motion to approve payables.

Commissioner McCall: Seconded the motion.

Roll Call Vote:

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

MOTION PASSES.

10. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE

NONE THIS DAY.

11. ADOPTION OF RESOLUTION

- A. CLERK: Motion to approve Resolution 2022-45, designating the location the polling places for all statewide elections conducted in 2022 & 2023.

Vice Chair Candelaria : Opened the item for discussion.

County Clerk Yvonne Otero: Due to a lack of precinct workers and low voter turnout at the polling locations in Tajique and Manzano at their respective community centers, these locations were closed. Ms. Otero wants to open them back up due to positive community response.

Commissioner McCall: Asked if there had been an uptick in volunteers and employees to run the polling locations.

County Clerk Yvonne Otero: Answered in the affirmative.

Vice Chair Candelaria: Asked if there were the same issues with lack of workers and low voter turnout, could she cut the locations again in the future?



County Clerk Yvonne Otero: Answered in the affirmative.

Someone from the audience volunteered in front of the Commission to volunteer, but no name was given.

**ACTION TAKEN:**

Vice Chair Candelaria: Made a motion to approve Resolution 2022-45, designating the location the polling places for all statewide elections conducted in 2022 & 2023.

Commissioner McCall: Seconded the motion.

**Roll Call Vote:**

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

**MOTION PASSES.**

**B. GRANTS:** Acceptance of Agreement for Capital Appropriations Project to plan, design, construct, equip and furnish an administrative office building in Estancia in Torrance County (22-G3053). **(In Packet as Resolution 2022-46)**

Vice Chair Candelaria: Opened the item for discussion.

Senaida Anaya, Grants Department: This is the acceptance of the agreement with DFA for the Capital Appropriations Project to plan, design, construct, equip and furnish and administrative office building in Estancia in Torrance County. They are ratifying the agreement for \$100K. This project has an appropriation reversion date of June 2026.

Madam County Manager Barela: This Agreement has not been ratified or signed. It is approving it for Capital Appropriations. This will be the same thing for the next 3 items.

Vice Chair Candelaria: Asked if there are any grant matching that Torrance needs to do.

Senaida Anaya: Answered in the negative.

Commissioner McCall: Asked for clarification on which building this is for.

Madam County Manager Barela: Explained that it is for the construction of the new Administrative Building that will happen in Estancia.

**ACTION TAKEN:**

Vice Chair Candelaria: Made a motion to approve Resolution 2022-46, acceptance of Agreement for Capital Appropriations Project to plan, design, construct, equip and furnish an administrative office building in Estancia in Torrance County (22-G3053).

Commissioner McCall: Seconded the motion.

Roll Call Vote:

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

MOTION PASSES.

C. GRANTS: Acceptance of Agreement for Capital Appropriation Project Plan, design and construct a shop and fencing for the Road Department equipment in Torrance County (22-G3050). (In Packet as Resolution 2022-47)

Vice Chair Candelaria: Opened the floor for discussion.

Senaida Anaya: Explained the project, and said that the elevation report was done, and that it is the fencing around the Road Shop area that needs to be placed.

Commissioner McCall: Asked if it was already fenced.

Deputy County Manager and Interim Finance Director Juan Torres: Answered his question and explained that the fencing is for after the new building is constructed this will be to construct and modify the fencing to allow for public access.

Commissioner McCall: Pointed out that Vice Chair Candelaria stated an incorrect number for the agreement and corrected it in his motion.

ACTION TAKEN:

Commissioner McCall: Made a motion to approve acceptance of Agreement for Capital Appropriations Project to plan, design, construct, equip and furnish an administrative office building in Estancia in Torrance County (22-G3050).

Vice Chair Candelaria: Seconded the motion.

Roll Call Vote:

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

MOTION PASSES.

D. GRANTS: Acceptance of Agreement for Capital Appropriation Project to purchase and equip road equipment, including a double steel vibratory roller and loader, for the Road Department in Torrance County. 22-G3051

Vice Chair Candelaria: Opened the floor for discussion.

Senaida Anaya, Grants Department: This is another acceptance for Capital Appropriations in the amount of \$200K. There is a letter of intent, and if it is approved, the PO will be cut. It is for the vibratory roller and the loader.

Deputy County Manage Juan Torres: That is incorrect, this PO is just for the roller.

**ACTION TAKEN:**

Commissioner McCall: Made a motion to approve acceptance of Agreement for Capital Appropriations Project to purchase and equip road equipment, including a double steel vibratory roller and loader, for the Road Department in Torrance County. 22-G3051

Vice Chair Candelaria: Seconded the motion.

Roll Call Vote:

Vice Chair Candelaria: Yes; Chairman Schweback: ABSENT; Commissioner McCall: Yes.

**MOTION PASSES.**

Commissioner McCall: Thanked the legislators for the capital outlay funds.

**12.**

**APPROVALS**

**A. CLERK:** Motion to approve Memorandum of Understanding (MOU) between the Office of the Secretary of State (SOS) and Torrance County to receive funds (Statute 1-11-19) for the November 8, 2022, General Election in the amount of \$36,000.00.

Vice Chair Candelaria: Opened the item for discussion.

County Clerk Yvonne Otero: These are funds that are distributed to all 33 County Clerks in the State of New Mexico, to pay for the election. Everyone gets a different amount based on what they spend. The last election fund was \$24,000 and because the County spent more than that, they increased the amount for this year.

Vice Chair Candelaria: Asked if there was a description of what the funds are to be used for.

County Clerk Yvonne Otero: The last page lists the requirements. All the receipts go to the Secretary of State.

Vice Chair Candelaria: Asked if this will be on the audit in the coming year.

Madam County Manager Barela: She has no control over how the County Clerk runs the elections, but she can keep in discussion with her about the finances. Communications have been improved as of late per the Commission's request.

Vice Chair Candelaria: Asked for oversight and communication to continue.

County Clerk Yvonne Otero: The Secretary of State stays in close contact with the County Clerk's Office and helps with knowing what is and is not allowed to be submitted. It is not submitted until after the election is over.

Madam County Manager Barela: Would like permission to speak with Madam County Clerk Otero and receive copies of the MOU and the expenditures from last year.

Commissioner McCall: Asked Madam County Clerk if she knew how much the other counties spend on their elections.

County Clerk Yvonne Otero: Said that she was not sure but could find out.

Discussion continued how to attract poll workers and other questions that arose.

**ACTION TAKEN:**

Vice Chair Candelaria: Made a motion to approve Memorandum of Understanding (MOU) between the Office of the Secretary of State (SOS) and Torrance County to receive funds (Statute 1-11-19) for the November 8, 2022, General Election in the amount of \$36,000.00.

Commissioner McCall: Seconded the motion.

Roll Call Vote:

Vice Chair Candelaria: Yes; Chairman Schwebach: ABSENT; Commissioner McCall: Yes.

**MOTION PASSES.**

**B. FIRE: Discuss and possible approval for use of ARPA funding to drill a new well at the District 3 Main Station located at 757 Salt Missions Trail, McIntosh, NM 87035. (Deferred from August 10, 2022)**

Vice Chair Candelaria: Opened the item for discussion.

Fire Chief Don Dirks: There was some question last time if due diligence was performed in looking for a local driller. Chief Dirks found a local driller and they will be coming to give an estimate and hopefully expedite drilling the well. He is asking to have up to \$50k to work with to get the drilling done.

Commissioner McCall: Asked if the driller can look at the well at dispatch and find out if that well can service both locations, and make sure that setbacks from septic tanks are followed.



Madam County Manager Barela: Animal Services is also on that well, so it would be 3 departments.

Vice Chair Candelaria: Made a motion to approve use of ARPA funding to drill a new well at the District 3 Main Station located at 757 Salt Missions Trail, McIntosh, NM 87035.

Commissioner McCall: Seconded the motion.

Roll Call Vote:

Vice Chair Candelaria: Yes; Chairman Schwebach: ABSENT; Commissioner McCall: Yes.  
**MOTION PASSES.**

**C. FIRE: Discussion and possible approval of the reclassification of one vacant EMS Lieutenant position to an EMT-Firefighter position.**

Vice Chair Candelaria: Opened the item for discussion.

Fire Chief Don Dirks: Explained that they need more people on shift, and less administration. He explained the pay schedule.

**ACTION TAKEN:**

Vice Chair Candelaria: Made a motion to approve the reclassification of one vacant EMS Lieutenant position to an EMT-Firefighter position.

Commissioner McCall: Seconded the motion.

Roll Call Vote:

Vice Chair Candelaria: Yes; Chairman Schwebach: ABSENT; Commissioner McCall: Yes.

**MOTION PASSES.**

**D. FIRE: Discussion and possible approval of request to change required certification for EMS Lieutenant positions from Paramedic to Intermediate, including setting the salary for each certification. (Deferred from August 10, 2022)**

Vice Chair Candelaria: Opened the item for discussion.

Madam County Manager Barela: The item should say "Intermediate or above."



**Fire Chief Don Dirks:** He is asking for a dollar raise per position. If not, then to make the Lieutenant position, intermediate or above. He explained the pay grades.

**Madam County Manager Barela:** Clarified that regarding the administration, a Lieutenant falls above a paramedic, but in the field, a paramedic will be deferred to for their medical expertise. Whoever becomes the Lieutenant, will get a \$1/hour raise.

**ACTION TAKEN:**

**Vice Chair Candelaria:** Made a motion to approve request to change required certification for EMS Lieutenant positions from Paramedic to Intermediate, including setting the salary for each certification.

**Commissioner McCall:** Seconded the motion.

**Roll Call Vote:**

**Vice Chair Candelaria:** Yes; **Chairman Schwebach:** ABSENT; **Commissioner McCall:** Yes.

**MOTION PASSES.**

**E. GRANTS: Ratification of Amendment No. 2 Professional Services Contract, Estancia Valley Youth & Family Council Boys Council Services in Estancia, NM, with Ware Resources, LLC. Agreement # 21-690-3200-20847.**

**Vice Chair Candelaria:** Opened the item for discussion.

**Senaida Anaya, Grants Department:** Explained this is the ratification of the amendment to the contract and was to change some of the training from the original agreement. It has been signed by CYFD and the Secretary. The next three are the same, but for Sid Ware, Rebecca Armstrong, and Lyndsi Donner.

**ACTION TAKEN:**

**Vice Chair Candelaria:** Made a motion to ratify the Amendment No. 2 Professional Services Contract, Estancia Valley Youth & Family Council Boys Council Services in Estancia, NM, with Ware Resources, LLC. Agreement # 21-690-3200-20847.

**Commissioner McCall:** Seconded the motion.

**Roll Call Vote:**



Vice Chair Candelaria: Yes; Chairman Schwebach: ABSENT; Commissioner McCall: Yes.

MOTION PASSES.

F. GRANTS: Ratification of Amendment No. 3, Professional Services Contract, RFP TC-FY30-03 Agreement # 21-690-3200-20847, Juvenile Justice Continuum Coordinator, with VIA Homes & Development, LLC.

**ACTION TAKEN:**

Vice Chair Candelaria: Made a motion to ratify the Amendment No. 3, Professional Services Contract, RFP TC-FY30-03 Agreement # 21-690-3200-20847, Juvenile Justice Continuum Coordinator, with VIA Homes & Development, LLC.

Commissioner McCall: Seconded the motion.

Roll Call Vote:

Vice Chair Candelaria: Yes; Chairman Schwebach: ABSENT; Commissioner McCall: Yes.

MOTION PASSES.

G. GRANTS: Ratification of Amendment No. 1 Professional Services Contract, Estancia Valley Youth & Family Council Girls Circle Services in Estancia, NM, with Lyndsi Donner, Braycon Companies, LLC. Agreement # 21-690-3200-20847.

**ACTION TAKEN:**

Vice Chair Candelaria: Made a motion to ratify the Ratification of Amendment No. 1 Professional Services Contract, Estancia Valley Youth & Family Council Girls Circle Services in Estancia, NM, with Lyndsi Donner, Braycon Companies, LLC. Agreement # 21-690-3200-20847.

Commissioner McCall: Seconded the motion.

Roll Call Vote:



Vice Chair Candelaria: Yes; Chairman Schwebach: ABSENT; Commissioner McCall: Yes.

**MOTION PASSES.**

**H. MANAGER: Motion to accept the First Quarter 2022 Restrictive Housing Report from CoreCivic pursuant to NMSA 1978 § 33-16-5.**

**ACTION TAKEN:**

Commissioner McCall: Made a motion to defer the item.

Vice Chair Candelaria: Seconded the motion.

Roll Call Vote:

Vice Chair Candelaria: Yes; Chairman Schwebach: ABSENT; Commissioner McCall: Yes.

**MOTION PASSES.**

**I. COMMISSION: Motion to approve contract with Janice Y. Barela, relating to County Manager position.**

Moved after Executive Session.

**ACTION TAKEN:**

Vice Chair Candelaria: Made a motion to approve contract with Janice Y. Barela, relating to County Manager Position.

Commissioner McCall: Seconded the motion.

Roll Call Vote:

Vice Chair Candelaria: Yes; Chairman Schwebach: ABSENT; Commissioner McCall: Yes.

**MOTION PASSES.**

Next item is #15.

13. DISCUSSION



**A. GRANT: Annual update of the Estancia Valley Youth & Family Council.  
(Presented by Rebecca Armstrong, Juvenile Justice Continuum Coordinator)**

Vice Chair Candelaria: Introduced the item.

Rebecca Armstrong, Juvenile Justice Continuum Coordinator: Gave the annual update of the Estancia Valley Youth & Family Council. Membership and attendance by Board members has greatly increased. Please see Commission Packet for the updates.

**B. MANAGER'S REPORT**

1. Update on Primary Election 2022 Internal Audit.

Madam County Manager Barela: Gave an update on the Primary Election 2022 Internal Audit. She spoke with Madam Clerk Otero, and though she has no obligation in this, Madam County Manager Barela has asked for some of Madam County Clerk Otero's expertise on dealing with elections. The ballots were sealed for 45 days past the date of the State Certified Election Canvass. When they were unsealed, Madam County Manager Barela took copies of all the ballots, and they are in a secure area. She had the idea to separate by precinct and then by party, hoping the hand tally would go quicker. She did not realize that on September 7<sup>th</sup> there is a Planning and Zoning meeting. Instead, on September 8<sup>th</sup> and 9<sup>th</sup> there will be a hand tally beginning at 9am and going until 5pm, at which point the separation will then occur.

They will have local election workers to help count.

She continued to update the community on the audit.

She updated the Community on the IRBs that were negotiated, and now every school district in Torrance County will split the PILT payments, versus the previous version of the PILT payments that would have gone to individual school districts. That means that over the next 30 years, each school district will receive \$8.5 Million!

Senator Neville sponsored this bipartisan bill in the Senate. The opposition took 3 hours trying to kill the bill, but it was passed!

The way it works now, when the County issues an IRB for working on a wind farm, it gets split evenly between all the school districts, not just one or two districts at a time like it was previously set up. Madam County Manager Barela believes that, according to the mill levies and with all the projects, approximately \$8.8 Million will be given to each school district.

Madam County Manager Barela gave an update on all the jobs available within the County. Visit [www.TorranceCountyNM.org](http://www.TorranceCountyNM.org). The following list is what is open until August 27 or until the position has been filled:

- EMT Firefighter, which was reclassified from the EMS position. -Emergency Services/ Fire Department.
- Dispatch/911 Operator/Communications Specialist- Dispatch Department

- TAC Officer (Terminal Agency Coordinator)-NCIC Coordinator
- There is an EMS Lieutenant's position open, and now the County is accepting Intermediate level qualified applicants for the position.
- Equipment Operator- Road Department
- Animal Control Officer-Animal Services
- Kennel Assistant Position-Animal Services
- Finance Director-Finance
- Boys Council Director
- Senior Work Study-Administration, All Departments- Need a Senior from Moriarty High School

### C. COMMISSIONERS' REPORTS

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

Wanted to clarify that an IRB is an Industrial Revenue Bond. Commissioner McCall, previous County Manager Wayne Johnson, and Robert Burpo have been working on this project for years. It was a bipartisan initiative, and he is proud that it has finally been approved.

He also wants to thank Deputy County Manager Juan Torres, as he has been working on getting an architect and has sent them an email for the new administrative building.

#### 2) Chairman Schwebach, District 2: ABSENT

#### 3) Vice Chair Candelaria, District 3:

Thanked the Road Crew for all that they do, especially being shorthanded and being in the middle of paving McNabb Road. They are doing an excellent job.

### 14. EXECUTIVE SESSION

#### ACTION TAKEN:

Vice Chair Candelaria: Made a motion to enter executive session.

Commissioner McCall: Seconded the motion.

#### Roll Call Vote:

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



**MOTION PASSES.**

Executive Session entered at approximately 11:34 AM.

Return from Executive Session at approximately 12:11 PM.

**ACTION TAKEN:**

Vice Chair Candelaria: Made a motion to reenter regular session.

Commissioner McCall: Seconded the motion.

**Roll Call Vote:**

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

**MOTION PASSES.**

Vice Chair Candelaria Introduced Item 12-1 next. After 12-1, normal movement of the agenda was reinstated. Item 15 was next.

**[RECORDING WAS MUTED AFTER RETURN FROM EXECUTIVE SESSION,  
ZOOM RECORDING AVAILABLE UPON REQUEST]**

**15. Announcement of the next Board of County Commissioners Meeting:  
WEDNESDAY, SEPTEMBER 14, 2022, at 9:00 AM.**

**16. SIGNING OF OFFICIAL DOCUMENTS**

**17. ADJOURN**

**ACTION TAKEN:**

Commissioner McCall: Made a motion to adjourn this regular commission meeting.

Vice Chair Candelaria: Seconded the motion.

**Roll Call Vote:**

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

**MOTION PASSES.**

Meeting Adjourned at approximately 12:14

MEETING ADJOURNED AT APPROXIMATELY 2:32 PM.

Signed By:

  


Leroy Candelaria – Torrance  
County Board of Commission  
Vice Chairman

Valerie Smith – Administrative Assistant III,  
Torrance County Clerk's Office

Date: 09 / 14 / 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.