

Final
Torrance County Board of Commissioners
Regular Commission Meeting
WEDNESDAY, FEBURARY 8, 2023 @ 9:00 AM
205 S. Ninth Street, Estancia, NM 87016

Commissioners Present: RYAN SCHWEBACH-CHAIRMAN, DISTRICT 2
KEVIN MCCALL- MEMBER, DISTRICT 1
VACANT, DISTRICT 3

Other present: JANICE Y. BARELA- COUNTY MANAGER
JUAN TORRES- DEPUTY COUNTY MANAGER
MIKE GARCIA- COUNTY ATTORNEY
LINDA JARAMILLO- COUNTY CLERK
SYLVIA CHAVEZ- COUNTY DEPUTY CLERK
KEVIN PHAM- CLERK II

1. Call to Order

Chairman Schwebach: Call the February 8, 2023, Regular Commission Meeting to order at 9:00AM.

2. Invocation and Pledge of Allegiance

Pledge of Allegiance lead by **Chairman Schwebach**

Invocation lead by **Commissioner McCall**

3. Changes to the Agenda

Chairman Schwebach: Asked if there are any changes to the agenda?

County Manager Janice Barela: Stated yes, and would like to request item 5A be deferred to the next Commission Meeting, as Jacob Medina is in the field working due to snow on the roads. Would also like to request item 9A be deferred to the next meeting due to some miscommunication.

Chairman Schwebach: Approved the request for items 5A and 9A to be deferred to the next Commission Meeting.

4. PROCLAMATIONS

5. **CERTIFICATES AND AWARDS**

A. **ROAD:** Recognition of Employee Service Year Pin: Jacob Medina (5) (Deferred from January 11th Commission Meeting) **Deferred to the next Commission Meeting.**

6. **BOARD AND COMMITTEE APPOINTMENTS**

A. **COMMISSION:** Discussion and possible appointment of Torrance County's representative to the Estancia Valley Economic Development Association (EVEDA) Executive Board.

County Manager Janice Barela: These next three items on the agenda are what normally is placed on the agenda at the beginning of every year. Every year the Commission appoint members for these specific boards. This one in particular, we had our late Commissioner LeRoy Candelaria, as our appointee. Upon discussion, we did not put these items on the last meeting agenda. I just want to make you aware that at some point soon this need's to be address.

Chairman Schwebach: The reason we have delayed this in part because of missing a commissioner. Now we have boards that have no representation. Do we have any words from the Governor's office?

County Manager Janice Barela: We do not currently have an appointment.

Chairman Schwebach: My suggestion is that we move forward with this in electing representatives. When we get a third commissioner, we can have discussion on how they feel about it and revisit it. With that being said, we should move forward with all three.

County Manager Janice Barela: Regarding (EVEDA), my understanding is that this requires one of the commissioners to be appointed to this position.

Action Taken:

Chairman Schwebach: Made a motion to appoint Commissioner Ryan Schwebach to EVEDA.

Commissioner McCall: Second the motion.

Roll Call Vote: District 1 voted yes, District 2 voted yes, District 3 vacant. All commissioners in favor.

MOTION CARRIED.

B. **COMMISSION:** Discussion and possible appointment of Torrance County's two representatives to the Mid Region Council of Governments (MRCOG) Executive Board.

Chairman Schwebach: Who did we have on this board?

County Manager Janice Barela: We had two people on this board, one is late LeRoy Candelaria and me. I would like to request for myself to still be one of the individuals that is appointed.

Chairman Schwebach: Is this a voting position on the board?

County Manager Janice Barela: Yes, this is a voting position.

Commissioner McCall: What is the time commitment on that? Is it in person only?

County Manager Janice Barela: It is once a month. No, they do allow you to appear virtually now. It used to be in person, but they have gone hybrid.

Action Taken:

Chairman Schwebach: Made a motion to appoint Commissioner McCall and County Manager Barela to MRCOG Executive Board.

Commissioner McCall: Second the Motion.

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

MOTION CARRIED.

C. COMMISSION: Discussion and possible appointment of Torrance County's two representatives to EMWT Regional Water Association Board.

Chairman Schwebach: Again, we have had Commissioner Candelaria represented. Who else did we have?

County Manager Janice Barela: I am not sure. I have spoken with EMW and they said they need the appointment of two people for this board. It is important that we appoint two individual so they can start taking care of business. They did not have a quorum at their last meeting.

Chairman Schwebach: The only interested individual that contacted me is Eddie O'Brien from EMW. He is the EMW manager and is expressing interest. I would like to appoint him but for the second position, I do not have anybody in mind.

Action Taken:

Chairman Schwebach: Made a motion to appoint Eddie O'Brien for one position to represent Torrance County EMW board.

Commissioner McCall: Second the motion.

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

Chairman Schwebach: So, we still have one position open. I would like to defer that second position to the next meeting.

7. PUBLIC COMMENT and COMMUNICATIONS

County Manager Janice Barela: We have several signed up for in person. First, we have County Clerk Linda Jaramillo.

County Clerk Linda Jaramillo: I am here today to let you know that I have found the missing ballots from the Primary Election. I would like to try and explain to you as best as I can on how this happened. What I am handing out to you are examples of write in ballots and tally sheets for the end of the night tallies. For the first one you have all the Republican ballots that were cast as a straight party, so you will see on the tally sheet for the write in there is nothing there. The machine diverted the write in ballots to a bin inside the machine to separate them from the rest of the ballots. We had 133 Republican Ballots, 11 of those were qualified. We have a total of 5 Libertarian Ballots and only 2 qualified. Here are examples of why so many did not count. If they voted straight party, but didn't bother filling in the name, misspelled name, or wrote in the wrong name. For this reason, this is why a lot of the write in ballots didn't count. On election, what the poll officials are supposed to do is to take those write in ballots out of the compartments and hand tally them. The poll workers have to hand tally them. What the poll worker wrote on the tally sheet was who qualified and who didn't, but they did not hand tally the write in ballots. The County Clerk had instructed them to bring those ballots back, and that she was going to hand tally them herself. Which is not the right process. Poll workers should have tallied them at the poll site and put them in an envelope, marked write in, and put it inside the locked ballot box that stays there. Everything was tallied, but it wasn't done correctly. This is why Janice couldn't find these ballots.

Chairman Schwebach: So, at this point, all the missing ballots are accounted for?

County Clerk Linda Jaramillo: Yes, is that right Janice?

County Manager Janice Barela: Linda had told me how many were there, but I have not received copies of those yet to do a full completion on the proper amounts for everyone. I am not at all discrediting what the Clerk is saying. I appreciate her efforts in this greatly. We didn't find that many in the general bins. What we found was more in the closet. I was not given what polling locations those came from. I was told that they were the extra ones being found in the Clerk's closet.

County Clerk Linda Jaramillo: This is the explanation for the missing ballots. Hopefully this will complete your audit, and once the reports come out we are able to prove that the voting machine are accurate or not. That is the main reason for this audit, right?

Chairman Schwebach: Yes, that was the main reason.

County Clerk Linda Jaramillo: Just to inform you that we will be opening the ballot boxes for the General Election this Friday at 9:00 AM. County Manager, Chairs, and District Court will be there. We will be removing the memory cartridges from the voting machines. If anybody wants to learn about election, come and see me and I'll educate you on election.

County Manager Janice Barela: Next we have Sam Schropp.

Sam Schropp: I was surprised to see item 14A which is the discussion for executive session, on whether Torrance County money will be involved. With the discussion whether we will be involved in a lawsuit that is being pushed by various people in the state. While reading the Washington Post, I found an article in there titled "In Blue New Mexico. Anti-Abortion Activist use small town to push a national ban. Johnathan Mitchell former Tax General said that he is pushing this and said he will cover this pro bono for himself. There is also a lot of other fees that are involved in this. There will be expenses, junior associates, para legals, and traveling expenses. I believe that taxpayers money coming from Torrance County, can be better spent on projects in the County.

County Manager Janice Barela: Next is Ann Schropp.

Ann Schropp: I have verified some statistic, and sure enough Torrance County is the 8th poorest County in this State. With about 25%, ¼ of our citizens are below the poverty line. That's ¼ of our babies below the poverty line. We are not taking care of them. Yet this County Commission is considering donating money for a partisan legal litigation. Tax money that belongs in this County should be used in taking care of living and breathing human being who are already here. Respectfully, I submit that this County Commission tend to County business.

County Manager Janice Barela: Next we have Hanna Sanchez.

Fire Chief Deputy Hanna Sanchez: I just want to give you an update. With the salary increase, we are able to run 2 ambulances starting February 27th. That will be ILS and ALS level. That give us 3 paramedics, 4 intermediates, and 4 basics. We still currently have 3 position available, and we just hired 2 additional employees yesterday.

County Manager Janice Barela: Next is Sandra Ness.

Sandra Ness: I am here on behalf of concerns citizen. I was asked to just make a statement regarding what the County Clerk is planning on doing on Friday. It's come to my attention that there were some issues with the audit when it was first done. That the ballots were not connected to the tabulators. Is that correct?

County Manager Janice Barela: I don't have any ideas whether or not when the Clerk removed the ballots from the ballot box and place them into the cardboard boxes to bring them to the Clerk's office, whether they were separated by tabulator. Personally I don't have

that information, but the Clerk staff may have that information. What was done, is that I was given 50 ballots at a time.

Sandra Ness: We would like to ask that when this is done, to preserve the records of all the ballots that correspond to the tabulators.

County Clerk Linda Jaramillo: The usual way to do this is to keep the ballots with the precinct and keep them separated, and that is what I'll do.

Sandra Ness: I have a statement that I would like to say. I have no idea on what's going on, on item 14A. My personal believe is that abortion is absolutely murder, and as a Torrance County resident. I appreciate anything that can be done to prevent that from happening in Torrance County.

County Manager Janice Barela: Next we have Dr. Cindy Sims.

Dr. Cindy Sims: I am here today to give you some good news in our district. As you know we passed a bond in the November 2021 election. Thanks to the community for their support. We recently have applied with the Public Finance Authority, and the Public-School Capital Outlay Committee. We have received some matching funds to start a project to add classrooms to the upper elementary school. Our goal is to be able to put all of the students in one building. I'm also excited to let the Commission know that they have awarded us an additional 7.5 million dollars to build a new elementary school gym with two classrooms attached. We will be going out to RFP for the architect, and that will be phase 1. Hopefully break-ground in the next six months. I just want everyone to know that we will be preserving Van Stone Elementary School, with hopes to make that into a boys and girls community center for our kids in providing a secure and supervised fun place for our kids.

Chairman Schwebach: Thank you for the update and give me a call when that time come.

County Manager Janice Barela: That is all we have signed up for in person public comments.

Noah Sedillo Finance Director: We have Tracey Master sign up on Zoom for public comments.

Tracey Master DWI Coordinator: This is just a brief update. I was scheduled to provide suicide prevention to 687 students at Moriarty HS. It was going to be an opportunity to expand our capacity to support one another. Unfortunately, with the event of last week with the loss of three Moriarty HS students, the focus has changed significantly on Monday and Tuesday. I, along with my service dog Brees went to Moriarty HS to provide support for staff and students. The reason why DWI Coordinator would take on that roll is because trauma is significantly increasing the risk of suicide. We need to be supportive as quickly as we can with these young people and staff. We have interacted with over 300 people this week. I am working with the Torrance County Sheriff Office for law enforcement presence, and DWI enforcement activities through the remainder of the year including Prom, Graduation, Super

Bowl, and St. Patrick Day. I will personally be running the Smart Choice Van this Sunday for Super Bowl from 2 to 10 PM just in case. We have suicide prevention the QPR program at the Estancia Valley Academy in a couple of weeks as well as for the staff of Moriarty Secondary Schools. On Monday February 20th, I have forgotten that it is a holiday. I have schedule a QPR Suicide Prevention Class for Farmers and Ranchers because the suicide rate for farmers and ranchers are twice as likely than other people in other occupations to die be suicide. We are trying to reach out to different areas of the communities. I'll be reaching out to the senior centers to address suicide amongst our older populations. Friday night February 10th is the Moriarty FFA annual Pie Auction, and this time around all of the funds collected from that will go to support the families of Malachi, Chris, and Nathan. I ask that you just keep their families in our prayers please.

8. APPROVAL OF MINUTES

A. COMMISSION: Discussion and possible approval of the December 28, 2022, Torrance County Meeting Minutes.

Action Taken:

Chairman Schwebach: Made a motion to approve December 28, 2022, Torrance County Meeting Minutes.

Commissioner McCall: Second the motion.

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

MOTION CARRIED.

B. COMMISSION: Discussion and possible approval of the January 11, 2023, Torrance County Meeting Minutes.

Action Taken:

Chairman Schwebach: Made a motion to approve January 11, 2023, Torrance County Meeting Minutes.

Commissioner McCall: Second the motion.

Roll Call Vote: District 1 voted yes, District 2 voted yes. All Commissioners in favor.

MOTION CARRIED.

9. APPROVAL OF CONSENT AGENDA

A. PLANNING & ZONING: Approve Conditional Use Permit for Home Based Fitness Facility. (Planning & Zoning Board Meeting – December 7, 2022) **Defer to the next Commission Meeting.**

B. FINANCE & PURCHASING: Motion to approve payables.

Action Taken:

Chairman Schwebach: Made a motion to approve payables.

Commissioner McCall: Second the motion.

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

10. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE-NONE

11. ADOPTION OF RESOLUTION

A. ROAD: 2023 Annual Certified County Maintained Mileage Report.

Charmen Padilla: This is just our yearly milage report that we have to get into the NMDOT, and we're asking for a resolution, signatures, and approvals.

Action Taken:

Commissioner McCall: Made a motion to approve resolution 2023-04 Annual Certified County Maintained Mileage Report.

Chairman Schwebach: Second the motion.

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

12. APPROVALS

A. FINANCE & PURCHASING: Oral Presentations / Contract Award RFP TC-FY2302 - Legal Services, County Manager Janice Barela as signatory.

Noah Sedillo Finance Director: Just to explain to you guys and the public. Torrance County went out for RFP for legal services. On November 4th, 2022, RFP was published on our website, and we have a certain amount of time to respond. We did receive four proposals that were responsive. After a committee reviewed and did their evaluation through the RFP there was a list of three that made it for consideration today. So, with that we do have three different law firms today to present their presentation. For every one's knowledge today, we are down to our last portion of the evaluation point score. Which is a pass or fail, with an oral presentation provided to the Board of Commissioners.

1). NM Government Law, LLC - Oral Presentation

Randy Autio: We have been working now with you for about eight months. We have been very happy working with you in solving your problems. We first started with you on a day's

notice based on emergency situation you were facing. We realize what a challenging and interesting opportunity representing you was. Our firm was founded in March of 2020. I have dedicated my career in representing local governments. We have seven lawyers, two paralegals, and a legal assistance that provide the legal support for the office. Between those seven lawyers, each of us has practiced our entire careers in local government. Mike Garcia who has been the appointed person for you, worked at the city attorney's office for many years, and then at the county attorney's office in Bernalillo before he retired and joined my firm. Between all of us, we have over two hundred years of experience in representing local governments. So, with the seven of us, we are available if anything occurs. Succession planning is critical these days. The other thing we give is that we are A political. We do not bring politics to the game of representing local governments. You are the policy maker; it is up to you to determine what direction this County is going to go in. We will give you the legal guardrails to accomplish what you want. That is our goal for you. The main thing that we want you to know, is that we want to be your partner.

2) Robles, Rael & Anaya, P.C. - Oral Presentation

Marcus Rael: We are the oldest and the best. We have been around for more than 21 years. All we do is focus on governmental entities. I have 17 lawyers, 36 support staff. You might be thinking that we are more expensive than others. We are the most cost-effective governmental firm in the state. We have been around for so long, that we would usually have the answer without doing much research. What we also have is the subject matter experts in every single area that your County is going to face. We also do a lot for other entities, not just local governments. We represent the Governor's office and other State Departments. We are recognized as specialists in all these different areas, other firms will call us, if they have any questions. We know general local government laws, we are experts in IPRA, and when the Attorney General has questions about IPRA they call us. We are great at doing open meetings act, finance, jails, and we represent the largest jails in New Mexico. We also do training in law enforcement work and election laws. We are a political firm. I think that is an advantage not a disadvantage. We are very politically connected.

Chairman Schwebach: At what point does it become a conflict of interest with all the entities that you represent?

Marcus Rael: There is rarely a time where you would run into a conflict of interest. Counties don't usually run into litigation against state departments, or Governor's office. Sometimes what you would run into is the Attorney General office sends you a letter, saying we got this inspection of public records act request. Here is the complaint and you have 30 days to respond. We are the people that can take that request and put together a response and give it to them quickly to get that resolved quickly.

3) Virtue & Najjar, PC - Oral Presentation (via Zoom)

Jeremy Najjar: We consider ourselves as a one stop shop. We provide the general legal services that most local government firm can't. We also have some specialties in area of laws that we know no other firms have. We do utility laws, municipal finance, public finance, and

bond type projects. We have been doing it for a long time. We have been representing local governments, cities, and counties since 1993. This is what we do and we do it well, hopefully you had a chance to speak with our references. We feel that we can bring a diverse practice to you all.

Chairman Schwebach: Give me an idea on how large your firm is.

Jeremy Najjar: We have 7 attorneys, 4 support staff, and we all came from large firms that handle multi state practices. We think this is the right size, we have stayed this size on purpose. It is large enough to handle all of our clients' needs, but also small enough to where you can call us and we can answer. We are available 24/7 365 days. We can return emails in less than 24 hours.

Commissioner McCall: I have a question more for finance. What are we looking financially base upon cost of an inhouse attorney and a contracted firm?

Noah Sedillo Finance Director: As far as invoicing goes, we have been seeing anywhere from 4k-10k a month, based on the level of services. With regards to the inhouse attorney I may not be the best to speak on it. I would defer it to County Manager Barela to speak on it.

County Manager Janice Barela: I have found that the law firm has been quicker to respond to issues that we've had. There's been a lot of expertise that has been brought to the table in utilizing a law firm verses an individual that is tasked to knowing everything that he supposed to know about local government. This is no disrespect to the inhouse council that we had. I just see a quicker response, and confident in detailed legal opinions. In regard to the finances, what I have seen is an average of \$6,000 a month which is equivalent to an inhouse council. We did advertise for an inhouse council and received no response. I did not list salary for that position, but based upon experience.

For the last council that we had, we were paying him 80k a year before he resigned. Looking at that salary alone with benefits, it came out about the same with the law firm that we have.

Chairman Schwebach: It's nice to have an inhouse council, but when you look at the broad spectrum of what's thrown at them, it'll be a pretty unique individual that can handle it all. With what we were paying the last council, we would not find another for the same price. I'm comfortable moving forward. With that being said, we have done everything and can make a decision right now, correct?

Noah Sedillo Finance Director: That is correct.

Chairman Schwebach: I'm looking at the evaluation and its pretty clear. How long of a contract are we looking at, and with termination any time we see fit on both parties?

Noah Sedillo Finance Director: It'll be a four-year contract, with an automatic renewal every year after. Yes, with sixty days' notice. We would pay up for services render.

Action Taken:

Chairman Schwebach: Made a motion with the contract giving Janice Barela the ability to sign to New Mexico Government Law, LLC.

Commissioner McCall: Second the motion.

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

B. FIRE: Approval of Agreement between Torrance County and Superior Ambulance of Torrance County, Inc. for ambulance services.

Deputy Fire Chief Hanna Sanchez: In this agreement is pretty much the same as what was set in the past. There are some minor changes. We took down the requirement of running two ambulances to just one ambulance, but he can run two if he so chooses to. We are also changing the response area; it will be on Exhibit B in the packet that you have. All documents in packet and contract are here to attached.

Chairman Schwebach: With Superior in the locations drawn in his service area, that would enable us to put our resources farther south, and that's an overall concept of adequate coverage county wide? That is the goal we are looking for?

Deputy Fire Chief Hanna Sanchez: Yes, that is correct.

Action Taken:

Chairman Schwebach: Made a motion to approval of Agreement between Torrance County and Superior Ambulance of Torrance County, Inc. for ambulance services, giving County Manager Janice Barela authority to sign.

Commissioner McCall: Second the motion.

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

C. SHERIFF: Approval of the Cooperative Law Enforcement Agreement 23-LE11030300-057 between Torrance County and the USDA, Forest Service Cibola National Forest and Grasslands, to provide patrol for designated U.S. Forest Service Roads, campgrounds, developed sites, and dispersed areas; the grant award equals \$5,000.

Cheryl Allen Executive Assistance: This is a grant agreement we have had for a number of years. It is for a \$5,000 grant award. There is no match required. It's for patrols and paid overtime in patrolling in different areas designated in the agreement for our deputies to make a presence in those areas during the summer months.

Action Taken:

Chairman Schwebach: Made a motion for approval of the Cooperative Law Enforcement Agreement 23-LE11030300-057 between Torrance County and the USDA, Forest Service Cibola National Forest and Grasslands to provide patrol for designated U.S. Forest Service Roads, campgrounds, developed sites, and dispersed areas; the grant award equals.

Commissioner McCall: Second the motion.

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

D. SHERIFF: Approval of the Patrick Leahy Bulletproof Vest Partnership (BVP Grant award for \$9,200 with \$9,200 match to purchase 23 bulletproof vests for the Torrance County Sheriff's Office.

Cheryl Allen Executive Assistance: This is a federal grant that has been awarded. We have already considered which vest we would like to use. Their vest of preference is manufactured by Velocity Systems. The price ranges from \$275 to \$335 depending on sizes. Soft armor for each of those systems is \$525 for all sizes. In addition, the deputies do like to have the rifle plates, and they prefer the Angel Armor Plates. Those are \$710 for all sizes.

Chairman Schwebach: For the \$9,200, is that within your budget or do we have to move funds around?

Noah Sedillo Finance Director: Yes, that is within the budget. There may be a line-item transfer within the fund, but that would be at most.

Action Taken:

Chairman Schwebach: Made a motion for approval of the Patrick Leahy Bulletproof Vest Partnership (BVP Grant award for \$9,200 with \$9,200 match to purchase 23 bulletproof vests for the Torrance County Sheriff's Office.

Commissioner McCall: Second the motion.

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

E. FINANCE: Request approval of a prior year invoices from Tyler Technologies, Inc. for conversion of financial software of \$14,603.69.

Noah Sedillo Finance Director: I am requesting your approval for the outstanding invoice of \$14,603.69. I do believe that we do owe this amount, sir.

Commissioner McCall: This is within the contract?

Noah Sedillo Finance Director: Yes, this is in the contract that we adopted and signed a concurrent contract. It is within our contract of services.

Action Taken:

Chairman Schwebach: Made a motion to approve a prior year invoice from Tyler Technologies, Inc. for conversion of financial software of \$14,603.69.

Commissioner McCall: Second the motion.

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

F. **MANAGER:** Discussion and possible approval of updated programming for the new Torrance County Administrative Building.

Deputy County Manager Juan Torres: I would like information from you guys with respect to the programming. There were discussions on adding record storage facility. Would you like this back portion included with the programming? As well as potentially looking into putting an EOC for Emergency Management on the property and add to that program as well. Once we have that, I think we can get more new quotes.

Chairman Schwebach: I not interested in pursuing it right now on adding those two facilities. My primary reason is we were going to have this building available, and I would like that fully evaluated.

Commissioner McCall: I think when it comes to programming, I don't think it would be a problem to go ahead and program for the EOC. I'm not saying today I'm for it or against it, but just to see what the program would look like. I appreciate that we are going to do some more programming, and I think we had a great discussion amongst the Department Heads. As a Commissioner, I've heard a lot of their concerns, wants, and needs. With a building of this scope, I don't think we should jump in without more programming. I don't think it would hurt to see what kind of programming we can put forward or set aside for the EOC and Emergency Management.

Chairman Schwebach: What is the cost difference, and how much is it going to set us back?

Deputy County Manager Juan Torres: On our last programming, the invoice for that was \$8,000 for the updated programming. It is in that ballpark depending how detailed you want the programs to be.

Action Taken:

Chairman Schwebach: Made a motion to move forward of updated programming with the possibilities of including onsite storage and Emergency Management for the new Torrance County Administrative Building.

Commissioner McCall: Second the motion.

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

13. DISCUSSION

A. MANAGER: Lucy Lawrence, resident of Torrance County, presentation regarding the designation of Kathy Lane as a county road, due to increase of lots sold and addresses assigned, therefore foregoing the need to be annexed and requiring maintenance by Torrance County.

County Manager Janice Barela: I also, would like to publicly apologize to Ms. Lawrence. In one of the meetings, Ms. Lawrence handed me a piece of paper that had a petition on it that had some signatures. It ended up getting drowned by a lot of the work that I have, so I completely spaced it. This was an effort she had, and in the past, she did try to hand that to me right as I came into a Commission Meeting.

Lucy Lawrence: Presenting her presentation regarding the designation of Kathy Lane as a county road due to increase of lots sold and addresses assigned, therefore foregoing the need to be annexed and requiring maintenance by Torrance County. Here to attached is her presentation including power point.

Chairman Schwebach: What you are referring to now is specifically Kathy Lane, or Kathy Lane, Allen Dr, Elise Rd. Is there more or just Kathy Lane?

Lucy Lawrence: For right now it would just be Kathy Lane. I am more than willing and happy to go with Mr. Leonard or whomever to do some more research.

Chairman Schwebach: Commissioner McCall, this is something we do need to address. I don't know the detail on what is or isn't County Roads. A lot of these developments came back especially in McIntosh area. We do have an issue with this. We need to look into some systematic ways in adopting some of these roads to maintain. It is more than land development; it's more having the ability to get to these homes in case of an emergency.

Commissioner McCall: As to my knowledge, the County could or would adopt a road. If a private individual or subdivided individual would bring the road up to county specs, then at that point we can then adopt. We as Board of County Commissioners, definitely need to know what is our policy.

Chairman Schwebach: I Agree.

B. MANAGER'S REPORT

County Manager Janice Barela: There are several items I would like to talk about. The first one is that the County has received a petition that was filed in the Supreme Court. It is an emergency petition for requesting Writ of Mandamus. It is regarding the Resolution that this Commission passed deeming former County Clerk Yvonne Otero has resigned due to job abandonment. Legal Council is currently reviewing this and taking appropriate actions. This has been filed, so it is now public record. I believe the goal here is to make this resolution of the Commission must be unenforceable.

I want to let the public know that there is a Senate bill that is being heard today. That is Senate Bill 172, it is regarding making it illegal for private detention centers in New Mexico to have a contract with ICE or the Department of Homeland Security to house immigrants that are detained for civil reasons. We also have some job openings posted on our website. These positions are Fair Board Members, Facility Maintenance, Administrative Assistance for the Fire Admin, EMT's, Fire Fighters, Records Clerk in the Sheriff Department, Sheriff Deputies, Animal Control Officers, Equipment Operators, and also a Clerical Float position available. Going back to the ballots. I appreciate what Madam Clerk Jaramillo has done in her diligence in finding those missing ballots. I can tell you from someone who has spent days and weeks in doing my very best job on this audit for the primary election, it is extremely frustrating and rewarding at the same time. I am happy to see that the ballots were found. This whole turmoil that Torrance County made National News over this audit would not have had to occur. I believe our staff did a great job. This is something frustrating. If the direction came from the Secretary of State to withhold this stuff, I don't know, or if its just our Clerk not following the proper direction. I believe that is more likely to have happened. With that I'll try to wrap up everything and put it into a report. That is all I have for my report.

C. COMMISSIONERS' REPORTS

1) Commissioner McCall, District 1

Commissioner McCall: Can I get an update on where we stand on the County Fair Ground?

Deputy County Manager Juan Torres: Yes sir, hopefully we'll get the quotes in for your approval on the next meeting. With getting the building design hopefully we can get this building constructed. On that note we are trying to get everything push through. Hopefully this year we can get a lot of these projects out of planning and off the grounds.

Commissioner McCall: A few weeks ago, we talked about this Mexican Gray Wolf That has been hanging out in Torrance County. Since then, the wolf has been located and captured and relocated back to Mexico. As a Rancher and Agriculturist, we can rest assure that the wolf is moved out.

2) Commissioner Schwebach, District 2

Chairman Schwebach: I have two items I would like to talk about. One is the tragedy that happened with the three students from Edgewood. I'll ask two things from this community,

keep their families in your prayers. Make sure you talk to your teenagers, not only about possible CO2 poisoning but also about everything else that is going on in this world. The other thing I want to bring up is on item 14A. I have many people contact me for different reasons to discuss things. With this particular issue, I don't know the details on it. I can sit here and tell you this. Firstly, if I'm given the opportunity to have a grass roots movement or voice that would save lives, I would take that advantage. I do not believe in abortion and the evil that goes along with it. Secondly, I do understand the differences between political grand standing and actually accomplishing something. After I finish listening to it that's how I am going to base my decision on how we move forward.

3) VACANT, District 3

14. EXECUTIVE SESSION

A. COMMISSION: Meeting with County Attorney pertaining to threatened or pending litigation in which Torrance County is or may become a participant. Section 10-15-1(H)(7), regarding abortion litigation.

Action Taken:

Chairman Schwebach: Made a motion to enter into Executive Session meeting with County Attorney pertaining to threatened or pending litigation in which Torrance County is or may become a participant. Section 10-15-1(H)(7), regarding abortion litigation.

Commissioner McCall: Second the motion.

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

Entering Executive Session at 11:05AM.

Chairman Schwebach: Made a motion to enter back into regular session.

Commissioner McCall: Second the motion.

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

Returning Back into Regular Session at 12:27PM.

Chairman Schwebach: There will be no action taken at this time for item 14A.

15. Announcement of the next Board of County Commissioners Meeting: February 22, 2023

Chairman Schwebach: Announced that the next Board of County Commissioners Meeting is on February 22, 2023, at 9:00AM

16. **SIGNING OF OFFICIAL DOCUMENTS**

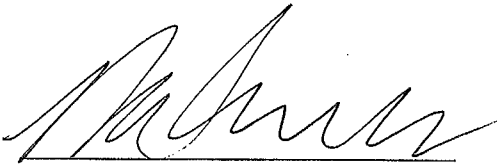
17. **ADJOURN**

Chairman Schwebach: Made a motion to adjourn meeting.

Commissioner McCall: Second the motion.

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

Chairman Schwebach: Adjourn the meeting at 12:28PM



Ryan Schwebach-Chairman



Kevin Pham-Clerk II

February 22, 2023

Date