

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

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

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

1. Call to Order

Chairman Schwebach: Calls the meeting to order at 9:00AM.

2. Invocation and Pledge of Allegiance

Pledge of Allegiance lead by: Chairman Schwebach

Invocation lead by: Commissioner Samuel Schropp

3. Changes to the Agenda

County Manager Barela: I do have one change for the agenda. Item 12B was misspelled. On the Agenda it was spelled (Ache Le Plew Mountain Man Rendezvous) it should be (Cache Le Plew Mountain Man Rendezvous). There are no other changes to the agenda.

4. PROCLAMATIONS- NONE

5. CERTIFICATES AND AWARDS

A. DISPATCH: Awarding of certificates to: Thomas Carter (TCSO), John Stocum (TCSO), Randy Sanchez (TCFD), Jacob Medina (TC Roads) for acting above and beyond the call of duty on February 15, 2023 (Presented by Ben Daugherty).

Ben Daugherty: I am here today to present these awards to four different County employees for recognition of their excellence for going above and beyond their call of duty. I would like to introduce Thomas Carter (TCSO), John Stocum (TCSO), Randy Sanchez (TCFD), and Jacob Medina (TC Roads). On February 15th, 2023, these four gentlemen responded to a call in the Manzano Mountains, where a citizen had become trapped in a snow drift. It was on Forest Road 422 where the citizen got out of the vehicle to assess the situation

of being stuck in the snow. The vehicle then locked when the door closed, and the citizen fell into a puddle and got soaked. Immediately after, dispatch received the information. Deputy Carter and Stocum from the Sheriff's Department responded to assist him. Due to weather conditions, they were also stuck in the snow.

We then had to call Mr. Medina from the road department to help with the situation. While Deputy Carter was waiting, he took it upon himself to exit his vehicle, while carrying what supplies he could and hiked a mile and a half to where the citizen was at in knee deep snow. Through the phone call we got from the citizen, we knew that the citizen's conditions was deteriorating. This had become a life and death situation. Thanks to the actions of Deputy Carter, this became a rescue rather than a recovery situation. Chief Sanchez was able to maneuver around Deputy Carter's stuck unit, using his own personal vehicle to get up there to rescue Deputy Carter and the citizen. With the expertise of Mr. Medina operating the road grater, he was able to get Deputy Stocum out and clear the roads up to where the scene first took place. Because of this everyone was safe, I would like to present these awards for Recognition of Excellence to Thomas Carter (TCSO), John Stocum (TCSO), Randy Sanchez (TCFD), Jacob Medina (TC Roads).

Thomas Carter TCSO: People that do this kind of jobs, don't like to be recognized. I appreciate the Torrance County Administration's recognition of these men and their actions, because I believe good morale is very contagious. This whole situation is a good example of why there is no I in team. There was no hero in this. It was a great team effort. A big part of that team was Ben Daugherty, who coordinated the whole incident with his incredible professionalism.

Commissioner Schwebach: Commends them for their effort in a situation where everything that could go wrong, went wrong.

6. **BOARD AND COMMITTEE APPOINTMENTS - NONE**

7. **PUBLIC COMMENT and COMMUNICATIONS**

County Manager Barela: With the permission of Mr. Chairman and Commissioners, before we do public comment, if I may say a few things. As you all see we have a new Commissioner sitting with us as part of this Board. During his swearing in this morning, prior to the Commission meeting, I had read some letters. With the Chairman's permission I would like to read those letters into the record. One is from the Governor's Office was addressed to County Clerk Linda Jaramillo and to myself, Janice Barela, County Manager. The letter reads as follows:

Dear Ms. Jaramillo and Ms. Barela,
I am pleased to inform you that Michelle Lujan Grisham has appointed Mr. Samuel Donahue Schropp, to the Torrance County Commission as County Commissioner for District 3.

Sincerely Yours,
Melissa D. Salazar, Director of Boards and Commissions

County Manager Barela: With the permission of Mr. Chairman and Commissioners, before we do public comment, if I may say a few things. As you all see we have a new Commissioner sitting with us as part of this Board. During his swearing in this morning, prior to the Commission meeting, I had read some letters. With the Chairman's permission I would like to read those letters into the record. One is from the Governor's Office was addressed to County Clerk Linda Jaramillo and to myself, Janice Barela, County Manager. The letter reads as follows:

Sincerely Yours,

The second letter is addressed to Commissioner Schropp and reads as follows:

Dear Mr. Schropp,

In accordance with Article XX, Section 4 of the New Mexico Constitution, I am pleased to take this opportunity to appoint you to the Torrance County Commission as the County Commissioner for District 3. Through that appointment, I authorize and empower you to execute and fulfill the duties of that office according to the law, and to uphold said office with the rights and emoluments to which you are legally entitled.

Your term shall commence today and last until the next general election as provided by law.

Sincerely yours,

Michelle Lujan Grisham-Governor

Attested: Maggie Toulouse Oliver-Secretary of State

The second letter is addressed to Commissioner Schropp and reads as follows:

I just wanted to let the community and public as well as all our staff know that we now have a commissioner that is seated in representing District 3. He was properly sworn in this morning. I would like to give my congratulations to Commissioner Schropp.

We also have seated here with us for the first time, our County Clerk, Linda Jaramillo. Our County Clerk is now joining us with a seat at the table. This is based on statute that states that the County Clerk shall attend every Commission Meeting. If she is required by state statute to be here, then I think it is appropriate for her to be here at the table. Also missing for today is Sheriff Frazee. Sheriff Frazee wanted to let the Commissioners know that this is not by choice, because today he is filling in to transport prisoners. We do have several who are signed up for public comments. First, we have is Ann Schropp.

Ann Schropp: My comments are for Chairman Schwebach and Commissioner McCall regarding the keeping and approval of the County Commissioner's minutes. The time in question here is December 15, 2022. Commissioner Schropp was simply citizen Schropp, and as such spoke in the public comment period. I have a copy of three letters and true copy of Samuel Schropp statements to this body on December 15, 2022. Also included are copies of Torrance County Commission Meeting Minutes for December 15, 2022. Which were being approved for being accurate by Chairman Schwebach and Commissioner McCall at the January 11th meeting.

As it became apparent in January, Sam Schropp was likely to be appointed Commissioner. We begin researching the duties and responsibilities of New Mexico County Commissioners. We found several sources online. Among them the NM Edge course materials for County Commissioners, the Open Meetings Act, and the New Mexico Attorney General guidance from statutes governing the County Commissioners throughout the state. I will be citing these sources in my statement. In my reading I found that boards of County Commissioners are not autonomous, and you are subject to the oversight of the Governor's Office of Boards and Commissions. The New Mexico Open Meetings Act requires the keeping of minutes and describes what information is required to be kept and is to be approved and published within ten days of the meeting. With meetings every fourteen days, the requirement of public posting is so

ready on December 15, 2022. Also included are copies of Torrance County Commission Meeting Minutes for December 15, 2022. Which were being approved for being accurate by Chairman Schwebach and Commissioner McCall at the January 11th meeting.

...and you are subject to the oversight of the Governor's Office...
...missions. The New Mexico Open Meetings Act requires the keeping of...
important. It is important so people can come to the next meeting well informed and make cogent
public comments. The Attorney General's Office publishes opinions and guidance which holds
the force of laws in applying the New Mexico OMA. In the discussion of the statute regarding the
keeping of minutes in the Open Meetings Act NMSA 1978-chapter 10, article 15, titled, A
Compliance Guide for New Mexico Public Officials and Citizens, page 18, section G, Attorney
General Hector Balderas wrote: The description may be a concise but accurate statement of the
subject matter discussed. It does not have to be a verbatim account of who said what.

Under the public comment section of the approved January 11th, 2023, minutes, Samuel Schropp's
comments are grossly mischaracterized to the point of his message to the Commissioners and the
residents of Torrance County, being completely false. In fact, those minutes aren't merely
inaccurate, they are in direct opposition to what Mr. Schropp said. In fact, that was the case three
or four times in the minutes, which were approved by the Commissioners as being accurate. In
paragraphs two, nine, and ten of his December 15th, 2022, comments, Mr. Schropp explicitly said
that he was here to advocate for improved roads for all of Torrance County residents. Not the
"came to the meeting to ask the Commissioners to take care of the roads in his area". The correct
summation should reflect the comments he made in paragraph two, in which he explicitly uses the
phrase South Torrance County twice. In paragraph nine, in which he advocates for the transparent
prioritization of roads repair.

In paragraph ten, in which he cautions the Commissioners "that money is intended to improve the
quality of life, economic opportunities, and economically depressed areas like Torrance County".
After years of testifying in federal courts, and being cross examined by very competent attorneys,
Sam's very good at saying exactly what he means. What is in the approved minutes, and what
Sam said on December 15th bears no possible relation to each other. The object of keeping concise
but accurate minutes, is to create a transparent accurate record for the future, for how a Board of
Commissioners respond to its constituents and conducts the people's business. If this Commission
is aiming for transparency and government, you must do better.

...was here to advocate for improved roads for all of Torrance County...
County Manager Barela: Next we have Albert Beckwith.

Albert Beckwith: I have moved to McIntosh seven years ago. I have kept my property clean and
kept my property safe. I have also watched certain people's activity that go around their business
at night. I find that trashes are thrown all along my road. I go down Salt Missions Trail, which is
part of New Mexico history. All these people that have moved here, that have no rights to be in
our country, are dumping tires and bags of trash along the Salt Missions Trail, from Ice Plant
Road all the way to Heritage Road. I've picked up 40 tires from there and put them under my
account. Bags of trash that have been torn open by stray dogs, I put them in my truck and take that
as my delivery.

We have no law enforcement in McIntosh. Sir, your barn was broken into, and things were stolen.
First place they came to, was my house. There was an attempted break in at my house, where my
dog defended my property and bit someone. It took three days for an officer to finally show up
with a clip board. No fingerprint kit, no camera no nothing. He just shows up. It wasn't important,
but some people's stuff was more important than others, and I find that wrong. We have a law
enforcement agency which is trying to do their best. But there's people illegally driving down 41

... place they came to, was my house. There was an attempted break in at my house. I defended my property and bit someone. It took three days for an officer to find

passing ambulances with their lights on, and these men are putting their life on the line. Most of those people are driving without licenses, but they are out on our roads jeopardizing ambulance drivers, police officers, and regular pedestrians. We just would like to have enforcement, have somebody drive through there occasionally.

We're now hearing that Fentanyl was obtained the other night by police officers in a sting operation. We know that it is in our area. We know it's not coming from the guy next door. We need to be a little more observant of what's going on in our little town. I'm told that we can't get any help because we are not incorporated. Some of these houses have eight or ten people that are illegals. We have no water; we are just in a barren place that is not livable anymore. There is a lot of good people who live here McIntosh. I watch for your stuff every night of the week and make sure nobody breaks in. Why can't we get a little reciprocation from people that we are trying to be good to. What goes around comes around.

County Manager Barela: Next is Augustine Montoya.

Augustine Montoya: I would like to express my congratulations to our new Commissioner, Sam Schropp. In addition to that, I would like to highlight a couple of different things. I would like to just reiterate for this Commission that there are some sincere issues facing Torrance County, particularly as it relates to water resources, economic development, and other quality of life issues. I ask that you listen to all three Commissioners unanimously to deal with these issues.

When we look at the issue when it relates to water, relates to social justice, when it relates to quality of life, these things come from an economically depressed area. The way we can address these things is by investing money into the hardest hit areas and working our way outward to make sure the hardest hit communities have access to the necessary resources to uplift our overall quality of life. The bottom 90% of Torrance County that is unincorporated, that is rural, that is how people really enjoy our secluded ways of life. We are not backwards we are just depressed, and that's what comes with living in rural New Mexico.

I ask that this Commission sincerely listen and hear, not just to your constituents but your fellow elected officials and others up and down the chain, on ways to collaborate and bring money to Torrance County to invest in areas not just Moriarty or Edgewood. If we deal with this issue unanimously, we will have a community that is able to work and move forward, in a collaboratively, comprehensive, and wholesome way.

County Manager Barela: Next we have Rob Wagner.

Rob Wagner: I was doing some research, which lead me to look up the top fifty employers in the State of New Mexico. The data that I've found is alarming and it should be alarming to anybody that is hearing this. The top two employers are the State of New Mexico and the City of Albuquerque. In the top ten, seven of the top ten are either government agencies or they received 100% funding through government contracts. Five in the next ten companies are the same, thirteen out of the top twenty companies that are either government agencies or they are paid for by tax dollars. In the top fifty companies, nearly two thirds of the top fifty companies are either State run or paid for by tax dollars. The reason why I'm bringing this up, is the obviously clear

Torrance County to invest in areas not just Moriarty or Edgewood. If we deal with this issue unanimously, we will have a community that is able to work and move forward, in a collaboratively, comprehensive, and wholesome way.

unsustainability of that much of our economy being sustained by tax dollars. The reason why I bring it up is because it brings more significance to the phrase, rules for thee and not for me.

I want to reference what happened last year on July 9th, 2022. I have both police reports and testimony from Mr. Romero, a civilian that was involved in the incident. Mr. Romero along with two of his kids and young niece, went with a load to the land fill to drop it off. He was greeted by Andy Chavez, a land fill employee, who told them they couldn't dump because of a special coming in. Mr. Romero didn't react positively to that and decided to drive in, dump his trash in a place that was not designated for household trash. On his way out he was stopped again by Mr. Chavez and just drove past him. Mr. Chavez claims that he saw a pistol, so he then took out his weapon and fired in the air. Regardless, he took out his gun and shot at the land fill. There are signs posted that say no weapons or firearms. I don't agree with that, I believe that no signs should be posted in a public location, that say no firearms. The Second Amendment allows us to do that. That sign was posted by the government, he is a government employee and is still working today at the land fill. Rules for thee and not for me need to stop. This needs to be investigated and have action taken and not ignored. Whether or not he fired in self-defense, he broke your rule of no weapon at the land fill.

County Manager Barela: Next we have County Clerk, Linda Jaramillo.

County Clerk Linda Jaramillo: Today, I would like to update you on the Board of Registration Meeting which will be held on March 13, 2023, at 9:00AM. The board is a public body, and the meeting is subject to Open Meetings Act. The agenda will be published, and the meeting will be held in the large commission chamber. I would like to go over how people are purged from our voter list. The following ways are the only ways people can be taken off the registration rolls:

1. Death of a voter: We check obituaries and Vital Statistics reports, and updates are made daily.
2. A felony conviction. We get updates from the New Mexico Sentencing Commission and Administrative Offices of the Courts.
3. With the request of the voter in writing to be taken off the rolls.
4. The direction of the Board of Registration. I would like to explain the roll of the Board of Registration.

The Secretary of State has a contract with the USPS to acquire names of those who have filed a change of address. That list is then compared to our registration rolls. In August of 2020, two years before the process of purging voters from our voter files, the Secretary of State sent out mailers to the current address of voters who have changed their address with the purpose of updating their registration. These voters are placed in what is called inactive status, which is meant for those who have had mail returned due to a wrong address. To be put back in active status, a voter can do one of the following: Return the conformation mail with the updated address, update with precinct officials during an election with their current address. Or the person can simply come in and register.

If none of these criteria are met, the Board of Registration who is going to meet on March 13, 2023, will review the list of those who are eligible to be removed and remove them from our registration rolls. At this time we have 530 voters who have not responded or have not met the

Secretary of State has a contract with USPS to acquire names of those who have filed a change of address. That list is then compared to our registration rolls. In August of 2020, two years before the process of purging voters from our voter files, the Secretary

criteria to be placed back into active status. When the process is completed by the Board of Registration, I will bring you the stat report on the register voters before and after the purging.

Tonight, I will be attending the City Council Meeting in Moriarty to discuss the use of a bigger room for our elections. I've heard about how congested it was and how long the lines were. The solution for that is to have a bigger room and have more auto vote stands and tabulators. I want to make it easier for voters to vote.

Commissioner McCall: Madame Clerk, I would be willing to go with you to the meeting tonight if you so choose.

County Clerk Linda Jaramillo: That would be great. It is at 7:30.

County Manager Barela: That concludes our in person public comments.

Deputy County Manager Juan Torres: There's no sign up for public comment on Zoom.

8. **APPROVAL OF MINUTES**

Tonight, I will be attending the City Council Meeting in Moriarty to discuss the use of a bigger room for our elections.

A. **COMMISSION:** Motion to approve minutes of the February 22, 2023, Regular Meeting of the Board of County Commissioners.

Action Taken:

Commissioner McCall: Madame Clerk, I would be willing to go with you to the meeting tonight if you so choose.
Commissioner McCall: Made a motion to approve the February 22, 2023, Regular Meeting of the Board of County Commissioners.

County Clerk Linda Jaramillo: That would be great. It is at 7:30.
Chairman Schwebach: Seconds the motion.

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

9. **APPROVAL OF CONSENT AGENDA**

A. **MANAGER:** Approve Restrictive Housing Report – First Quarter 2022

Meeting of the Board of County Commissioners.

County Manager Barela: This is a requirement by State Statute 33165. Under Correctional Facility Transparency Reporting. Every three months the State requires that every correctional facility in the state shall produce reports which include the age, gender, and ethnicity of every inmate who is placed in restrictive housing during the previous three months, including every inmate who is in restrictive housing at the time that the report is produced. The Restrictive Housing Report was instituted for the purpose of listing on the report the date which each inmate was placed in and released from restrictive housing during the previous three months. They're to submit a report prepared in accordance with this subsection to the Board of County Commissioners of the County, where the facility is located. Once the Commission approves it, at that time the Commission is expected to provide that report and submit it electronically to the Legislative Council Service Library, which we have been doing as the reports are approved.

the previous three months. They're to submit a report prepared in accordance with the direction to the Board of County Commissioners of the County, where the Board of Commissioners approves it, at that time the Commissioner is to submit it.

In the last meeting we let the Commission and the public know, that this had not been done for 2022, so we asked for a report that included all the year. Commissioner McCall asked about whether it generally reflected the first quarterly report, since the quarter began in March. I did get copies of the first quarterly report, and there is just one additional item on there, on one additional time, that we had someone in restrictive housing and it was in January. For the sake of that one, I just wanted to make sure that these reports are accurate. Chellie is handing out the reports to you now. This does have the inmates names on it, that's why it is not part of the public record at the moment. As you can see, Commissioners, there is one incident where there was an inmate placed in on January 5th, 2022, and released January 18th 2022. Other than that all of the items that are on here were on the report that was approved at the last meeting.

Commissioner McCall: County Manager, where does this list arrive from? Does it come from the Sheriff's Office or from the Detention Center?

County Manager Barela: This list comes from Core Civic. Core Civic who would generally send this list to the Sheriff's Office, and then they would forward it to our office.

Commissioner McCall: I'm assuming that this how our County is paid for our portion of the housing.

County Manager Barela: No, that is not accurate. This has nothing to do with what we pay for. This has to do with notifying the Commission and the public of how many people that are in custody and that are being placed in restrictive housing. You'll see at the bottom of the second page that it shows the reason for placement. An inmate threatened the secure and orderly management of the institution or is a threat to others or a danger to themselves. There is a reason why they are not with the general population, and that is something the Commission should be aware of and the community as well. The State also wanted this report sent to them through the Legislative Council and this is how they are keeping records on how often this is occurring. This does not reflect the funding. We do receive a list of all the inmates and how long they are in custody, and that one does determine how much we pay for housing inmates.

Commissioner McCall: My question, how accurate is this list?

Chairman Schwebach: Let me see if I can Clarify this for you. This list is not for detained inmates, it has to do with inmates that are detained and then put into restrictive housing, verses just in housing.

County Manager Barela: That is correct.

Commissioner McCall: So, there is a difference in being in the general population and restrictive?

County Manager Barela: Yes, that is correct.

Chairman Schwebach: This doesn't represent all the individual in custody but only the ones in restrictive housing.

Commissioner Schropp: The other thing is that being in restrictive housing has different consequences to a human being. So, this is why this must be tracked to make sure this is not being used excessively.

Action taken:

Chairman Schwebach: Made a motion to approve Restrictive Housing Report – First Quarter 2022.

Commissioner McCall: Seconds the motion.

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

B. FINANCE & PURCHASING: Motion to approve payables.

Action Taken:

Commissioner McCall: Voices his concern for the high gas bill.

Commissioner McCall: Made a Motion to approve payables.

Chairman Schwebach: Made a motion to approve Restrictive Housing Report.

Chairman Schwebach: Seconds the motion.

Roll Call Vote: District 1 voted yes, District 2 voted yes, District 3 abstained. Two out of three Commissioners in favor. **MOTION CARRIED.**

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

11. **ADOPTION OF RESOLUTION-NONE**

12. **APPROVALS**

A. MANAGER: Request to approve Professional Services Contract with First American Financial Advisors, Inc. for financial advisory services.

Commissioner McCall: Made a Motion to approve payables.

Chairman Schwebach: This contract is for Mr. Burpo, correct?

Chairman Schwebach: Seconds the motion.

County Manager Barela: Yes, this is a contract with Mr. Robert Burpo's company which is First American Financial Advisors, Inc. He was going to be attending via Zoom, But I'm not seeing him on Zoom. If he's not available, I can still explain this with your permission Mr. Chairman. Professional Services Contract with First American Financial Advisors, Inc. for financial advisory services is here to attach.

ADOPTION OF RESOLUTION-NONE

APPROVALS

Chairman Schwabach: I do not have any question.

Commissioner McCall: Did our legal have a chance to look this over?

County Manager Barela: Our legal has not, but this is based on the last contract we have with him. The only thing of relevance that changed, was the scope of work, which previously was completely within the work that he did for the loan for the new Administrative Office. The only thing significant besides that was changing the date.

Commissioner McCall: So, other than that, this is almost identical from the last contract.

County Manager Barela: Yes, that is correct.

Commissioner McCall: I would like to reiterate the help that I feel Rob has given to this County. As three of us sit up here, yes, we are over the budget, but we are not financially wise like Rob. I think it is very helpful to have a financial adviser and a good thing for the county to have.

Action Taken:

Chairman Schwabach: Made a motion to approve Professional Services Contract with First American Financial Advisors, Inc. for financial advisory services.

Commissioner McCall: Seconds the motion.

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

B. MANAGER: Request approval of use of Torrance County Park for the 45th Annual Cache Le Plew Mountain Man Rendezvous, Sponsored by NM Bighorn Gun Club (Presented by Cassandra Carnes).

Cassandra Carnes: It all started forty-five years ago, with a group of guys that got together who enjoyed black powder shooting. That is how the Rendezvous was formed. We shoot at many different types of targets, including feathers, cards, and cast-iron targets. We also provide primitive bows and knives, and hawk throwing. We would love for everybody to come out and join us. Does anybody have any questions for us?

Chairman Schwabach: Has it always been here in Bighorn?

Cassandra Carnes: Yes, it has.

Commissioner McCall: How many participants are you expecting to have?

Commissioner McCall: How many principals are you expecting to have?

Cassandra Carnes: It is hard to say. Unfortunately it has gotten smaller and smaller every year. Last year we had nine camps, and we lost five of them within the first two days. Due to sickness or family emergencies. We are hoping to have a good turn out this year. We've had lots of people saying that they want to come, and we actually have people trying to find their own camps.

Crystal Riddell: This is a learning Rendezvous. Even if a person is not dressed appropriately or they don't have their gear, we are always willing to show them how to build a fire with a flint and steel or we will load a gun for them to shoot. This is a learning Rendezvous, and we would like people to come out so we can teach them the safe way to do everything.

Commissioner Schropp: My wife and I are very familiar with the Rendezvous. They are a big part of northern Utah where we moved from. This is a small event, but if you start having more people and more camps, would you, self-police or do you expect a patrol if the popularity of this grows? How would you handle that?

Cassandra Carnes: We do self-police; we call them Dog Soldiers. Since I've been going, we haven't had very many people that we needed to watch. We keep an eye out on the parking lots, and the safety of others. We believe in safety first. If somebody is doing something wrong, you're going to hear it and you're not going to like it. We all watch out for each other. We would love for everyone to come to enjoy and listen to the stories, because this is a living history.

Chairman Schwebach: I commend you in keeping this going.

Action Taken:

Chairman Schwebach: Made a motion to approve the use of Torrance County Park for the 45th Annual Cache Le Plew Mountain Man Rendezvous, Sponsored by NM Bighorn Gun Club.

Commissioner McCall: Seconds the motion.

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

C. FINANCE & PURCHASING: Request to identify and approve the county funds to be used to complete the funding for new Road Shop construction and improvement project.

Chairman Schwebach: At the last meeting we had discussions on what we've been given, so let's start by giving us the lay-down on what we have appropriated.

Commissioner McCall: I second this. 11

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

Deputy County Manager Torres: Right now, we have a little over \$700,000 appropriated to this project, from two Legislative appropriations. In speaking with Finance Director Sedillo, the two most logical sources would be from the PILT fund or from the APRA funding.

Chairman Schwebach: So, the \$700,000 is available right now, correct?

County Manager Barela: Yes, that is correct.

Chairman Schwebach: We had approved this, pre-Covid. We have budgeted an estimated cost of \$650,000, but with time that has changed. I do question if that budget was correct to begin with. I've looked at the plan and we approved \$1.2 million for this project, which was the bid that came in. Do we want to leave it at 1.2 or where do we go from here? Looking at the plans, we can shave \$100-\$150K off by doing our own dirt work. I'm confident that we can save quite a bit of money, and make sure it's done right. What are your opinions?

Commissioner Schropp: At the last meeting you all talked about the cost of concrete and going with 4 inches instead of 6 inches. In different times in my life, I drove in a dump truck for a friend who was a dump truck contractor. We had to be very careful around 4-inch sidewalks and 4-inch driveways. I believed this building is going to have a thirty-year design life. I think it's worth it to put out the extra money.

Chairman Schwebach: I agree. The other possibility is that we have some funds coming in from the next Capital outlay. Possibly? If we spend that money now, we can't recoup that money for this project. In the meantime, my recommendation is to pull out of the ARPA fund to move forward with this, so we can get started on this.

Commissioner Schropp: I agree.

Commissioner McCall: I agree. I did have the opportunity to meet with the contractor this past week, and we went over some of the cuts we thought we could make. I feel strongly that we should do the dirt work. I feel like we can save a \$100,000 or more or less there. I do agree that we should pull the fund from ARPA.

Deputy County Manager Juan Torres: At \$1.2 million that is excluding GRT, with the GRT it will be \$1.3 million.

Action Taken:

Chairman Schwebach: Made a motion to go ahead and use ARPA funds to fulfill the remainder of the \$1.2 million bid for the Road Shop.

Commissioner McCall: Seconds the motion.

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

D. COMMISSION: Discussion and possible approval of Administrative Assistant Salary Schedule (Road).

County Manager Barela: This is placed on the agenda at the request of the Commission from the last meeting. You, as the Commission, did approve the salary change of the Road Department that included all the operators, foreman, as well as the superintendent. The one that was excluded from that, at the last meeting, was the Administrative Assistant. There was a bit of confusion in the way that the position was titled. The individual that holds that position was hired as an Administrative Assistant.

Executive Assistant Charmen Padilla: I was hired as an Executive Assistant.

County Manager Barela: We do not have documentation in her file that has her title as Executive Assistant. If there is any proof of that, I would like to see that. Going off what is in the personnel file, it says Administrative Assistant. In the budget it is listed as Executive Assistant, and in the salary schedule it says Administrator. That is what caused the Commission to say, lets come back and talk about this at the next meeting. That is why it is on your agenda today. I am not saying that Charmen is not doing an excellent job. She is going by what is in the personnel file.

Executive Assistant Charmen: For the last five years I have been introducing myself as an Executive Assistant to Leonard Lujan. I was hired in January of 2018 as the Executive Assistant. I have my actual resume that I submitted that day, and the cover letter for that lists the position as Executive Assistant. I have the phone list with the number that I have had for the last five years listing me as the Executive Assistant. Also, on the webpage I am listed as the Executive Assistant. You all have official forms with the letterhead that list me as an Executive Assistant.

County Manager Barela: We do not have documentation as to her title. It was a big surprise to me that this was being discussed. For five years I have had this title and I know it's only a title, but I'm sure that you feel like you earned your title and I feel like I earned my title. I was hired with that title. I don't know where this went wrong but I feel that this is my title. I appreciate the money part of this, but that was never an issue. I never received a phone call or anything about this. I'm here to stand up for myself and to say, "My title means something to me, and I am proud of who I am and what I do for the road department."

Chairman Schwebach: Where the mix up came in, and as far as what was in the books, it's clear the title is Executive Assistant, so that needs to be corrected. This does need the Commission's approval, and it is in the budget. Refresh my memories on what we've talked about the salary within the departments.

County Manager Barela: We have a salary schedule. If the decision is made today, states in fact, that she is an Executive Assistant, then we would bump her salary to the same salary as our Executive Assistant in our Manager's Office.

Executive Assistant Charmen: For the last five years I have been introducing myself as an Executive Assistant to Leonard Lujan. I was hired in January of 2018 as the Executive Assistant. I have my actual resume that I submitted that day, and the cover letter for that lists the position as Executive Assistant. I have the phone list with the number that I have had for the last five years listing me as the Executive Assistant. Also, on the webpage I am listed as the Executive Assistant. You all have official forms with the letterhead that list me as an Executive Assistant. It was a big surprise to me that this was being discussed. For five years I have had this title and I know it's only a title, but I'm sure that you feel like you earned your title and I feel like I earned my title. I was hired with that title. I don't know where this went wrong but I feel that this is my title. I appreciate the money part of this, but that was never an issue. I never received a phone call or anything about this. I'm here to stand up for myself and to say, "My title means something to me, and I am proud of who I am and what I do for the road department."

Chairman Schwebach: That was the initial discussion. When there is an Executive Assistant title the pay structure needs to be clear across the board.

County Manager Barela: Yes, that is correct.

Chairman Schwebach: Personally, I think clearly, the duties are similar, and the title is justification for the payment structure to be the same.

Commissioner McCall: I have no problem with that. We will just straighten out what should have been straightened out five years ago.

Commissioner Schropp: As the pay scale is being restructured, it is going to improve what Deputy Carter was talking about. Good moral. That everybody would understand their place in the pay scale. I think that with the Commission approving the title of Executive Assistant makes the carve out for us. People who are hired, and coming up behind will go to Administrative Assistant or whatever the payroll code is decided at that time.

Superintendent Leonard: We haven't even looked at that. When we got Charmen hired five years ago, it went out as Executive Assistant. That was what the previous one was. I didn't look at her file at the time. We did hire her as an Executive Assistant, and that is what she is supposed to be.

Action Taken:

Commissioner McCall: I have no problem with that. We will just straighten out

Chairman Schwebach: Made a motion to solidify the title of Executive Assistant, matching the pay as other Executive Assistants in the manager's office.

Commissioner Schropp: Seconds the motion.

Commissioner McCall: Do we have any Administrative Assistants

County Manager Barela: Yes, we do.

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

E. MANAGER: Discussion and possible approval of incentive pay for Torrance County Safety Officer.

Chairman Schwebach: Made a motion to solidify the title of Executive Assistant

County Manager Barela: I would like to request this item to be deferred. The reason for the request is that I would like to get a thorough job description for this position, and then do an evaluation as to whether this requires a hired position. This is based on talking to Samantha O' Dell, who had helped us out with this position, and it caused her to move from a forty hour work week to about a fifty six hour work week, if not possibly more.

County Manager Barela: Yes, we do.

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

Chairman Schwabach: Is there any opposition for deferral? any more.

There is no opposition from all three Commissioners.

F. ANIMAL SERVICES & GRANTS: Request approval for Torrance County Animal Services to apply to the Carroll Petrie Foundation, for assistance for emergency vet care for cats and dogs and some preventative care services. The grant is for \$25,000.00 with no matching funds.

Senaida Anaya Grants: We met with the Carroll Petrie Foundation earlier this week. They have additional funding for \$25,000 this year for emergency services for animal care that they would like to award to Torrance County.

Chairman Schwabach: Is this a request to accept it, or request to apply for it?

Senaida Anaya Grants: This is a request to apply for it.

There is no opposition from all three Commissioners.
Action Taken:

Chairman Schwabach: Made a motion to approve Torrance County Animal Services to apply to the Carroll Petrie Foundation for assistance for emergency vet care for cats and dogs and some preventative care services. The grant is for \$25,000.00 with no matching funds.

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. ANIMAL SERVICES & GRANTS: Request approval for Torrance County Animal Services to apply to the Carroll Petrie Foundation for sterilization and vaccinations, including rabies, parvo/distemper (dogs) and rabies and FVRCP (cats). This could serve about 137 pets. The grant is for \$25,000.00 with no matching funds.

Senaida Anaya Grants: This funding is a continuing funding from the Carroll Petrie Foundation. They are very pleased with our programming and want to award us the \$25,000. We are asking for permission to submit the grant.

Action Taken: McCall: Second the motion.

Chairman Schwabach: Made a motion to approve Torrance County Animal Services to apply to the Carroll Petrie Foundation for sterilization and vaccinations, including rabies, parvo/distemper (dogs) and rabies and FVRCP (cats). This could serve about 137 pets. The grant is for \$25,000.00 with no matching funds.

C. ANIMAL SERVICES & GRANTS: Request approval for Torrance County

Commissioner Schropp: Seconds the motion.

for 137 pets. The grant is for \$25,000.00 with no matching funds.

Senaida Anaya Grants: This funding is a continuing funding from the Carroll Petrie Foundation. They are very pleased with our programming and want to award us the

... (disciplined) (dogs) and cables and I VRA P (conts) ... has could serve ...
... for \$25,000,000 with ... materials ... funds

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

13. **DISCUSSION**

A. MANAGER'S REPORT

County Manager Barela: I would like to announce to the public that we still have some openings within the County. We are looking for more equipment operators in the Road Department, EMT Fire Fighters, Sheriff Deputies, 911 Operators, Clerical Float Clerk, and today they will upload on our website, for the Road Labor Position, and also for the Secretary of the Fair Board. Soon you will see an advertising for Animal Services Director, and we hope to get that position filled.

I would also like to talk about the status of where all the bills are in the Legislature. Currently 1089 bills were introduced in New Mexico Legislature in this session. Only 235 of those bills have passed the first House of the Legislature. Only six bills have passed the second House of the Legislature. Only three bills have been sent to the Governor to sign. This is pulling information from this morning. The House of Representatives introduced 550 bills, 120 of those bills passed the House. Three of those passed the Senate, and one of those bills went to the Governor to sign. In the Senate 539 bills were introduced, and 115 passed the Senate. Three of those passed the House, and two of those went to the Governor to sign and she did sign those two bills.

Currently Torrance County has a contract with Core Civic to house detainees for ICE. This bill will change and require the County to end that contract. With that we will not be involved anymore. In theory the Legislature's thinking was that we end all detainees going into private prisons. My understanding is there is a possibility that the Federal Government could directly contract with the private prison to do that. It'll just take Torrance County out of the middle of it. That is kind of a backdrop of what this bill would do. We have an exit clause in our contract. We would be required execute a termination of the contract.

Chairman Schwebach: That is the bill that is being heard. There is an economic impact to a major job provider. It depends on government funds, but it's not government. It is within the County. Commissioner McCall, I assume that you have been getting a lot of calls regarding on how horrific the building and food is, and how detainees are being handled, is inhumane. Calls are coming in from all over the country. So, I question, did this really happen?

Commissioner McCall: I get those call all the time. Civic to house detainees it will change and require the County to end that contract. With that we will not be involved anymore.

Chairman Schwebach: So, insight of that, Mrs. Barela and I went over there to tour the ICE side of it and then on the Torrance County side. It's a prison, but it is extremely clean.

Commissioner McCall: Did you go unannounced? We have an exit clause in our contract. We would be required execute a termination of the contract.

Chairman Schwebach: That is the bill that is being heard. There is an economic impact to a major job provider. It depends on government funds, but it's not government. It is within the County. Commissioner McCall, I assume that you have been getting a lot of calls regarding on how horrific the building and food is, and how detainees are being handled, is inhumane. Calls are coming in from all over the country. So, I question, did this really happen?

Chairman Schwebach: Yes, it was a surprise visit. The place is clean, well-managed, and it is safe. For the medical end of it, it is as good as any doctor's office I've been into. The staff are very professional. I did not see any possibility of the outlandish complaints. This is flat out, not true.

This is important for Torrance County, because we don't have a detention facility. With that we will have to transport detainees, or not arrest anybody. After watching these guys, they are part of the community. They do care about whoever is in there, regardless of what side they are in. They will answer if something bad does happen. The job is important for the individuals that work there.

County Manager Barela: Some of the things that I recalled seeing, and there is one that interested me. I can't imagine leaving the country and being in a completely different location, and not being able to communicate because of the language. During the time we went through the medical side, we were able to acknowledge a detainee that had headphones on and looking at a screen for communicating. It was also being played out loud so the individual from the staff that is translating would be able to hear everything from the conversation. It was nice to know that they were staffed well. They also have a library that has legal books, so they can get as much legal information as possible. As we went into the day room, I started paying attention to what source of information is on the wall. I noticed that it was not just in English, but also in five different languages.

I did ask Deputy County Manager Torres if he would talk about the Congressional opportunities that we have to apply to for funding.

Deputy County Manager Torres: In the area we are looking at right now, and we think we stand the best chance, would be two projects. We have the Duran water project, this would be for the tanks and water lines. We also have the fairgrounds. Those are the two areas that we think we can get funding for. Those are the two areas that I'm looking at, and if there's any other area that you want me to look into, just let me know.

Commissioner McCall: With that being said, I know we had some discussion with our Congressional leaders about a fire station and or some help along the 285 Corridor. With that being approved, and part of it being a federal issue, that would be one that I ask we look at.

Chairman Schwebach: This came in yesterday. I would like to look into the flood diversion right by Estancia. The theory is to remove the Town of Estancia from a flood zone. It may be important future economic development for the Town of Estancia. Janice, have you received anything on that?

County Manager Barela: I did place a call and e-mail trying to get that information and have not heard back yet. There is a Delegation from the Town of Estancia that went to Washington D.C. to talk to the Congressional Delegation. They are not back to respond with that yet.

Commissioner McCall: With that being said, I know we had some discussion with our Congressional leaders about a fire station and or some help along the 285 Corridor. With that being approved, and part of it being a federal issue, that would be one that I ask we look at.

B. COMMISSIONERS' REPORTS

1) Commissioner McCall, District 1

Commissioner McCall: I made a call to District 5 NM DOT Engineer and have not heard back from him. I am very concerned about our roads, and the crumbling of our state highway. I just wanted to hear it straight from him, why and what is the excuse, and what are his challenges. I also got with Mayor Hart. He sent a letter out to the Pilot Truck Stop of America concerning the horrendous trash issue. It is a demand letter to get them to clean up the trash.

Back to the talk about the prison. Commissioners, we need to be very careful with our budget. In case the call comes, and that prison is being shut down. I think, this Commission, needs to be very diligent in its budgets and in its money management to be ready and prepare for that day.

I also want to give an update on SB 474 dealing with PILT splits and payments to different school districts. We thought, two years ago, that this County lead the charge on fixing that legislation to where the school districts would split the money evenly. In Torrance County there are five school districts that are in our County. Therefore, it would be split 20% for each school district. There were some school districts that felt it wasn't fair. They want it to be more back where the wind turbines sit, or where the generation of the energy is at. I am very disappointed to tell you that it looks like we are losing the fight. It looks like for our schools, at best, like Moriarty, Mountainair, and some of those that don't have wind generation, will not get 20% but back to 11%. I would like to throw that out there as a public announcement, but it looks like we are losing that fight.

2) Commissioner Schwebach, District 2

Chairman Schwebach: Everything I wanted to say has been covered. I do want to bring up the EMW Gas Co. There's been a lot of talk and complaining on social media. As far as EMW, it is owned by Estancia, Willard, and Moriarty. The way they are structured, the Board is comprised of appointees from Elective Officials. They are limited on what they can charge, and it fluctuates. They do work with customers to arrange payment plans. They are expecting the prices to go down. I encourage you to call them and to understand.

3) Commissioner Schropp, District 3

Commissioner Schropp: My name is Sam Schropp. My wife and I moved to Torrance County in 2016. We've worked very hard on our place for the last six years, and now it's time to start becoming a part of the community. For that reason, I was nominated or put my name in for nomination. Which, I'm sure, is not the way that everybody would've prefer to see this term finish out. The voters voted in Candelaria, and I know some of you are disappointed by the Governor's choice. I am really looking forward in getting to know the people of Torrance County and working with all the Departments here. Thank You.

owned by Estancia, Willard, and Moriarty. The way they are structured, the Board is comprised of appointees from Elective Officials. They are limited on what they can charge, and it fluctuates. They do work with customers to arrange payment plans. They are expecting the prices to go down. I encourage you to call them and to understand.

14. **EXECUTIVE SESSION**

A. COMMISSION: Discuss limited personnel matters (Fire Chief), closed pursuant to NMSA Section 10-15-1(H)(2).

Action Taken:

Chairman Schwabach: Made a motion to enter Executive Session to discuss limited personnel matters (Fire Chief), closed pursuant to NMSA Section 10-15-1(H)(2).

Commissioner McCall: Seconds 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 10:40AM

Chairman Schwabach: Made a motion to come back into Regular Session from Executive Session.

Commissioner McCall: Seconds the motion.

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

Entering back into Regular Session at 12:15PM.

Chairman Schwabach: During Executive Session, we discussed personnel matters concerning the Fire Chief in closed session, pursuant to NMSA Section 10-15-1(H)(2). This was specifically talking about the renewal of his contract. At this time there will be no action taken. I would like County Manager to proceed in drafting a new contract and present it to Don Dirk, and we'll adopt it at the next meeting.

B. COMMISSION: Action regarding Executive Session Item specified above.

No Action Taken

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

Chairman Schwabach: Announce that the next Board of County Commissioners Meeting will be on March 22, 2023, at 9:00AM, at 12:15PM.

16. **SIGNING OF OFFICIAL DOCUMENTS**

17. **ADJOURN**

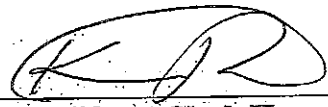
Chairman Schwabach: Made a motion to adjourn.

Commissioner McCall: Seconds the motion.

Roll Call Vote: District 1 voted yes, District 2 voted yes, District 3 voted yes. All Commissioners in favor. MOTION CARRIED. MEETING ADJOURN at 12:17PM



Ryan Schwabach-Chairman

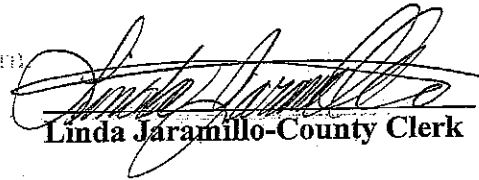


Kevin Pham-Clerk II

3/8/2023
Date

Chairman Schwabach: Made a motion to adjourn.

Commissioner McCall: Seconds the motion.



Linda Jaramillo-County Clerk

Roll Call Vote: District 1 voted yes, District 2 voted yes, District 3 voted yes. All Commissioners in favor. MOTION CARRIED. MEETING ADJOURN at 12:17PM