

FINAL COPY
Torrance County Board of Commissioners
Regular Commission Meeting
March 22, 2023
9:00 AM

Commissioners Present:

RYAN SCHWEBACH – CHAIR
KEVIN MCCALL – VICE CHAIR
SAMUEL SCHROPP - MEMBER

Others Present:

JANICE BARELA – COUNTY MANAGER
JUAN TORRES – DEPUTY COUNTY MANAGER
MICHAEL GARCIA – COUNTY ATTORNEY
LINDA JARAMILLO – COUNTY CLERK
NOAH SADILLO – FINANCE DIRECTOR
GENELL MORRIS – ADMINISTRATIVE ASSISTANT III

1. Call Meeting to order

Chairman Schwebach: Calls the March 22, 2023, Regular Commission Meeting to order at 9:02 AM.

2. Pledge lead by: Chairman Schwebach

Invocation lead by: Commissioner McCall

3. Changes to the Agenda:

Madam County Manager Barela: Move 12 I to after the Executive Session.

4. PROCLAMATIONS:

- A. COMMISSION:** Recognizing Macklee Cain, the New Mexico Cattle Growers' Association Heritage Contest Essay Winner (Commissioner McCall).

Commissioner McCall: In the Clovis Livestock Report, I saw Macklee Cain received a \$1000.00 scholarship from the New Mexico Cattle Growers'

Association. I'm so proud of our Torrance County youth. Congratulations! Janice will now read a proclamation she created in honor of Ms. Cain.

Madam County Manager Barela: Read into record the Proclamation:

HONORING MACKLEE CAIN
NEW MEXICO CATTLE GROWERS' ASSOCIATION
2022 HERITAGE BUCKLE CONTEST WINNER

WHEREAS, agriculture is the practice of cultivating natural resources to sustain human life and provide economic gain; it combines the creativity, imagination, and skills involved in planting crops and raising animals with modern production methods and new technologies; and

WHEREAS, two million farms and ranches dot America's rural landscape, and 98% are operated by families; 86% of US agricultural products are produced on family farms and ranches; farm and ranch families comprise less than 2% of the US population; and

WHEREAS, New Mexico is home to nearly 23,800 family farms and ranches, encompassing more than 49 million acres of farmland and rangeland; many of these farms and ranches have been in the same family for generations; and

WHEREAS, in 2017, Torrance County had 716 farms and ranches, encompassing 1,561,057 acres; again, many of these farms and ranches have been in the same family for generations, and

WHEREAS, the United States agriculture sector contributed roughly \$1.264 trillion to US gross domestic product "GDP", and

WHEREAS, in New Mexico, agriculture represents well over \$3 billion dollars in revenue each year, helping pay for schools and public safety; and

WHEREAS, the value of products sold in 2017 from farms and ranches in Torrance County was \$45,893,000; and

WHEREAS, in 2021, Torrance County farmers harvested 3,400 acres of hay (alfalfa), producing 17,800 tons, as well as other hay crops from an additional 2,500 acres, producing 6,100 additional tons; and

WHEREAS, in 2022, Torrance County ranches had 33,500 cattle and calves and 1,500 sheep and lambs; and

WHEREAS, in the US, 21.1 million full-and-part-time jobs are related to agricultural and food sectors - 10.5% of total US employment; and

WHEREAS, in New Mexico, agriculture provides more than 149,000 jobs; and

WHEREAS, in 2021, food rose to 12.4% of US households' expenditures; this percentage remains the lowest rate in the developed world; and

WHEREAS, New Mexico Cattle Growers' Association "NMCGA" has served as a voice of the beef industry in New Mexico since 1914; this non-profit trade association's mission is to advance and protect the cattle industry of New Mexico,

work toward solutions of cattle industry problems, promote the well-being of the industry, provide an official united voice on issues of importance to the cattle producers and feeders, and to create and maintain an economic climate.

that will provide members of the Association the opportunity to obtain optimum return on their investments within the free enterprise system; and

WHEREAS, NMCGA has a motto of, "Honoring our past and protecting our future." With that future in mind, the Association's leadership created the Annual NMCGA Heritage Buckle Contest; this contest is for students between the ages of nine and 15 years old; contestants must write a 200-to-500-word essay explaining, "How would you like to continue your family's agricultural heritage to better your community?"; and

WHEREAS, an NMCGA Heritage Buckle Contest winner is selected in each of the 33 New Mexico Counties; County winners are automatically advanced to the overall state contest for a chance at a \$1,000 scholarship; and

WHEREAS, in the 2022 contest, Torrance County resident, Macklee Cain, submitted her essay and was selected as Torrance County's winner; Ms. Cain advanced to the statewide competition and was selected as the overall state contest winner, awarding her the \$1,000 scholarship; and

WHEREAS, Ms. Cain, in her essay, represented Torrance County agriculture and generational ranching goals with poetic eloquence; she provided residents of Torrance County and the State of New Mexico a glimpse into the future of agriculture when she wrote, "I will build on the legacy of agriculture in New Mexico by being an ambassador for the ranching industry. The

legacy of New Mexico agriculture is very personal to me. It is also my legacy. I have some very big shoes to fill in the ranching industry. I am a fifth-generation rancher, and I am proud that my family helps feed America."; and

WHEREAS, in her essay, Ms. Cain further states, "When I grow up, I hope to have a very big ranch and have a big herd of cattle; I will spend all of my day outside. I love everything about ranching (except building fence), and I will do all I can to make sure my passion for New Mexico agriculture is contagious. Building New Mexico agriculture means a lot to my dad and to my ancestors. I love this industry and will do my part to protect it."; and

WHEREAS, women make up 36% of the total number of US farm and ranch operators; 56% of all farms and ranches have at least one female decision-maker; the Cain family ranch is intentionally doing their part to raise that percentage rate in the near future; and

NOW THEREFORE, BE IT RESOLVED that we, the members of the Board of County Commissioners of Torrance County, New Mexico, do hereby:

* Respect the common spirit across America's agricultural community – a respect for tradition, a drive to innovate, and a commitment to never give up- even when times are tough.

* Celebrate all farmers, farmworkers, ranchers, foresters, and other agricultural workers, who do so much to make our nation strong, fuel our economy and steward our lands.

* Recognize New Mexico Cattle Growers' Association for intentionally including the next generation of ranchers in the Association's mission and objectives.

* Appreciate other organizations that support youth in agriculture, such as 4-H and Future Farmers of America, "FFA"; and

* Encourage residents of Torrance County to join us in recognizing the unique and irreplaceable value local farmers and ranchers and other agricultural stewards contribute to the healthy maintenance of America's food supply; and

BE IT FURTHER RESOLVED that we, the Board of County Commission of Torrance County, New Mexico, do hereby:

* Commend Torrance County resident, fifth grader, Macklee Cain's passion for the ranching industry and her goal to be an Ambassador, who educates people on how ranchers meticulously take care of animals and land within their trust, through rain, snow, weekends, and holidays; and

* Honor Ms. Cain, for representing Torrance County and her family with excellence and the carrying on of agricultural traditions, and for her commitment to her legacy to generational ranching with a goal to help feed America.

Signed and Sealed in the Torrance County Seat, Estancia, New Mexico on March 22, 2023.

5. CERTIFICATES AND AWARDS:

6. BOARD AND COMMITTEE APPOINTMENTS:

A. COMMISSION: Appoint Fair Board member at-large.

Marcie Wallin - Fair Board member: In your packet you have a letter of interest and resume for Patrick Riley. He has helped with our county fair for years and would be a great asset to our fair board.

Patrick Riley – Torrance County Resident: I am a middle school teacher for the Moriarty/Edgewood school district. I have been a resident of Torrance County for 38 years. We have 6 children, all are involved in 4-H rodeo, livestock projects, etc.

Action Taken:

Chairman Schwebach: I nominate Patrick Riley to the fair board.

Commissioner McCall: Seconds the motion.

Roll Call Vote: Commissioner Schropp: - Yes: Commissioner Schwebach: – Yes: Commissioner McCall: -Yes: **MOTION CARRIED**

7. PUBLIC COMMENT and COMMUNICATIONS

Jason Quintana – President of Manzano Land Grants & President of

Manzano Acequia Association: Torrance County needs to get our police back on track. There are a few individuals creating problems throughout the county. The Sheriff's office is getting back on track and starting to get a handle on this. Maybe this board could speak with judges and parole officers to stop putting these people back on the street. In looking over the agenda I see how much money is being spent. I'd like to see how much money we are working with and if we can afford to spend money. These meetings have a good turnout, but I suggest having evening meetings so people that work can attend. I understand our need for water within the county, but I think an impact study should be done to see how other areas of the county are impacted. We are lucky we have had moisture, and I do see a lot of roads being washed out. I am retired from NMDOT, if you need any assistance, I am willing to help.

Linda Jaramillo – County Clerk: This is an update on our voter purge and final numbers. 528 voters were on the purge list. When I first presented the numbers in our last meeting the number to be purged was 530. Since that meeting, some voters were reinstated. You also have copies of our registered voter stats, before and after the purge. If you were to subtract the before and after stat numbers, you would get a difference of 521. This is because we had a glitch in the system, and we couldn't purge the day the Board of Registration met. The problem was fixed three days after the board met and again voters were entered into the rolls in that three-day period. We had 10,428 voters before the purge and 9,907 after the purge. Democrats, 2,838; Libertarians, 153; Republicans, 4,819; other 109; no party/decline to state, 1,988 for a total of 9,907 as of today. I encourage everyone to vote and register to vote.

We attended the Moriarty council meeting to ask for the use of the Civic Center for upcoming elections. They are graciously allowing us the use of their council meeting chambers for the next three elections: the 2023 Local Election, 2024 Primary Presidential Election and the 2024 General Presidential Election. The council will meet in another location while there is voting in their chambers.

Albert Beckwith – McIntosh Resident: I pray for water for the farmers and ranchers because the dope farms are drilling more wells and using it up because of money. Resident's wells are dry, and we have an explosion of population in McIntosh. People are driving down Highway 41, going 80 miles an hour jeopardizing our police and fire departments. Most of those are without a license. Due to this population explosion the trash on Salt Mission's Trail has also exploded. The people moving here don't have a dump permit and throw it out on the back roads. I want to organize a cleanup of Salt Mission's Trail; it is part of our history and should not be desecrated.

Charlene Guffey – Resident: There is a sign on West Martinez & Lexco, that I have made inquiries about with Planning & Zoning on 06/09/2021; 07/ 25/2021; 10/6/2021; 01/12/2022; 02/09/2022; 06/08/2022; I have submitted pictures and pulled the zoning ordinance sections: 18 A, D #3, G #1 & #3. She reads this section: "The purpose of this sign regulation is to allow signs, that will not endanger the public safety, will not obstruct, or distract from visibility necessary for traffic safety; and will not be detrimental to the land use objectives set by this ordinance."

This sign is a safety issue. It blocks the view from oncoming traffic. Several accidents have happened there, including the road department's truck rolling over. I requested the public records from P & Z on 12/7/2022. The response I got was: Dear Ms. Guffey, It's the understanding of the Planning & Zoning Department that this is a public safety issue. Fire Chief Dirks was going to address this with the property owner. Torrance County has no records responsive to your request. On 10/06/2021, it was stamped by Steve Guetschow and 02/09/2022 it was stamped by Don Goen. In her opinion, this statement allows Chief Dirks to remove the sign. Also, Torrance County and the owner of that sign are liable for any accidents that have and will occur there. The Planning & Zoning department is understaffed and undertrained on information and enforcement. Something needs to be done, maybe a traffic sensor to alert oncoming vehicles or shave down the road.

Ann Schropp – Torrance County Resident: This county is on the edge of a financial boom, thanks to long term renewable energy. If well managed it can bring long-term, great things to this area, but can also have a negative impact, if basic preparations are not in place. An energy boom brings both people and money. We have already seen an increase in temporary housing for workers. An influx of people and pay checks, typically translates to an increase to our resources such as water, housing, food, and medical care. Included, unfortunately, is the increased need for law enforcement. Torrance County is fortunate enough to have a qualified sheriff, in David Frazee, to meet the challenges Torrance County is facing. He had the foresight to find the well-qualified undersheriff, Eli Lucero. Together, they have the training and years of experience to put together the policies and procedures that will ease some of the growing pains. Experience and expertise of this caliber do not come cheap, and \$92,000 is very reasonable for this highly qualified undersheriff. Having a highly qualified sheriff and undersheriff will ensure the county gets the most bang for our buck. Back the blue is not just a bumper sticker.

Marcie Wallin – Torrance County Resident: Thank you for appointing Patrick Riley to the Torrance County Fair Board. I would like to ask about the progress of the kitchen at the fairgrounds, due to the fact that we will be using the facility for the Torrance County Fair which will be on August 8th through 11th, 2023. She would also like to know about the progress of the multi-purpose, fair building. I'd like to introduce a hard-working FFA member Carly Neish, she is a state FFA officer.

Destry Hunt – Estancia News: Our publication has evolved into investigative reporting; this was not our intention. We have been fortunate to get some exposure by the Gateway Pundit, including an expose about the canvass software that no one knows about, that the Secretary of State uses. I served as a canvass observer from the Libertarian Party. No other parties were present. I have given testimony about the way the canvass occurred. It wasn't remotely close to what the statutes say. At the canvass, it could have been the opportunity for the Board of Canvass members to issue subpoenas to get election returns and to get to the bottom of what occurred.

At the canvass there was a man by the name of Greg Gallegos who is an employee of the Secretary of State, Maggie Toulouse-Oliver. He was, essentially, handed the canvass by the board and asked if it was ok, he stated it was. Someone overheard one of the commissioners say that we have to look beyond this election and move

on to other matters at hand. If we don't have confidence in our elections, we are going to have much bigger problems in the future.

We try to work with our elected officials. We would like to have more audits done as was done by the county manager, who did a magnificent job running that audit. So far, we have had a great experience with the currently appointed Clerk. We have no complaints. She has been professional and transparent. We know she has inherited a mess. There is one thing she inherited that I would like to bring to your attention. Predating the current clerk, the Libertarian Party requested a list of the voter roll for Torrance County. We were mistakenly given the full list including the "purged" voters. Where do those voters go when they are purged, they go into a different column, they are still on the voter roll. August 2022 there were 13,155 voters on the voter roll, of that 13,000, there were 3,696 removables included. Among them were many dead people from long ago. If they can be moved to removable how easy is it for them to be moved to active.

What is interesting is that the hard copies of the registrations that are removed, can be destroyed after a certain amount of time, by state statute, but they remain in the system. How easily can they be moved from removable to active? But if they are there, what's to keep this from happening? This does not instill a lot of confidence. We have to use the media to shed light on these issues.

Commissioner Schropp: The Gateway Pundit has been identified by the Department of Homeland Security, Anti-Defamation League, and the Southern Property Law Center as an amplifier of disinformation and misinformation.

Linda Jaramillo - County Clerk: When we create a list of voters for people running for office, we pick the criteria for the list by choosing active and inactive, they are the only two that need to be checked. I researched this and someone made the mistake and selected all, which included the removables. Removables are kept in our files for the history of the voters, as a reference if voters should return. They are not supposed to go out to anyone. It was a mistake. It is true that after six years the hard copies of registrations that have been removed, are destroyed. I don't know why they remain in the computer if their hard copies are destroyed, but for the history. Sylvia and I will be doing all the reports now, until I am comfortable that it is being done right.

Tracey Master – DWI Prevention Program Coordinator: We have rescheduled the QPI suicide prevention class for Moriarty High School, it will now be held the last week of April. Mental health, first aid class, will be held next month at the

Estancia Valley Classical Academy. I assisted with training of over 1300 people in Youth Mental Health First aid in a Florida school district. Prom and graduation season is coming, we will be funding overtime for law enforcement. We will find out our funding for FY 2024 on April 19th. Funding is expected to keep whole because there is an increase in the liquor tax. We continue to provide moral reconation therapy for participants in the Torrance County Magistrate DWI Court.

Jeanette Hunt – Torrance County Resident: I saw an article about Yvonne Otero appealing the decision to have her removed as the County Clerk. Her lawyer said he felt the voters should be the ones to decide, and not the Commission and County Manager. I am grateful she was removed. I was leery of Commissioner Schropp because you were appointed by a corrupt governor, I wasn't sure what that meant, but after hearing your comments about the Gateway Pundit, I am clearer on what that means. The Governor went from being worth nothing to being worth over 200 million dollars on a salary of a little over \$100,000 a year. Maggie Toulouse Oliver is another piece of the corruption in our state. There is a lot going on in our county, but a lot of residents are not aware of what is going on in the state. We need to wake up and be aware of what is going on.

8. APPROVAL OF MINUTES

A. COMMISSION: Request approval of minutes of the March 8, 2023, Regular Meeting of the Board of County Commissioners.

Action Taken:

Chairman Schwebach: Motion to approve minutes as amended of the March 8, 2023, Regular Meeting of the Board of County Commissioners.

Commissioner Schropp: Seconds the motion.

Roll-Call Vote: Commissioner Schropp: - Yes: Commissioner Schwebach: – Yes: Commissioner McCall: -Yes: **MOTION CARRIED**

9. APPROVAL OF CONSENT AGENDA

A. FINANCE & PURCHASING: Request approval of payables.

Action Taken:

Chairman Schwebach: Motion to approve payables.

Commissioner McCall: Seconds the motion.

Roll Call Vote: Commissioner Schropp: - Yes: Commissioner Schwebach: – Yes:
Commissioner McCall: -Yes: **MOTION CARRIED**

10. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE:

A. CLERK: Duplicate Ordinance number correction (2019-03).

Linda Jaramillo - County Clerk: On May 8, 2019, the same Ordinance number was used twice for two different documents. We are asking to change the 2019-03 Torrance County Personnel Ordinance to 2019-03A.

Action Taken:

Chairman Schwebach: Motion to change 2019-03 Torrance County Personnel Ordinance to 2019-03A for submission to the clerk's records.

Commissioner McCall: Seconds the motion.

Roll Call Vote: Commissioner Schropp: - Yes: Commissioner Schwebach: – Yes:
Commissioner McCall: -Yes: **MOTION CARRIED**

11. ADOPTION OF RESOLUTION:

12. APPROVALS

A. MANAGER: Request approval to use ARPA funds to purchase upgraded firewall for Torrance County (Deputy County Manager Juan Torres & Ambitions).

Juan Torres - Deputy County Manager: I have Jeffery Lowmayer here by zoom. At one of our affiliates meetings, we talked about using ARPA funds to beef up our cyber security. I asked our IT provider Ambitions to come up with several solutions for us. This would upgrade our firewalls to an enterprise grade firewall. This would provide us with an extra level of protection, monitoring traffic coming in and out of our building. All our remote sites come through this building. ARPA funds are an acceptable use of the funds for this purpose. A one-time fee of \$9,872.24, for three years and an annual licensing fee after that.

Jeffery Lowmayer - Ambitions: Due to the age of the current firewall, the warranty will be up in May. This is also a timely recommendation. This will give

you a higher level of packet inspection (each bit of traffic coming in and out of your network) this is actively inspecting each bit of information without degrading the performance and speed.

Chairman Schwebach: Why are we pulling out of ARPA and not general funds?

Juan Torres – Deputy County Manager: That is one of the allowable uses for ARPA funds. If you prefer, we can use the general fund. This is just the first step of using our ARPA funds to beef up security regarding the hardware.

Action Taken:

Chairman Schwebach: Motion to approve the use ARPA funds to purchase upgraded firewall for Torrance County

Commissioner Schropp: Seconds the motion.

Roll Call Vote: Commissioner Schropp: - Yes: Commissioner Schwebach: – Yes: Commissioner McCall: -Yes: **MOTION CARRIED**

B. SHERIFF: Request approval to increase Undersheriff's annual salary to \$92,000.

Sheriff Frazee: I'm here to request a pay raise for my undersheriff. We have the money in the budget. I am asking for permission to restructure that budget to place the funding in the proper places. I promised the people of Torrance County that I would serve them in the best possible way. This requires me to get a well-educated competent, certified undersheriff. I have found that in Eli Lucero and convinced him to work for us. I promised Eli I would increase his salary to \$92,000, because I know his worth to Torrance County. I based that number on the salaries of other undersheriffs with similar caliber, in other New Mexico Counties. For the first time ever, the Sheriff and undersheriff have a combined service of over 50 years of law enforcement. We can do great things for Torrance County, if this Commission will allow us to do so. I requested Noah Sedillo conduct a cost analysis and its impact on the pay raise. \$25,612 would be the increase. We have the money in the budget. The balance at the end of the year is \$764,868.81.

Eli has worked here before; you know him and his caliber of work. I have assigned Eli many duties and challenges in the last three months. H has been actively and aggressively pursuing these challenges. He has developed a five-year plan, giving us directions and goals to strive for. He has developed and initiated the plan for 24/7 law enforcement coverage. He has recruited and facilitated the hiring of two deputies and two deputies will be vetted, for hiring, the first week of April. He is actively working on many other projects. We need to pay him what the is worth, he

is worth more than \$92,000, but he is willing to work for us for \$92,000. I shudder to think what will happen to our department should the undersheriff choose to leave. My initial request is the flexibility to restructure my budget and pay my undersheriff what he is worth.

Commissioner Schropp: I would commit to assisting the Sheriff's department in speeding up the process of being responsive to your request. I do not think absolute autonomy is something this body is going to grant to the Sheriff's department or that we can base it on the law. To the Commission, I know you do not like to change budget items mid budget. I was taught in the private sector that a budget is a plan that lets you judge your progress, whether you are behind or ahead. A budget is not written in stone. In my research, I didn't find where the budget process for the new fiscal year would start. In this budgetary process we may be able to find a compromise so we can keep Undersheriff Lucero and maintain morale in the Sheriff's Department.

Noah Sedillo – Finance Director: The new fiscal year will begin July 1, 2023, and the budget process begins in April.

Commissioner Schropp: If we stick to the present budget, Undersheriff Lucero would have to wait for a raise till July. Would it be a compromise if the Sheriff's department waited for the undersheriff to get a raise in the new budget year?

Sheriff Frazee: That is something I will discuss with him.

Chairman Schwebach: You have a surplus of over \$757,000 in your budget. Where is the majority of that coming from?

Noah Sedillo – Finance Director: That was the budget presented last year, and budgeted to the max. After doing this analysis, that is what will be left over with a projection of an additional seven payrolls left in this fiscal year.

Madam County Manager Barela: The previous finance director put the salaries at the max amount based on the salary schedule the commission passed, because you have the liability that you can hire someone that may be coming in at a higher rate, based on qualifications and years of service. The money was there to cover the liability.

Chairman Schwebach: I'm not saying Eli is not worth an additional \$20,000. There are other employees that are worth \$20,000. If you recall, the way it was set

up previously the public had a hard time with the amount of money going into that. What if he leaves, does it stay at \$92,000 or go back down.

Sheriff Frazee: I would position the commission to keep it at \$92,000 so we can find people that are worth that much. This is a critical position.

Chairman Schwebach: We like to keep our budget within the budget cycle but right now, I feel I'm backed into having to move forward with increasing salaries. I'm not opposed to it; I have many questions.

Commissioner Schropp: I have contact with the Fire and Sheriff's Department to address the \$700,000 that is left. We encourage our departments to be very frugal. They are following that encouragement.

Chairman Schwebach: The majority of the money is because we have budgeted full pay for our deputies positions that have been vacant.

Commissioner McCall: Eli, this is not personal or going against our law enforcement in any way. If you recall, we used this spreadsheet to adjust the Sheriff's Executive Assistant's salary. At that time, according to this spreadsheet, we made an adjustment. We thought one individual had crept their way up. I feel very strongly that if we go down we can't go up. We must be even, and I think the other thing that is lost here is this is public money. I understand your reasoning but what will it do to moral if he gets it or doesn't get it. Commissioner Schwebach and I were involved in getting our deputies salaries up and PERA to #5. I remember asking, what is going to be done about the Undersheriff's salary? This was with Eli Lucero, they said nothing, it is good where it was. Now I'm hearing something different. I think at that time if we did the deputies, we should have done the undersheriff's. Undersheriff Lucero held this position prior to leaving the department then came back. He probably could have told you to the penny what his paycheck, take home was going to be. He chose to come back. You made a promise, maybe you stepped out of your bounds.

Commissioner Schropp: Point of order, I would remind the Commission that ethics require civility. This is a negotiation and not a venue for airing recriminations or an inquisition.

Chairman Schwebach: I will not agree that happened, but it is noted. I'm torn. Yes, I do think you need the ability to adjust some things within your budget. As a Commission we are required to set salaries. We are entering into a situation that

one man needs another \$20,000 for fear of losing him. The undersheriff is in a will position. There are a lot of positions requesting money. I prefer to wait till the new budget cycle. I'm not willing to approve it today. I must look at the larger picture.

Commissioner Schropp: Motion to defer till after budget talks.

Chairman Schwebach: I'm not going to second that, I don't want to be tied to the budget talks. I want to go over the entire budget. Departments will be submitting budget requests.

No Action Taken.

- C. **SHERIFF:** Request approval to pay prior fiscal year expense, Invoice 16713 from Tavenner's Towing & Recovery LLC, dated 7/1/2022, in the amount of \$4,861.73.

Cheryl Allen – Executive Assistant Sheriff's Office: We have discovered this bill from Tavenner's has not been paid. It was a vehicle that was involved in an accident in 2021 and kept in storage as evidence. In the future, if there is a vehicle that needs to be kept, we will store it in the Sheriff's yard. The vehicle will not be released till it is paid.

Action Taken:

Chairman Schwebach: Motion to approve Request approval to pay prior fiscal year expense, Invoice 16713 from Tavenner's Towing & Recovery LLC, dated 7/1/2022, in the amount of \$4,861.73.

Commissioner Schropp: Seconds the motion.

Roll Call Vote: Commissioner Schropp: - Yes: Commissioner Schwebach: - Yes: Commissioner McCall: -Yes: **MOTION CARRIED**

- D. **SHERIFF:** Request approval to pay prior fiscal year expense, Invoice 02790865 from Galls, dated 3/29/2022, in the amount of \$97.38.

Cheryl Allen – Executive Assistant Sheriff's Office: I received an invoice from Galls which was left over from the prior year and needs to be paid.

Action Taken:

Chairman Schwebach: Motion to approve payment of prior fiscal year expense, Invoice 02790865 from Galls, dated 3/29/2022, in the amount of \$97.38.

Commissioner McCall: Seconds the motion.

Roll Call Vote: Commissioner Schropp: - Yes: Commissioner Schwebach: - Yes: Commissioner McCall: -Yes: **MOTION CARRIED**

- E. **SHERIFF:** Request ratification of an application for the Adam Walsh Act Implementation Sub-grant to support the Torrance County Sheriff's Office Sex Offender Tracking Unit.

Cheryl Allen – Executive Assistant Sheriff's Office: Before you is a request to ratify an application for the Adam Walsh Act Implementation Sub-grant to support the Torrance County Sheriff's Office Sex Offender Tracking Unit. Sergeant Duran and Deputy Torres are working on this program. This is a federal grant, and we are applying as sub grantees. Our application was to the State of New Mexico. If we are awarded the grant, it will begin with the federal fiscal year, October 1, 2023. We have requested overtime in the amount of \$27,673.00, travel expenses of \$4,212.00, equipment expenses of \$7,077, supplies \$1,126 and other expenses of \$2,401.00, totaling \$42,489.00. The full application is in your packet. We had two weeks to get it prepared and submitted to the state. It was due to them by 5PM on March 14, 2023.

Action Taken:

Chairman Schwebach: Motion to approve ratification of an application for the Adam Walsh Act Implementation Sub-grant to support the Torrance County Sheriff's Office Sex Offender Tracking Unit.

Commissioner McCall: Seconds the motion.

Roll Call Vote: Commissioner Schropp: - Yes: Commissioner Schwebach: - Yes: Commissioner McCall: -Yes: **MOTION CARRIED**

- F. **SHERIFF:** Request approval to submit an application for the Law Enforcement Protection Fund (LEPF).

Cheryl Allen – Executive Assistant Sheriff's Office: This application is due March 31, 2023. You have a copy of the complete application. This is an ongoing grant we have had; it is formula based. There is a base rate of \$95,000, this is an increase from previous years. Based on the number of certified officers we have working within the department at the time of the application we will receive an additional \$1,500 per officer. That is \$24,000 because currently we have six certified officers. Total Application will be \$119,000. \$83,300 is designated for

equipment. \$35,700 is designated for training. Terms and conditions did not change in the county's side.

Action Taken:

Commissioner McCall: Motion to approve request to submit an application for the Law Enforcement Protection Fund (LEPF).

Chairman Schwebach: Seconds the motion.

Roll Call Vote: Commissioner Schropp: - Yes: Commissioner Schwebach: - Yes: Commissioner McCall: -Yes: **MOTION CARRIED**

G. SHERIFF: Request approval to submit an application for the Justice Assistance Grant to support the Torrance County Community Policing efforts.

Cheryl Allen – Executive Assistant Sheriff's Office: This application is currently being prepared and is due the 27th. We will be requesting \$31,250.00 for equipment; this will be for a 3D scanner and \$4,000.00 for confidential funds; this will be used for sting operations. \$28,665.00 for overtime.

Action Taken:

Commissioner McCall: Motion to approve request to submit an application for the Justice Assistance Grant to support the Torrance County Community Policing efforts.

Commissioner Schropp: Seconds the motion.

Roll Call Vote: Commissioner Schropp: - Yes: Commissioner Schwebach: - Yes: Commissioner McCall: -Yes: **MOTION CARRIED**

H. COMMISSION: Request acceptance of Annual Jail Inspection Report regarding annual county inspection of CoreCivic Detention Facility conducted March 8, 2023 (Commissioner McCall).

Commissioner McCall: County Manager Barela and I toured the county portion of CCA facility, this was a surprise visit. We have found it to be in good working order.

Action Taken:

Chairman Schwebach: Motion to Request acceptance of Annual Jail Inspection Report regarding annual county inspection of CoreCivic Detention Facility conducted March 8, 2023

Commissioner McCall: Seconds the motion.

Roll Call Vote: Commissioner Schropp: - Yes: Commissioner Schwebach: – Yes: Commissioner McCall: -Yes: **MOTION CARRIED**

I. COMMISSION: Request approval of Employment Agreement for Donald Dirks as Torrance County Fire Chief. – **Deferred to after executive session.**

J. FIRE: Request approval to use ARPA funding to purchase AutoPulse for Rescue 14.

Hanna Sanchez – Deputy Fire Chief: Requests approval to use ARPA funding to purchase AutoPulse for Rescue 14. This is a CPR machine in the amount of \$15,765.85. We now have a third rescue. This quote is good till March 31, 2023, after that date the price will go up by 12%.

Action Taken:

Chairman Schwebach: Motion to approve request to use ARPA funding to purchase AutoPulse for Rescue 14.

Commissioner McCall: Seconds the motion.

Roll Call Vote: Commissioner Schropp: - Yes: Commissioner Schwebach: – Yes: Commissioner McCall: -Yes: **MOTION CARRIED**

K. FIRE: Request approval to expend Fire Protection Grant funding on a Class 6 brush truck for District 2.

Don Dirks – Fire Chief: This is the last of our grants for all the districts. This is a \$300,000 grant. I have three different quotes for three different trucks. It comes in at \$320,000 to \$350,000. They are all basically the same, they are all FORD F550,

classic brush trucks. We had rollover funds for the remaining amount, so there are no matching funds, nothing is needed. We just need approval to expend the funds.

Action Taken:

Chairman Schwebach: Motion to approve request to expend Fire Protection Grant funding on a Class 6 brush truck for District 2.

Commissioner Schropp: Seconds the motion.

Roll Call Vote: Commissioner Schropp: - Yes: Commissioner Schwebach: - Yes: Commissioner McCall: -Yes: **MOTION CARRIED**

L. PLANNING & ZONING: Request approval to purchase a new Planning & Zoning vehicle for Zoning Officer.

Don Goen – P & Z Director: We are requesting approval for a new Planning & Zoning vehicle. Our current vehicles are giving us problems. I feel money is better spent buying a new vehicle than wasting money on repairs that may or may not work. My repair budget is \$6,000. Our zoning officers are currently sharing a vehicle with many miles. We have obtained the state pricing list from finance. Looking at the various packages, for what we are needing, it was around \$36,000. This includes everything except for decals. I am requesting money out of the budget in the amount of \$40,000, with the intention of coming in close to that, but just under. My second zoning officer is very close to being ready for the field.

Chairman Schwebach: I am inclined to push for a vehicle now rather than wait till budget time.

Commissioner McCall: Our road department just received six trucks, maybe they have one they can lend for the time being.

Chairman Schwebach: It looks like fire has one you can discuss. If we have a share, that can get you through, I would like more research. I'm willing to push that above the budget cycle and tie it into it.

Commissioner McCall: In the meantime, I would like to hear from Leonard.

Action Taken:

Chairman Schwebach: **NO MOTION** at this point.

13. DISCUSSION

- A. **COMMISSION:** Discuss funding options for ongoing projects and inviting Congressperson Stansbury for a walk-through of the County's projects (Commissioner Schropp).

Commissioner Schropp: For the past seven years I have recognized the struggles Torrance County has had raising money for projects that would benefit us all. We are a deeply red county in a blue state and the perception is we are forgotten and left to our own devices. Over the course of the 2022 election cycle, I have developed a working relationship with Congresswomen Stansbury. I would like this body to extend an invitation to Congresswomen Stansbury to do a walkthrough of various projects we have going on in our county. As you all know, it takes federal and state monies time to reach the communities that need it the most. Torrance County is becoming one of the largest counties in renewable energy in the western hemisphere and all the problems that come with the construction. It is time to start modernizing our infrastructure. I would like the Commission to reach a consensus, to reach clear cut goals to present to Congresswomen Stansbury, as to what we need and asking for.

~~Commissioner McCall:~~ I had an opportunity to meet with some film scouts, we talked about the possibility of a need for another movie studio as the film industry in New Mexico continues to grow. We talked about a studio possibly in Moriarty. It was well received.

~~Commissioner Schropp:~~ Commission agrees to extend an invitation to Congresswomen Stansbury

- B. **COMMISSION:** Discuss emergency preparedness and response for train derailments (Commissioner Schropp).

~~Commissioner Schropp:~~ After the Commissioner's meeting on March 8, 2023, I was approached by the Mayor of the Village of Willard, David Dean, to express concern about the recent derailment of the BNSF rail line near the Village of Willard. I have asked Samantha O'Dell and Chief Dirks for a briefing on that incident, the response, the area of improvement, and how we will make changes.

Samantha O'Dell – Emergency Manager: On Sunday February 26, 2023, shortly before 2:00 PM, Torrance County Dispatch advised us of a train derailment near Encino. At that point we didn't have details and I had an extended response time,

due to traveling out of the county for training. My initial call was from County Manager, Janice Barela, while driving to a training. She informed me there was a train derailment, with potentially 30 cars derailed. Chief Dirks contacted me, informing me of the derailment and there were no units on scene at that time. I also contacted the state Emergency Operations Center to inform them of the incident. At his time, we don't have a plan for hazardous material. BNSF has a full response crew out of Belen. Our process is to call the BNSF, at the 1-800 emergency number, and let them know this has occurred. We are in the process of setting up a class with BNSF to go over some of their response protocols, so we know what to expect when there is a future event. They emailed us a list of the content of the train and classification.

Don Dirks – Fire Chief: On Sunday February 26, 2023, six to seven miles South of Willard, there was a train derailment. BNSF were the first responders and informed us of the derailment. At 1351 dispatch began gathering information and initiate law enforcement and Fire Department response. At 1400, Fire Departments, Torrance County District 3, District 12, District 6, Encino Fire, myself, and Torrance 60 responded. I called Emergency Manager O'Dell, of a potentially large incident. I asked her to relay the information to the public information officer. We followed normal hazmat protocol, staying at a safe distance, and waiting to see if we needed to do any evacuations, block roads etc. Deputy Chief Sanchez received an email, when she was in route, of the shipping manifest. She was first on scene at staging, contacted the BNSF personnel and they came out and talked to her. They also had a manifest of what was on there and gave a detailed report which she relayed to me. At that time, I contacted Emergency Manager O'Dell, informing her there were no injuries, no fire, and no hazmat situation. The train was only traveling at approximately three miles an hour, was slowing down when the wind caught the side of the train and blew it over in two different sections. I arrived on scene and soon after released all Torrance County Fire personnel. BNSF had a quick response.

C. MANAGER'S REPORT

Madam County Manager Barela: After this 2023 56th Legislative Session we received the capital outlay projects that were included in the bill and now sent to the Governor for signature. As a reminder, she has the authority to veto any projects, but currently, these are the Torrance County projects that were funded by the Legislature. The Torrance County administrative building construction, \$100,000, Torrance County Duran water system, \$50,000, Torrance County

Estancia Senior Center vehicle, \$31,000, Torrance County Fair grounds improvement, \$1,050,000, Torrance County Moriarty Senior Center vehicle, \$31,000, Torrance County Mountainair senior center renovations, \$76,050, Torrance County Mountainair Senior Center vehicle, \$31,000, and the Torrance County Road Department shop and yard construction, \$250,000. All project funding was identified as general fund, meaning we wouldn't have to wait for a severance bond to be sold in order for us to get this funding. The funding would be available for the new fiscal year July 1st. The total amount that has been appropriated to Torrance County is \$1,619,050.

We have the following job openings with Torrance County: Animal Services Director, Administrative Assistant for the Torrance County Fair, Facilities Maintenance position, Equipment Operator, EMT Fire Fighter, Sheriff's Deputy, Animal Control Officer and 911 Operator/Communication Specialist. Grants Administrator position will be posted soon.

D. COMMISSIONERS' REPORTS

1) Commissioner McCall, District 1

~~**Commissioner McCall:** Two weeks ago, I reached out to the District 5, DOT engineer. We drove around the County yesterday. I was able to point out my concerns about our highway fencing, guardrails, potholes, traffic designs etc. Leonard Lujan was asked many years ago to stop county maintenance at the fence line and not approach the State Highway Department's right of way. On several roads there is about 80 feet that the state should be maintaining but they are not. Melody Ranch and Pony Express have some giant potholes. He was going back to his team with my questions. The road department got millings from the millings pile at the 203 exits. We are allowed to get all we need, just need to submit a letter.~~

I already gave you an update on the meeting with the movie scouts. I want to thank the Legislature for giving us the appropriations they did.

2) Commissioner Schwebach, District 2

Chairman Schwebach: Do we have any more information from the Town of Estancia about flood plain diversion?

Madam County Manager Barela: No but will continue to visit with them.

Chairman Schwebach: This will help development in the County.

Madam County Manager Barela: Leonard Lujan does have a truck Planning & Zoning can use till he can get a new truck.

3) Commissioner Schropp, District 3

Commissioner Schropp: Since the last meeting I have addressed concerns of three constituents. In the process of looking onto those matters I have learned about P & Z enforcement processes, as well as learning about the Emergency Manager's office and duties. We have issues in the Fire Department and Sheriff's office that need to be addressed. My county cell phone and email address will be listed on our county website. Our county website has some new features, including a short paragraph for the Road Department as to where and when they will be working in the weeks ahead.

14. EXECUTIVE SESSION:

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

Chairman Schwebach: Motion to move into executive session to discuss limited personnel matter (Fire Chief), closed pursuant to NMSA Section 10-15-1(H)(2).

Commissioner McCall: Seconds the motion.

Roll Call Vote: Commissioner Schropp: - Yes: Commissioner Schwebach: - Yes: Commissioner McCall: -Yes: **MOTION CARRIED**

12:26 PM

Chairman Schwebach: Motion to come out of executive session.

Commissioner McCall: Seconds the motion.

Roll Call Vote: Commissioner Schropp: - Yes: Commissioner Schwebach: - Yes: Commissioner McCall: -Yes: **MOTION CARRIED**

12:35 PM

Chairman Schwebach: We spoke about limited personnel matters (Fire Chief), specifically renewing his contract. closed pursuant to NMSA Section 10-15-1(H)(2).

12 I. COMMISSION: Request approval of Employment Agreement for Donald Dirks as Torrance County Fire Chief.

Chairman Schwebach: Don Dirks' existing contract had expired; we were negotiating a new contract. We are pleased to say we have come to an agreement.

Action Taken:

Chairman Schwebach: Motion to approve Employment Agreement for Donald Dirks as Torrance County Fire Chief.

Commissioner McCall: Seconds the motion.

Roll Call Vote: Commissioner Schropp: - Yes: Commissioner Schwebach: - Yes: Commissioner McCall: -Yes: **MOTION CARRIED**

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

Regular Commission Meeting April 12, 2023, 9:00 AM, Torrance County Admin Building.

16. Signing of Official Documents

17. Adjourn.

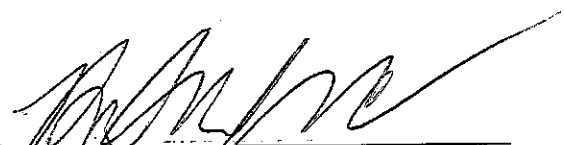
Action Taken:

Chairman Schwebach: Motion to Adjourn.


Commissioner McCall: Seconds the motion.

MOTION CARRIED

Meeting adjourned at 12:41 PM

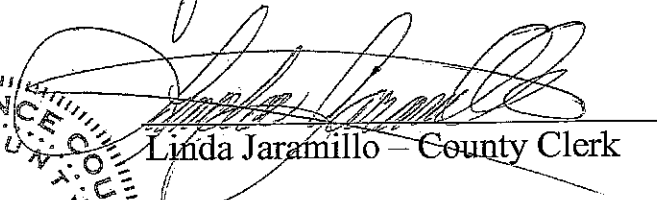


Ryan Schwebach - Chairman




Genell Morris - Admin Assistant

4/24/2023
Date



Linda Jaramillo - County Clerk


SEAL
CLERK
STATE OF NEW MEXICO
TORRANCE COUNTY

The Video of this meeting can be viewed in its entirety on the Torrance County NM website.