

FINAL

Torrance County Board of Commissioners

Regular Commission Meeting

September 14, 2022

9:00 AM

Commissioners Present: **RYAN SCHWEBACH – CHAIR**
 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

Chairman Schwebach: Called meeting to order at 9:04 A.M.

2. INVOCATION & PLEDGE

PLEDGE:

Chairman Schwebach: Led the Pledge of Allegiance.

INVOCATION:

Commissioner Candelaria: Led the invocation.

3. CHANGES TO THE AGENDA:

Madam County Manager Barela: Proposed to move Discussion Items 13 A & B to after Item 10.

Chairman Schwebach: Approved proposed changes to the agenda.

4. PROCLAMATIONS



A. DWI PREVENTION PROGRAM: Proclamation naming September 2022 as Suicide Prevention Month in Torrance County.

ACTION TAKEN:

Chairman Schwebach: Made a motion to proclaim September 2022 as Suicide Prevention Month in Torrance County.

Commissioner Candelaria: Seconded the motion.

Tracey Master, Torrance County DWI Awareness & Prevention: Read the proclamation naming September 2022 as Suicide Prevention Month in Torrance County into record.

Roll Call Vote:

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

MOTION PASSES.

5. CERTIFICATES AND AWARDS

A. CLERK: Recognition of Employee Service Pin: Genell Chavez-Morris (5.)

Deputy County Clerk Sylvia Chavez: Recognized Genell Chavez-Morris for five years of service and accepted a pin on her behalf.

B. SHERIFF: Recognition of Employee Service Pin: Ryan Cordova-Collier (5.)

Madam County Manager Barela: Recognized Sgt. Ryan Cordova-Collier for five years of service and accepted the pin on his behalf.

6. BOARD AND COMMITTEE APPOINTMENTS

None

7. PUBLIC COMMENT and COMMUNICATIONS

Chairman Schwebach: Opened the floor for public comment and communications.

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

Charlene Guffy: Thanked the County Manager, Clerk's Office and the volunteers that helped with the unofficial tally count of the Primary Election. She thanked Deputy County Manager Juan Torres for putting up the signs in the Torrance County Park and observed that they seem to be helping. She also thanked Tracey Master for her Suicide Prevention and Awareness work.

Torrance County Fire Chief Don Dirks: Updated the Commission on the District 3 water issues. They were able to get a quote, and the Commission gave the Fire Department the money to get the well fixed. They are now just waiting on the permit from the State Engineer's Office.

Chief Dirks updated the Commission on the status of the return payments that they had been awaiting. The first payment came through, it is from April in the amount of \$31,000. He explained that this should catch them up, and the checks will now come more frequently.

Patti Alexander, Torrance County Resident: Said that the paving of McNabb Road looked very good and asked if Martinez is on the list of roads to be fixed. She also asked about volunteering for the upcoming general election.

Chairman Schwebach: Answered that yes, Martinez is on a list with many other roads that will eventually get fixed.

Madam County Manager Barela: Explained that she will get in touch with the County Clerk and get back to Ms. Alexander with an answer on dates that election volunteers are being recruited.

Deputy County Manager Torres: Introduced Rob Wagner on Zoom.

Rob Wagner, Torrance County Libertarian Party Chair: Mr. Wagner thanked the Commission, the County Manager and the County Clerk's Office for help with the unofficial audit. When the community was concerned after the certification of the election, he was skeptical of the resolution to investigate the elective process but has been pleased with the results. There were many members that showed they really care. There were a few that seemed like they didn't care but said he will take that up with the County Clerk if they are part of the Election Board going forward. He said that there are many people in the

community concerned, but the efforts of the Commission and the County Manager and Clerk's Office are acknowledged.

8. APPROVAL OF MINUTES

A. County Regular Commission Meeting Minutes.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve the August 24, 2022, Torrance County Regular Commission Meeting Minutes.

Commissioner Candelaria: Seconded the motion.

Roll Call Vote:

Commissioner Candelaria: Yes; **Chairman Schwebach:** Abstained from voting due to absence from meeting; **Commissioner McCall:** Yes.

MOTION PASSES.

9. APPROVAL OF CONSENT AGENDA

A. FINANCE: Motion to approve payables.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve payables.

Commissioner McCall: Seconded the motion.

Roll Call Vote:

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

MOTION PASSES.

B. Planning & Zoning: Approval of special use for fuel storage and distribution facility.

Chairman Schwebach : Opened the item for discussion.

Donald Goen, Director of Planning & Zoning: Everything is order, and there were representatives from the company there available to talk. This will be a multi-county service distribution center. He explained where the project will be, on the north end on Highway 41. There is a plan to expand the highway at the expense of the company. He recommended this project for approval.

Burrell Barnes, Land Manager, Land Department, Capital Projects, Alamos Terminal: Introduced the fuel storage and distribution facility project to the County. The project will be South of the county line, will not intersect with County Road. It loops back in and around to get the trucks off the highway and keep the highway clear.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve the special use permit for a fuel storage and distribution facility.

Commissioner McCall: Seconded the motion.

Roll Call Vote:

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

MOTION PASSES.

10. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE

NONE THIS DAY.

11. ADOPTION OF RESOLUTION

A. ASSESSOR: Motion to approve Resolution 2022-49, approving the Mill Rates for 2023 and signing the order to submit to the State of New Mexico Department of Finance and Administration.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve Resolution 2022-49, approving the Mill Rates for 2023 and signing the order to submit to the State of New Mexico Department of Finance and Administration.

Commissioner Candelaria: Seconded the motion.

Linda Gallegos, Torrance County Chief Deputy Assessor: Presented a spreadsheet that showed the difference between last year and this year, and the valuation change between the two. She went over her presentation (see packet.)

Commissioner McCall: Asked if the increase in Moriarty in and out was due to the bond effect.

Chief Deputy Assessor Gallegos: Answered in the affirmative.

Chairman Schwebach: Asked why it decreased elsewhere.

Chief Deputy Assessor Gallegos: Answered that it was most likely because of the budgets produced to DFA versus the taxable value of that specific district.

Chairman Schwebach: Why is Torrance County approving it, instead of the State?

Chief Deputy Assessor Gallegos: It is an annual process, all entities submit their budgets to DFA, based on their county's valuation of property. She does not know why the state isn't involved. If values go up, your mill rates go down. It is a seesaw. They then form mill rates to fit the budgets. She wanted to point out that the change to the Tyler Software, there is now better data which makes it look like there is more taxable value.

Commissioner McCall: Mill rates went down or stayed the same for the most part.

Madam County Manager Barela: COVID affected the County in many ways, but it did not affect the Assessor's office as much because they had access to Pictometry, so they were able to work from their desktop. She wanted to show appreciation to DFA for allowing the presentation and approval to happen at a regular Commission Meeting, instead of having a Special Meeting.

Roll Call Vote:

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

MOTION PASSES.

B. MANAGER: Motion to approve Resolution 2022-50, acceptance of Agreement for Capital Appropriations Project to plan, design, construct, and equip water system improvements for Duran. SAP 22-G2438-STB (\$120,000)

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve Resolution 2022-50, acceptance of Agreement for Capital Appropriations Project to plan, design, construct, and equip water system improvements for Duran. SAP 22-G2438-STB (\$120,000.)

Commissioner McCall: Seconded the motion.

Deputy County Manager Juan Torres: Introduced the Grant Agreement for Capital appropriations sent over by the New Mexico Environment Department. DFA needs approval for the tank and water system upgrades. This will finish up design, and with appropriations they will be able to begin construction, but it needs to be funded to complete it.

Commissioner McCall: Asked if this was for design or also for construction?

Deputy County Manager Torres: This is to finish design and then construction may begin.

Roll Call Vote:

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

MOTION PASSES.

12. APPROVALS

A. ROAD: Discussion and possible approval regarding different purchasing options for the loader; including purchasing existing loader when the lease agreement is up or leasing or purchasing a new loader.

Chairman Schwebach: Opened the floor for discussion and possible approval regarding different purchasing options for the loader; including purchasing existing loader when the lease agreement is up or leasing or purchasing a new loader.

Leonard Lujan, Road Department: Spoke to the Commission about the lease agreement on the loader that they have, it is up on September 30th. They have 3800 hours on the 950M CAT loader. They can lease it again, or purchase it out and keep it, and go for a lease on a new loader, or return this one and go for a new one. The lease increases by almost \$3,000. It is in good shape, it is 8 years old, and lately they have been putting a lot of hours on it. Almost 2000 hours in the last two years.

They discussed the ones that they are looking at and the specs of what it can be used for. They currently have two loaders. They want to liquidate the 544 and keep the 950. The 544 is too light to do the heavy work they need to do.

The trade in would be worth \$18,000, less (\$12,000) in private sale to the right person. They have a quote on the lease of a CAT or a John Deere. One is more than the other.

Commissioner McCall: Said that he would prefer to keep the 950 and keep it in the Pit.

Chairman Schwebach: He would prefer to keep the 950 as well and see the options available. Something bigger than the 544. He would like numbers brought back.

Juan Torres: The three options are to pull from reserves, PILT or ARPA. In ARPA there is roughly \$500k left, and there will be \$1.7M on the way.

Chairman Schwebach: Asked where they are at on the ARPA funds.

Madam County Manager Barela: The well and the water systems in the land grants. There is also the promise of helping the McIntosh water system, but it has not materialized. They discussed the earmarks of ARPA.

Chairman Schwebach: Would like to compare the lease prices.

Chairman Schwebach: Made a motion to approve the purchase of the CAT 950 in the amount of \$129,782.88

Commissioner McCall: Seconded the motion.

Roll Call Vote:

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

MOTION PASSES.

Leonard Lujan: Then gave an update on the Road Department Projects. The Road Department was approved for the Ewing and Martinez Road Projects. He has not received an answer on the Green Road project. The numbers are \$782K on the Martinez and \$1.2M on Ewing Rd, State funding.

B. MANAGER: Discussion and possible approval of architectural design firm for new County Administration Building.

Chairman Schwebach: Opened the item for discussion and possible approval.

Deputy County Manager Torres: There are three different proposals that have been made. He asked how the Commission would like to move forward in selecting the architectural firm.

Chairman Schwebach: Suggested that the Commissioners take time to go over the proposals.

Deputy County Manager Torres: Explained that these three are the only ones that were submitted, and they are the County's "on calls".

Commissioner McCall: Asked about building size and programming.

Deputy County Manager Torres: Gave all five of the companies solicited the same programming but sees that some changes may need to be made. It was contracted by Nims, Calvani & Associates.

Madam County Manager Barela: The programming happened before the current administration had taken over.

Nick Sedillo, Former Director of Operations: Nims, Calvani & Associates came to do the programming about two years ago. Outside walls footage is roughly 26K square feet.

Madam County Manager Barela: Each one of the departments did not have much room in the suggested offices.

Chairman Schwebach: Asked for Juan Torres to be the point person on getting more information before moving forward.

C. MANAGER: Discussion and possible approval of up to \$125,000 in additional local funds for kitchen upgrades at the Torrance County Fairgrounds.

Chairman Schwebach: Opened the floor for discussion and possible approval of up to \$125,000 in additional local funds for kitchen upgrades at the Torrance County Fairgrounds. There are two quotes, and Chairman Schwebach met both at the kitchen. They are on a tight time frame. One bid is \$745K and change, and the other bid he asked them to get closer to the \$500K range. There are a couple of items that were pulled so that the quote was lowered.

Deputy County Manager Torres: There is no \$625K quote, and he was not able to review the one that was \$500K.

Commissioner Candelaria: Believes it is important to stay within the budget.

Chairman Schwebach: Would ask that there be a motion to allow the staff to move forward with the \$500,922 contract. If they commit this, it will spell out a detailed line item.

Deputy County Manager Torres: With the \$500K quote, they can get it to CES, get their approval, and once it is authorized, let the contractor know that they may commence work. Changes can be made, but the timeframe is what is most important.

Commissioner Candelaria: He wants to be sure that it is categorized as a commercial kitchen.

Senaida Anaya: That is one of the terms of the grant, and it must be done by June. When putting in for the grant, there was an assurance that it could be finished by the contractor.

Chairman Schwebach: There needs to be some sort of assurance in the contract about timeline.

Commissioner McCall: The walk-in refrigerator is enticing for the idea of an emergency, but a walk-in needs a lot of maintenance.

Deputy County Manager Torres: Space is going to be an issue. The quote still has the walk-ins on it.

ACTION TAKEN:

Commissioner McCall: Made a motion to move forward with the quote at \$500,922.95.

Commissioner Candelaria: Seconded the motion.

Roll Call Vote:

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

13. DISCUSSION

A. MANAGER: Discussion of basics of new radio station KEMR East Mountain Radio 102.1. (Presented by Jim Goodman)

Jim Goodman, Spokesman, KEMR East Mountain Radio 102.1: Introduced the new radio station and explained what they will be playing, which is traffic and weather reports, local sports, and news, as well as playing music.

B. MANAGER: Discussion of Mountainair Rodeo Committee Update. (Presented by Red Kingston)

Chairman Schwebach: Introduced the item for discussion.

Commissioner Candelaria: Said that he had asked Red Kingston to come here and to help promote the County and what is happening in it. There is an economic impact once a month for 2-3 months a year.

Red Kingston: Asked for funding for more Rodeo shows. JP Helms puts on many rodeos and events, including high school rodeos. He explained all the different shows they put on every year. The rodeo money goes back into the community, and it will continue to help the community.

Commissioner McCall: Asked if the City of Mountainair has ever had the rodeo on their ICIP.

Red Kingston: He does not know.

Chairman Schwebach: Told Madam County Manager Barela that he would like to coordinate with the Mayor of Mountainair to make sure the proper channels are there for the ICIP. He wants Mr. Kingston to speak with Madam County Manager Barela to set up some ideas.

Roll Call Vote:

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

MOTION PASSES.

C. MANAGER'S REPORT

Reminded the public of the following events:

Punkin' Chunkin' -October 8th, a parade from the Courthouse at 10 AM, with the carnival at 11 Am, the National Anthem at 12:30 and Contest at 1:30

Albuquerque Convention Center- New Mexico's fentanyl crisis and how it affects all of us.

Free Parking-October 13

Madam County Manager Barela listed the available positions from the County website.

Madam County Manager Barela then gave an update on the non-official Primary Election Audit that happened on September 8th and 9th. There were five tables of paid workers in the Commission Room that mimicked how an election would have been held if it were done by hand tally. Each table were given a certain number of precincts to tally. On Thursday, all but three precincts were tallied, so on Friday one table came back to finish. Everyone worked

together well, they took the job seriously, and were a great group of people. They were given breaks as needed.

There was room for human error. Things were erased.

Every precinct was separated by party, and there was one person at each table calling out the votes. One party at a time was called out. If this was ever done again, a way to improve would be to use colored pencils to differentiate between the boxes and tallies.

The people who were watching felt that there was a lot of room of error. They were asked not to speak to the workers. If there was something concerning, they were able to speak to Chief Deputy Clerk Sylvia Chavez, Deputy County Manager Juan Torres, or Madam County Manager Barela.

The middle light was not working, and Chief Dirks' staff brought in flood lights.

The whole process went well. She was thinking about doing spot checks, randomly pulling a precinct, and seeing that it added up with the worker's tally.

There were roughly 1300 ballots. If we were looking at the general Election, which most recently had 8,000 ballots, that would have been a massive undertaking.

Sandra Ness and Shari Thigpen had never worked the elections before, but they volunteered their time, and asked not to be paid.

Chain Of Custody:

When the 45 days after the clerk needs to keep everything locked up are over, the ballots are released. They are sealed and secure past the 45 days that any recount must happen. Madam County Manager was concerned that she would not be able to have access to the ballots to make copies. County Clerk Otero was there to oversee the copying of all ballots. Madam County Manager personally stamped every single ballot that was copied. It was copied onto regular legal-size paper, and she wanted everyone to be assured that there was not way anyone could have slipped ballots in. While everyone was still watching, the stamped copies were put into secured, tagged bins, and then locked up in the same room in the building that elections are held. She maintained the numbers from the tags.

The Clerk had still not destroyed the ballots, so she got copies of the absentee ballots. She wanted to do the absentee ballot separately. She described the process of getting an absentee ballot, how it is tri folded. Because they are tri folded, there is a way to tell that they are absentee.

When the envelope comes back, it will have the person's printed name, the person's signature, their year of birth and their address. It is verified by the Clerk's Office, and then

given to the Presiding Judge for Absentee Ballots. She got copies of the envelopes. Deputy County Clerk counted the copies of the absentee ballots, and they did not match up to the report given to the Commission, nor did the amount match the tabulator count. This has caused her concern as well as those in attendance. They personally looked through all the ballots, and there were no additional ones found.

In the hand tally, there are an additional ten absentee ballots, but that would have gone through the tabulator so there are concerns. She explained that Hand Tally Ballots are ballots that included a write-in candidate and the voter marked the write-in. The machine is supposed to recognize this, and move it into a bin, and then it gets counted separately at the end of the election.

The hand tallies done that day, each table were the ones that maintained the chain of custody, and at the bottom of the box that they returned their ballots to were copies of the absentee ballots. These were marked with a different identifier stamp.

Going forward, the timeline looks like Monday September 19, 2022, to begin the absentee ballot audit. She will do everything to provide as much information as possible to the public. If done by Thursday and Friday, September 22 & 23, 2022, they will be working on compiling the data and giving the results to the party chairs.

September 26 & 27 is the tentative day that the County Clerk's Office has set to certify the voting machines. She wants to get the reports to the Commissioners and Party Chairs because the Party Chairs, unless mistaken and it is also the Commission, have the opportunity by State Statute to object to the certification by filing a claim in District Court.

The next Commission meeting is Wednesday, September 28, 2022. She wants the Commissioners to have enough time to look over the results and speak at the meeting.

She wants to let the public know that she is not an election expert. She has not received any guidance from the Secretary of State's Office, or anyone in the State that she can network with. She does not have the amount of time that she has wanted to put into it, but she is doing what she can to make Torrance the poster child on how to run an election. Commissioner Schwebach sent a letter to the secretary of State, requesting guidance, but they have yet to receive a response.

Commissioners McCall and Candelaria: Thanked her, as did Chairman Schwebach, as well as the County Clerk's Office.

Madam County Manager Barela: Thanked Deputy County Clerk Sylvia Chavez for being there and helping when she did not have to. She answered questions and helped whenever she could.

Madam County Manager Barela would have liked to have used actual ballots. When she realized that the County Clerk still had the ballots, Madam County Manager Barela asked County Clerk Otero if she could use the actual ballots for the hand tally, and was initially told that she could use them. Within the same day she was told the Secretary of State's office will not allow actual ballots to be used and that they had to use copies of the ballots. The Clerk could have destroyed the ballots already, but she did not.

Chairman Schwebach: Still wants to know why.

Madam County Manager Barela: She was told that she was not allowed to use the original ballots because it was not an official count. It may have no bearing on the official results.

Commissioner McCall: He was under the impression that after 45 days they became public knowledge, but now we cannot see or use the official ballots.

Madam County Manager Barela: Any records that the County has, once the record is available, a copy of the document is released. She still believes that because she is part of the County, she should have been able to use the real document.

D. COMMISSIONERS' REPORTS

1) Commissioner McCall, District 1: Harvest season is about to happen in the valley, and he wants everyone to be aware of more traffic on the road. He received a lot of good calls about McNabb being fully paved and people are happy. He thanked Leonard Lujan and the Road Department.

2) Chairman Schwebach, District 2: Most of his report was covered by Madam County Manager's coverage of the ballot tally.

3) Chairman Candelaria, District 3: Thanked Janice for a great job and Leonard Lujan and the Road Department for all their hard work. He thanked those that worked the County Fair.

14. EXECUTIVE SESSION

15. Announcement of the next Board of County Commissioners Meeting:
WEDNESDAY, SEPTEMBER 28, 2022, at 9:00 AM.

16. SIGNING OF OFFICIAL DOCUMENTS

17. ADJOURN

ACTION TAKEN:

Chairman Schwebach: Made a motion to adjourn this Regular Commission Meeting.

Commissioner McCall: Seconded the motion.

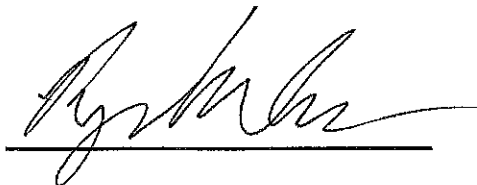
Roll Call Vote:

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

MOTION PASSES.

MEETING ADJOURNED AT APPROXIMATELY 11:45 AM

Signed By:



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



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

Date: 09/28/2022

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.