

**FINAL COPY**  
**Torrance County Board of Commissioners**  
**Regular Commission Meeting**  
**April 26, 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**  
**MACKENZIE CARLSON – ADMINISTRATIVE ASSISTANT I**

**1. Call Meeting to order**

**Chairman Schwebach:** Calls the April 26, 2023, Regular Commission Meeting to order at 9:01 AM.

**2. Pledge lead by: Chairman Schwebach**

**Invocation lead by: Commissioner McCall**

**3. Changes to the Agenda:**

**Madam County Manager Barela:** The first recommended change is to 5-A appointment of Road Evaluation Committee. There are three recommended names but would like to add an amendment for an alternate member to be appointed. The recommendation for the alternate member is Danielle Johnston. Our attorney has okayed this amendment. The next is a reorder of 11D before 11C because the Emergency Manager's salary should be discussed first, which is 11-D and the vacant part-time Emergency Management Specialist, possible change in salary, should be discussed next. Madam Manager is asking 11-M to be deferred to the

next commission meeting due to approval of architect for fairgrounds and bids waiting to come in.

4. **Certificates and Awards:**

A. **Madam County Manager Barela:** Presents **Joanna Romero** for Employee of the Quarter Award. Acknowledged for a job well done, going above and beyond, helping others, being selfless, motivated, focused, and knowledgeable. Giving her exceptional customer service to internal customers.

B. **Madam County Manager Barela:** Presents the 2022 Employee Safety Award for Medium Safety Risk to **Juan Morales**. Acknowledged for extending safety awareness out in the field and in the office, maintaining safety for all individuals.

**Madam County Manager Barela:** Presents the 2022 Employee Safety Award for Low Safety Risk to **Genell Morris**. Acknowledged for following the rules, being vigilant and making sure everyone is safe. She always works toward the common good. She is part of the backbone of the county.

**Commissioner Schropp:** Acknowledged Pope Brothers for their interest in wanting to learn how the government system works.

5. **BOARD AND COMMITTEE APPOINTMENTS**

A. **Chairman Schwebach:** Road Evaluation Committee (Partial Abandonment of a County Road – 0.16 miles of Sanchez Road) I would like clarification on this committee. They are appointed to evaluate roads to give commission directions on whether to abandon a road or not.

**Madam County Manager Barela:** Per policy the commission is the one that appoints this committee and takes their recommendations. The approval of this committee, today, is specifically for Sanchez Road.

**Action Taken:**

**Chairman Schwebach:** Motion to appoint the three named Charlene Guffey, Jason Quintana, and Paul (Tito) Chavez. As well as Danielle Johnston as an alternate.

**Commissioner McCall:** Seconds motion.

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

**6. PUBLIC COMMENT AND COMMUNICATIONS:**

**Jason Quintana- Resident:** Asked by commissioner Schropp to go out and look at some of the roads in district three. One road that was brought to Commissioner Schropp's attention is county road B050, approximately one point six miles south of Highway 55. The issue is there is an arroyo that runs seasonally. When the arroyo runs there is no crossing it. The arroyo is approximately three to four hundred feet wide and four feet deep. Fixing this issue with culverts would really help the county and the people in this area. This is a main road between Mountainair and Punta. This would also help drainage issues and crossing during emergencies. If the county could get some of their money and spend it on drainage, it would help the county in the long run.

**Commissioner Schropp:** Asks Mr. Quintana if he worked for the New Mexico Department of Transportation.

**Jason Quintana-Resident:** Replies, yes, he worked for New Mexico Department of Transportation for 26 years. Worked in striping crew, road maintenance, and paving crew.

**Commissioner Schropp:** States to the Commission that he has asked Mr. Quintana and Mr. Martin Martinez-Anaya to help identify roads in his district that need work.

**Linda Jaramillo- Madam Clerk:** Reminder of New Mexico Association of County Board of Directors Election. Ballots are ready. Everyone except Commissioner McCall, Commissioner Schwebach, Sheriff Frazee and Assessor Jessie Lucero voted. Ballots are in my office for those who have not voted. I would like to remind everyone that today is Administrative Assistant Day. I want

to thank everyone who works in the county that helps run our offices. We could not do what we do without them, and I appreciate them very much.

**Ann Schropp- Resident:** The terms frugal and penny pinching are often used interchangeably, but they are not synonyms. Frugal implies spending money but doing so wisely, conservatively with consideration. Penny pinching takes physical conservatism to a whole new level. Which reminds me of an old saying “Penny wise and pound foolish” That one refers to being so cheap that money is not spent, that needs to be spent, to keep the whole business functioning. By not spending in smaller amounts, however, we are suddenly faced with massive needs for money in infrastructure, county vehicles and equipment that all need to be replaced at once. It is the people who do the work of the county that are our most important investment. Obviously, Torrance County cannot pay big city wages. But, finding training when needed, and then most importantly keeping good employees, is imperative if this county is to survive. This rural county has its own advantages that help compensate for our monetary shortfalls. Encouraging county employees to be frugal is great. Pushing that notion to the point that they are afraid to spend money on anything more than printer paper and ink cartridges is not going to keep this county functioning.

**Richard Goodson- Resident:** He has had a long-contested issue regarding Valley Trail, off Skyline Road, at the farthest reaches of Torrance County, at the northwest corner. It has been over twenty years since this road has been attended to. So, to finally see it as an item on the agenda is huge. He points out his neighbors in the audience. He thanks Leonard and his crew for coming out. Thanks, Juan, for helping facilitate road work. All that was promised was done. He is so grateful that the chip sealing of this road is being revisited. A few caveats. One caveat is to put a minimum of three to four speed humps. The second caveat is the county has chip sealed a bit of road and they have fallen into disrepair. Asked that the road Valley Trail stay on the radar for servicing. If intergrading these two caveats with the chip seal isn't possible, don't do it. Don't want to waste money. Talking with other residents about these provisions is a consensus. It is unanimous in their agreement. It is legal to put speed humps on a county road.

**Pete Tully- Resident:** Request the commissioners hold a vote to make changes to the Torrance County zoning ordinance, in relation to section sixteen B ten which provides a minimum setback distance required to obtain a wind energy facility permit. The ordinance currently requires for a minimum setback distance of one point one times the total wind turbine height. In relations to county roads, property lines, and power or telephone lines. However, it does not require any setbacks in

relation to resident homes. Requested that the ordinance be updated to include explicit setback provisions for occupied residential property owners' and adjacent property owners. Santa Fe county updated their ordinance five times the tower height. A similar addition to our ordinance would be greatly appreciated by Torrance residents. The current ordinance does include a noise limitation of fifty decibels, for any given time, when measured at any occupied residence. A certain setback provision to prevent noise pollution will not only be easier for the county to regulate, but it would also provide more effective guidance for the windmill companies. I make this request to ensure a safeguard for Torrance County residents, so their livelihoods and well-being are not affected by upcoming wind development projects. Asking for the commission to send this part of the ordinance to the planning board to make the necessary adjustments pertaining to setbacks regarding adjacent properties.

**Torian Monroe- Resident:** To maintain our frugality, offers her time to help in that research.

**Don Dirks, Fire Chief:** Update from last commission meeting. There have been three major wild land fires. Lots of questions about the Echo Ridge fire. Fire is still under investigation for cause and effects. The Echo Ridge fire started in the early afternoon. Burned approximately 160 acres, three mobile home structures, multiple out buildings, multiple vehicles, and campers. Mr. Dirks gives thanks to the many responding agencies. Another major fire east of Moriarty burned about 120 to 130 acres. This one happened two days after The Echo Ridge fire. Caused by a hot tire or something that came off the interstate. Burned all the way to Martinez Road. Another fire just North of Corona, right at the Lincoln County line, burned 120 to 140. The Corona fire department responded as well as Torrance and Mountainair. Within a week of that fire, several small fires started in between the interstate and off HWY 41.

**Nathan Dial, Mayor of Estancia:**

For the record, he'd like to state that he requested this question to be on the agenda but was not. Torrance County declared themselves a second amendment sanctuary county. Would like to know if that resolution is still in place. Three reasons for asking. Reason one is the state continues to make constitutional laws restricting the second amendment. The second reason is that the current Sheriff, on record, has made statements that he will enforce red flag laws to include deadly force. Reason three being, is that State police wanted transparency and open channels of communication. But they will not notify local law enforcement when they are conducting official business within their jurisdiction. Which can create a friendly

fire situation. State police informed him that he better be careful and start watching what he is doing because according to the guidance of the Attorney General, they will arrest him for exercising his second amendment right under 311-4 as Mayor. What is the elected official constitutional stance for protecting citizen's rights? State police and Sheriff doing stuff outside the commission room, that is opposite of what they said they were going to do in the commission room, brings him to not knowing where they stand.

**Michael Godey- Resident:** In a previous meeting the wind farms came up about how they will affect the county and its possible prosperity. His concern is that this could mean a lot of development houses. Thinks the revenue will be better spent on helping the people that live here now. Not creating development but focusing on how to keep agriculture healthy and bringing in water to McIntosh to the existing homes that have lost their wells. He does not think it should include property that is not developed or does not have a structure on it.

## 7. **APPROVAL OF MINUTES**

A. **COMMISSION:** Request approval of minutes of the March 22, 2023, Regular Meeting of the Board of County Commissioners.

### **Action Taken:**

**Chairman Schwebach:** Motion to approve minutes as amended of the March 22, 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**

## 8. **APPROVAL OF CONSENT AGENDA**

A. **Chairman Schwebach:** Approve Restrictive Housing Report.

**Commissioner Schropp:** On April 11, 2023, Madam County Manager and I made a surprise visit to Core Civic Torrance County Detention Center. Both the ICE side and the County side were inspected. The Warden and his staff were forthcoming and cooperative. Going so far as to provide maintenance records and restrictive housing policy for my review. The facility was clean, quiet, and well-staffed. Core Civic is bringing staff from other facilities to keep the Torrance County facility staffed as required by law, industry standards and company policy.

The County Manager and I sampled the food, toured the kitchen and the food storage areas. The food is nutritious and is comparable to school cafeteria food. The current push to close the Torrance County Detention Center is misguided. The facility is clean, well run and it is a humane place to hold men waiting for their immigration hearing. Attacking the Torrance County Detention Facility is treating a symptom instead of the disease. Whole funding of and expansion of the immigration court system, would reduce the amount of time men are held in this facility who are waiting on a decision on their immigration status. In the meantime, I will continue to make surprise inspections of the facility to ensure that they are operating to the human rights standards that are expected by law.

**Action Taken:**

**Chairman Schwebach:** Approve Restrictive Housing Report.

**Commissioner Schropp:** Seconds the motion.

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

**B. FINACING & PURCHASING:** Request approval of payables

**Commissioner McCall:** Question regarding vehicle purchase order.

**Madam County Manager Barela:** I haven't had an opportunity to visit with the finance director on this PO. It's getting prior approvals from Triadic, which is our former software to transfer POs into our current software, Tyler. On page 14 of 51 is the invoice 0055 for capital outlay money for the vehicle emergency equipment installation, in the amount of \$47,366.26. Also, several other vehicles are being serviced with these types of emergency installs. It's all being done at once. The reason for stating it was Triadic vs our new software system is because there was a note on there that stated that this was previously a purchase order that was under Triadic and transferred to Tyler.

**Noah Sedillo, Finance Director:** This capital outlay was awarded from the previous budget for the sheriff's department for updating patrol vehicles. This would have been the second component to the actual updating. The previous Sheriff's administration requested and was issued a purchase order to Blue Sky under the statewide price agreement. There was a backlog in some of the items that we are trying to get from the manufacturer, for this update. Those vehicles were there until they were service ready. They were received by the current

administration. The update should be for two Chevy Tahoes. There was a note in there referring to a previous purchase order. That would have been the purchase order that would have been initiated in the previous ERP system, which is Triadic. We know have Tyler. Those purchase orders are honored so long as they're what's on the current purchase order. If there is any change to the current purchase order, it must go through the PO change process.

**Action Taken:**

**Chairman McCall:** Motion to approve payables.

**Commissioner Schropp:** Seconds the motion.

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

9. **ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE**

10. **ADOPTION OF RESOLUTION:**

**COMMISSION:** Discussion and possible approval of Resolution 2023-08, A Resolution Rescinding Resolution 2020-15, and the Declaration of Emergency in Torrance County, With Related Pandemic Restrictions.

**Action Taken:**

**Chairman Schwebach:** Motion to Rescind Resolution 2020-15 and the Declaration of Emergency in Torrance County, With Related Pandemic Restrictions

**Commissioner Schropp:** Seconds the motion.

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

11. **APPROVALS:**

A. **DWI:** Request approval of contract with Waves Behavioral Health LLC for mental help support for Teen Court youth.

**Tracey Masters, DWI Prevention Program Coordinator:** This is a contract between Torrance County and Waves Behavioral Service to provide mental health



support services for some of our Teen Court youth who need such services. She pointed out that she didn't have the opportunity to let the county attorney know on the second page of the contract under terms, that it states that the contract will automatically be renewed on an annual basis, for up to three additional one-year terms, unless terminated as provided by the contract or law. This was submitted to the purchasing office, the county attorney and DFA for approval before coming here before the Commission. I received word from DFA that they did not like the language. In place of that the program manager at the Department of Finance and Administration requested that we utilize language that we have used in previous contracts, which states Torrance County reserves the right to automatically renew this contract on July first of the new fiscal year, for up to three additional one-year terms, as provided by this contract or law. With the recommended changes to the contract, I am requesting the approval of this contract.

Ms. Masters states that she forgot to sign up for public comment. Wanted to give a brief update. There will be an alternative prevention event next Friday, May fifth, at the Moriarty Lions Club. There will be a bingo event and all prizes have been donated. The Department of Finance Administration DWI Grant Council did award Torrance County \$100,000.00 in the competitive grant for FY24. This is an increase over the \$95,000.00 that we received for the current fiscal year. I am currently providing a QPR suicide prevention curriculum at Moriarty High School. I have already trained 281 students this week. That would be freshman and sophomores, tomorrow and Friday I will be training the juniors and seniors. We participated in the Estancia High School after prom event. We will be doing the same with Mountainair and Moriarty.

**Action Taken:**

**Chairman Schwebach:** Motion to approve the contract with Waves Behavioral Health LLC for mental health support with Teen Court youth as presented with the addition of the changes requested.

**Commissioner McCall:** Seconds the motion.

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

**B. EMERGENCY MANAGEMENT:** Request ratification of New Mexico Counties Grant to update Community Wildfire Protection Plan (CWPP).

**Samantha Emergency Manager:** Request ratification for a New Mexico Counties Wildfire Risk Free Prevention Grant. Grant is for \$20,000 to update the community wildfire protection plan. There is a ten percent match. There would be a \$2,000 match. That can be in-kind as well. The reason for requesting ratification is we did not go through the normal process for this grant. We have previously applied for a grant for the same update through US Forestry. We didn't receive that grant. When I received the notification that we had not received that, we had less than a week to put this grant together and get it submitted. I spoke with Madam Manager Barela, and she gave permission to go ahead and submit and now we are asking for ramification.

**Action Taken:**

**Chairman Schwebach:** Motion to approve.

**Commissioner McCall:** Seconds the motion.

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

- D. **MANAGER:** Discussion and possible approval of the Emergency Manager's salary for FY24, as EMPG grant application, including salaries and benefits, must be submitted in May 2023, prior to the FY24 budget approval; EMPG pays 50% of the Emergency Manager's salary and benefits.

**Madam County Manager Barela:** This item is on the agenda because we need to be able to submit an accurate salary for the Emergency Manager and the same for the next agenda item. This grant does cover 50% of the Emergency Manager's salary and benefits. If we go strictly off what she currently is making, then any adjustments to her salary through the budget cycle will not be recoverable for the increases until the following grant cycle. So, we are trying to make the most of it by getting this discussed and hopefully approved in advance so we can have accurate information and get the full benefit of the grant. There is a spread sheet of what other Emergency Managers are making in the State. The ones that are highlighted are the same classification as Torrance County. Torrance County is considered a B over County. The other counties that are in the same classification are Chaves, Cibola, Colfax, Curry, Eddy, Grant, Lea, Lincon, Luna, McKinley, Otero, Rio Arriba, Roosevelt, San Miguel, Sierra Taos, and Valencia.

We put together the average salary for across the state and that comes to \$69,021.55. That is all classifications. When we asked these counties for their salaries, they gave us a range. We just took the middle, the average of that. That's what we used in that calculation. When we averaged all the counties in the same classification the average salary including Torrance County is \$65,627.61. Torrance County Emergency Manager is the lowest paid Emergency Manager in the state \$40,296. We also included here how much the average is for Emergency Management pay that are in our same classification. If we take out Torrance County's low salary, the average salary is \$67,576.19. Those are some of the figures that I wanted you to take into consideration as you are considering any type of increase that you are willing to consider for this position.

I can tell you the amount of work she puts into her job. She is very on task; she is very efficient with her work. She takes care of a lot of deficiencies that have occurred over the years in this department. We are asking for this to be an increase that is more equitable with what's going on with the rest of the state. There was a question as to what others make in the county. The fire Chief's annual salary is \$60,000 that will take effect in the new budget cycle. Torrance County also operates as the Emergency Manager for all municipalities.

**Action Taken:**

**Chairman Schwebach:** Motion Deferred

- C. **EMERGENCY MANAGEMENT:** Request vacant part-time Emergency Management Specialist position be reclassified to a full-time position with the addition of the Safety Officer responsibilities, to include setting salary.

**Chairman Schwebach:** Have talked about this. Would like to wait. It is tied to the same type of grant. The reason being, I would like to look at this whole department differently. I want to look at the whole budget.

**Action Taken:**

**Chairman Schwebach:** Motion Deferred

- E. **ANIMAL SERVICES:** Request vacant Animal Services Assistant Director position be converted to a Kennel Assistant position and adjust salary for the department.

**Danette Langdon, Director of Animal Services:** We have a vacant Animal Service Assistant Director Position. I would like to change it to a Kennel Assistant position. Take the pay from that position and distribute it among the other positions. With the kennel assistant position the pay starts at \$13.00 an hour. I would like to raise that to \$14.50 per position and I would like to give each animal control position an additional dollar. That would be covered with the pay from the Assistant Director position. It would not mean an increase in our budget. With that the Kennel Assistant position would have some new duties. Some kind of expanded responsibilities. I think it is important to do it now because one Animal Control Officer resigned. We have one full-time officer. We did hire a gentleman who's supposed to start on the sixth as our second officer. That does leave us one officer down. We currently have one Kennel Assistant position and if we had a second one that would keep us right where we need to be. What has changed is I would prefer to have people start from the bottom up. With two Kennel Assistants we can have coverage all the time. Animal Control Officers' salary range is \$13.75 to \$16.75.

**Action Taken:**

**Chairman Schwebach:** Motion to approve.

**Commissioner McCall:** Seconds the motion.

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

- F. **FIRE:** Request approval to revise Vector Solutions agreement to include Vector Scheduling and Vector Check It (Fire/EMS Stations and Apparatus).

**Hannah Sanchez, Deputy Fire Chief:** Vector Solutions is a training module that fire and EMS use when we are trying to renew our license or further our education for continuing education credits. I have reached out to Vector Solutions because I have applied for a program to look at scheduling to help keep our employees scheduled. They can type in when they are available and when they are not. It will plug in overtime shifts and fill in with those available. It keeps track of everything as far as our maintenance that has been done on vehicles, hose testing, pump

testing, and it has a feature for narcotic drugs or any medications. Requesting an increase of \$14,337.23. Our year-to-date total would be \$19,887.01. That is in our budget. Increase is within budget.

**Action Taken:**

**Chairman Schwebach:** Motion to approve.

**Commissioner McCall:** Seconds the motion.

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

G. **FIRE:** Request approval to submit FY24 Fire Protection Fund (FPF) applications for Fire Admin and Districts 1-6 Volunteer Fire Departments.

**Hanna Sanchez, Deputy Fire Chief:** Requesting to apply for our fire protection funds for FY24. We do this every year. This is what runs our stations. Each district receives a certain portion based on if they have two mains that they are funded for and ISO points. We are also currently going through two ISOs for District Two and Three. This shouldn't affect this year. It will possibly affect future years. We will see if we go down or up in points.

**Action Taken:**

**Chairman Schwebach:** Motion to approve.

**Commissioner Schropp:** Seconds the motion.

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

H. **GRANTS:** Request approval to submit application for the Rural Primary Health Care Act (RPHCA) Grant that is designed to provide primary medical services in under-served areas of the state, FY24 base contract amount \$101,124.00.

**Senaida Chavez-Anaya, Grants Department:** Application for the Rural Primary Health Care Act grant. We previously had this grant. Presbyterian Medical Services has applied, but it was suggested that the commission be the actual recipient and entity submitting for the grant. The only thing that changed in the grant is we are the entity that submits for the grant. The Department of Health has

made changes across the board throughout the state, that have their fiscal agent be the one that submits the grant.

**Action Taken:**

**Chairman Schwebach:** Motion to approve.

**Commissioner Schropp:** Seconds the motion.

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

- I. **GRANTS & ROAD:** Request approval to submit funding request for the Transportation Project Fund (TPF) for completion of the Martin Road paving project 0.8 miles, authorizing County Manager Janice Barela to sign a letter to the New Mexico Department of Transportation Cabinet Secretary summarizing the Commission’s approval.

**Senaida Chavez-Anaya, Grants Department:** I Am asking approval for County Manager Barela to be able to submit the letter of the match contributions for this grant, to specify where the funding for the match would be coming from and give the permission to submit. This would be for point eight miles of Martin Road, one point five miles of Kings Farm Road and seven miles of Martinez Road. The cost of the project for Martin Road will be \$199,617.68. Second is Kings Farm Road and the cost for this will be \$377,073.27. Torrance County will be putting a 5% match, which would be \$18,853.66. Lastly, is Martinez Road at a cost of \$1,394,560.36. With a 5% match of \$69,727.02. The total amount for all three projects is \$1,971,251.31. The 5% match from Torrance County is \$98,562.52. It will be three different submissions to the Department of Transportation.

**Leonard Lujan Road Superintendent:** Martin Road is a paving project that is three inches, Kings Farm is a paving project with a three-inch overlay and Martinez Road is double pen with micro seal and installing drainage.

**Action Taken:**

**Commissioner McCall:** Motion to approve.

**Commissioner Schwebach:** Seconds the motion.

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

- J. **GRANTS & ROAD**: Request approval to submit funding request for the Transportation Project Fund (TPF) for completion of the Kings Farm Road paving project 1.5 miles, authorizing County Manager Janice Barela to sign a letter to the New Mexico Department of Transportation Cabinet Secretary summarizing the Commission's approval.

**Action Taken:**

**Commissioner McCall:** Motion to approve.

**Commissioner Schropp:** Seconds the motion.

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

- K. **GRANTS & ROAD**: Request approval to submit funding request for the Transportation Project Fund (TPF) for completion of 7 miles of chip seal on the Martinez Road project, and authorizing County Manager Janice Barela to sign letter to New Mexico Department of Transportation Cabinet Secretary summarizing the Commission's approval.

**Action Taken:**

**Chairman Schwebach:** Motion to approve.

**Commissioner McCall:** Seconds the motion.

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

- L. **ROAD**: Request approval to reallocate remaining funding (approximately \$65,000) allotted to the Road Department for McNabb project to purchase 300 tons of cold mix for pothole repair and to chip seal Valley Trail, Ranch Trail, and Pinon Trail.

**Leonard Lujan, Road Superintendent:** This is money that is left from the McNabb project. Would like to see if we could just use that to place an order for 300 tons of cold mix, to get an early start on patching and get some potholes fixed. If we wait till July for the fiscal budget for the new year, then \$40,000 will come out right away.

**Action Taken:**

**Chairman Schwebach:** Motion to approve.

**Commissioner McCall:** Seconds the motion.

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

M. **MANAGER:** Discussion and possible approval of architect for the fairgrounds building.

**Action Taken:**

**Chairman Schwebach:** Item Deferred.

N. **MANAGER:** Discussion and possible approval of programming for new Administrative Office Building.

**Juan Torres, Deputy County Manager:** The thought process on this per commission guidance is to get the updated programming and once we have the final number for programming, then come back to the on calls and request the actual architectural design quotes.

**Commissioner McCall:** I was involved in a meeting with department heads about getting their needs and wants. We felt like at the end of the meeting we probably needed more programming and needed a little bit more information before we turned it over to the architect. Discussion follows on the architect's proposals for the new Administrative Office building.

**Juan Torres, Deputy County Manager:** Informs the commission that programming is included in the architect proposals but with different thoughts as to the programming. If the Commission approves today, they can issue a notice of obligation to the state and move forward from there.

There is a discussion by Commissioners as to the size of the building and the requests by all departments on their needs in the new Administrative Office. Discussion as to whether the architect's proposals will meet these needs. Of the three proposals it is decided that Wilson and Company comes closest, overall, to meeting these needs.



**Action Taken:**

**Commissioner McCall:** Motion to accept Wilson and Company proposal.

**Commissioner Schropp:** Seconds the motion.

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

O. **MANAGER:** Discussion and possible approval of American Rescue Plan Act (ARPA) projects. (Donzil Worthington, Bohannan Huston)

**Madam County Manager Barela-** The reason for this item being on the agenda today is because I have received word through The Manager's Affiliate that at the federal, particularly The House of Representatives, were looking at clawing back the ARPA funds that have not been used. This has caused me great concern because when awarded these funds we were told that the first half of the amount was not due to be spent until the deadline which is December 2024 and the second half to be used by December 2026. There were additional ARPA funds with the same deadlines. There were some projects in the works, and we would still be able to complete them in the timeline previously given. If what I was told by the Manager's Affiliate is true, this would move everything up exponentially.

I started placing calls and reached out to Senator Ben Ray Lujan's office. I ended up speaking with the State Director. She did let me know that this is a legitimate concern. I asked for more information on how this would impact us, specifically as a county with these funds. She had someone from the DC office reach out to me and I did have that conversation with her office yesterday and this is still within Senator Ben Ray Lujan's office. What I was told was that once the money was given to the counties, municipalities, and the state then that was obligated but there is still the terminology of the unspent money. That is something I think we have a concern with as a county. I don't know how much I trust that if we don't have it encumbered by a purchase order or a plan in place to spend this money, we take the chance of this money being taken back. We as a county could be in danger of losing about four million dollars overall. That amount of money could go a long way for infrastructure within our county. I would hate for any of that to be lost or clawed back because we didn't put this money to immediate use.

As far as the deadlines are concerned, something I would like the commission to consider is the Federal Government has already stated that they're lifting the Public Health Emergency Order for Covid on May 11<sup>th</sup>. Anything that is covid

related as far as funding, if it also hasn't been spent, they would then, in theory, say this emergency is over, and the money was supposed to be for during the time we were in emergency. You didn't spend it, maybe you didn't need it, so, they, the Federal Government, may pull it back. I'm just trying to do our due diligence to provide as much information to the commission to move forward sooner rather than later. So, we could get this money encumbered and not be in danger in the event they do try to claw back this money.

In this current budget discussion at the federal level. One of the concerns I am hearing from the House of Representatives is that the budget does have provisions in there to raise the debt ceiling limit. They want to use every avenue that they can to have a minimal impact on the budget. They are seeing clawing back unspent monies as a way to help limit that debt ceiling being raised. I would like to give a shout out to senator Ben Ray Lujan's office as they have been amazing to work with. I appreciate how quickly they answered my calls, got back to me, and gave me this information. At this time, Chairman Schwebach asks Mr. Donzil Worthington to speak.

**Donzil Worthington, Represents Bohannan:** I represent EMWT Regional Water Association. I will give you a quick background. In September of 2022 we put together information on the status of the EMWT priority project which is the McIntosh water system. This is a new water system for an existing subdivision water system and existing user base. The El Rancho Grande subdivision is one of the longest established subdivisions in the county. This area has a disadvantaged community, social economically MHI and met many criteria for acceptable funding in the service areas that have experienced on going well failures in recent years, dropping water tables, and troubles with septic tanks on lots with private wells. The Office of the State Engineer has been concerned about separation and water contamination. For those reasons an interest in that area and the county, it was part of the approved Preliminary Engineering report, and that project was submitted to the Water Trust Board in their last cycle FY22 for funding and received favorable funding for the initial phase of that project. Part of the process for the funding is through the Water Trust Board. The original application was for approximately 6 million dollars, which was almost 7 million at 6.8 million.

For the original phase one, the occupied area of the subdivisions, that project was awarded, and The Water Trust Board and The Office State Engineer supported the

project. They awarded it for design services only rather than the construction. They didn't want to tie up 5 or 6 million in construction services, waiting for a year or two for the design to get done. So, the direction we were given was to get the design done come back for next year's funding cycle and go after the construction funds, which would be available. Over the last two years they have less applicants than they had money available in that fund. They're expecting us to come back.

In the meantime, we were approached by Governor Lujan-Grisham along with Marty Chavez, the past Mayor of Albuquerque. Which has come to my understanding they work in a committee for federal funding for projects in New Mexico under the Governor's direction. They met with us and requested that we make an application through congressional direct spending for federal earmarks for that project which was completed. It is in their court now. We were in contact, last week, from Senator Ben Ray Lujan office telling us that this week, if not next week, that project will go before the senate subcommittee through The Infra-federal Infrastructure bill to look for grant funding to the tune of \$12 million dollars for the full construction of the EMWT McIntosh project. We are told this is still in play and active.

The funding that was awarded through The Water Trust Board was initially for phase one. The base infrastructure of the first insert area is approximately 100 lots of the subdivision, that was \$491,050. Part of that application included a local match or a local involvement by locality which was Torrance County. Torrance County has expressed interest and been involved in overseeing the project. A Resolution was passed in late 2022. This was Resolution R2022-13. This Resolution indicated the intent to provide up to \$981,155 in matching funds for this project. which supported the application to make it a viable project. This match was responsible for getting it passed largely because of the county's involvement support. One aspect of that was that the resolution is based on receiving acceptable funding through The Water Trust Board because when that was submitted, we didn't know the outcome of that funding through The Water Trust Board.

One reason the county was involved, I think, is because one aspect of it was the purchasing of water rights, water right services and ownership of water rights. This is not something paid for through The Water Trust Board. That must be through local match or other funding. The discussion and agreement through EMWT Reginal Water was that if Torrance County where to participate and

choose to in the future, one of the aspects that might be a win, win for both sides would be for the county to be in the role of overseeing the water rights, wet water acquisition and ownership of that water for the subdivision, with the idea that they can lease that back or work through some type of agreement to EMWT. The county would own and have collateral or have ownership in the base of that. So that their investment was not all support, it was tangible property, an investment, and an infrastructure of water. At that point EMWT was awarded the \$491,000 for design for the original phase and that was not based on the original application which was a 90% grant, and 10% loan. However, since The Water Trust Board didn't provide construction funds the premise of the application was once the phase was completed that the repayment for the debt service portion of it even though it was a small amount 30 years at 0% interest could be taken care of through proceeds from the system, through system revenues.

Once they took the construction out of it, we've been working with their closing attorneys, with the New Mexico Finance Authority, and with Virtue Nahar Law Firm on closing. This should have been closed several months ago. After they worked through it, it was kind of complicated. Luckily the county was involved in those discussions, with the idea that we had to come up with some way to guarantee that debt service. Eventually the OSE and The Water Trust Board decided that they thought the project was good. They had the match, they had participation, and they had letters of support. They think it's a good enough project that they are going to wave the 10% because we put you in a hard ship on the debt service since we didn't allow you to build the constructions so you can generate revenue. So, we are going to design something we can't build under that case and expect you to pay the debt service on it. There for they waved the debt service and they made the planning grant 100% grant. No debt service for the original \$491,000 for design on that end. As the Resolution stated part of that was budgeted out of the \$981,000 that Torrance County had identified as a potential local match at approximately \$250,00 in round numbers. This would be ear marked for water services, verification, acquisition of permitting water rights and environmental negotiations to own the water rights to serve the population that will be identified in the project whether it's the phase one or the full project. So approximately almost a third of the funds identified by the county would be utilized for just that.

We anticipated back in September or October to do that. However, it was just actually last night that all the documents were signed which included the grant agreement through EMWT at their board meeting and the resolution to accept the

grant. By the 28th it will be back to Virtue Nahar and then on the 3<sup>rd</sup> or 4<sup>th</sup> of May it be closed with The Water Trust Board and The Finance Authority. Then the money will be available for the project moving forward. Last paragraph, paragraph D of the County Resolution was Torrance County's local match for the McIntosh Water project, contingent on favorable or acceptable outcome of the funding water trust boards application process. We are here certainly, some for some direction, but I guess our position, EMWT's, speaking for chairman Bobby Ortiz, is that we have received acceptable funding to move forward and do at least phase one. Which is tank, well, and transmission lines for the first 100 or so lots. With phase one or the original phase design the concurrent with that or before that we would like to come forward with a proposal for your next meeting to move forward to begin the water acquisition service using the county funds to do the water rights that were identified.

Work acquisition could start immediately as of last night, now that we've finally done all the paperwork and have been approved for the grant funding. We held off based on the resolution to ensure we had acceptable funding. That puts us six months behind where we thought we would be starting. It still puts us in a place that hopefully the congressional money comes through, which would keep this project on track. If it doesn't, we still would want to try and make the application for FY24 to The Water Trust Board for the next session to get construction funds for this project. They are expecting that. So that would allow us to put the water rights in place and get the design started and move forward in time to complete that application process.

If we get the congressional money, then maybe we don't need to go back to The Water Trust Board. If we don't then, we will go to The Water Trust Board in drinking water. I would propose maybe seeing the path forward in two phases. One is EMWT, last night, agreed to go forward with their procurement to move into design for that project. The funds are in place for design through The Water Trust Board for phase one. The federal money that's supplied for through the congressional directive spending is for the full project. With the \$981,000 through the Torrance County money there's approximately \$250,000 that's ear marked for water services, water related, ownership, and acquisition. There is an additional \$600,000 or so. We would propose to come back with a proposal for some of that \$600,000 to go ahead and move design to 100% complete for the project. In line of effect not only would that support the federal application but also if we don't get

the federal funding it would still put us in a shovel ready position to get any additional federal and state money to finish the project.

There are 1,172 lots in the subdivision, we would be looking between the first 100-116 to serve. Considering the ARPA fund question is, one, we would be prepared to come forward with a proposal for water-related services, and some of that would be for acquisition. Just the engineering work would be a small amount to get it forward with the water acquisition for you all to look at and see if you find acceptable improvement for the future. The second would be to propose to do complete design services. Which if you saw fit you could award. That would not take place until preliminary designs are in place so you would have your funds obligated but you would still have a few months to pull the trigger if you wanted. Once the preliminary designs are complete in this first \$191,000 though The Water Trust Board and is utilized and spent then at that point it would still leave you 3 or 4 hundred thousand in those funds toward construction. Which I think was the intent all the way along on the project. This has been 15 years in the making, just in the last year or two it has come together. Mainly because Torrance County's willingness to be involved and had the vision to look forward. Pride and some local support for this project has made it more successful in the funding request.

There is further discussion by the Commission on issues such the wording of the resolution and if some of the language should be changed, the involvement of the land grants and questions about congressional funding. Also, discussion about the cost for residents in the El Rancho Grande for use of the water after the project is completed.

**Chairman Schwebach:** States that the original intent of the EMWT was to create a wholesale mechanism between the municipalities because at the time they were having issues with wells failing with no back up for the residents of the municipalities. Maps were created for this purpose with Mountainiar, Estancia, Moriarty and the land grants included. He would like to know what this has evolved into.

Discussion follows by Commission on the different changes that have been made to the EMWT's master plan and old information not being updated as changes are made. There were comments by resident, Mr. Godey, the Mayor of Estancia and Manzano Land Grant president, Jason Quintana. The consensus by the Commission is that they want a clear picture of the current conceptional regional water system plan.

**Donzil Worthington:** The original regional long term master plan was completed and approved by NMED back in 2009. The Land Grant community didn't want part of it, that changed in the by laws and rules with EMWT but in addition the boundary of the service area was changed by EMWT formally. The preliminary engineering report that the work of McIntosh would be performed under is not involved with The Land Grant community or The Mountain community on that part. Phase one was the McIntosh project and following would be the pipeline on Highway 41 connecting all municipalities. This second phase will be a long time coming.

**Commissioner Shropp:** States that this discussion started with the possibility of federal ARPA funds being pulled back. He made the stand of his constituents in the land grants very clear. Mr. Worthington has explained that we can't arbitrarily change EMWT's bylaws and charter. He feels his issue is settled. He is in favor of providing water to McIntosh and going ahead with that project.

**Chairman Schwebach:** This discussion is about ARPA funds being taken if not used. This agenda item does not specifically state what is to be approved today. What we do have on the agenda is the possible approval of ARPA projects. He wanted transparency to the public as to where the EMWT project was at and asked Mr. Worthington to come and speak on this water issue.

**Chairman Schwebach:** States that this is potentially an action item and asks if we need to reword what we have already committed which was in our resolution. Do we have to pass a new resolution.

**Madam County Manager Barela:** Asks Mr. Worthington if she can review the resolution. At this time Resolution R2022-13 specified, specifically, that a certain amount would go towards acquisition of water rights. If you would like to change any of those figures then that's something that this commission can decide on, but it would need to go through another Resolution. That could be brought up in the next commission meeting. Just to make you aware it's not just the \$980,000 overall, you would also have to specifically state what you want done with the money.

**Chairman Schwebach:** With that being said, he is not prepared to take any action on this agenda item.

**No Action Taken.**

## 12. DISCUSSION

- A. **MANAGER:** Review of SB 474, 2023 Legislature, Industrial Revenue Bond Act, School District PILT Distribution Changes (Rob Burpo, President, First American Financial Advisors, Inc.).

**Rob Burpo, President, First American Financial Advisors, Inc.:** Gives the commission and Torrance County residents an update on SB 474 which is part of the 2023 legislative session and how it impacted state statutes of the Industrial Revenue Bond Act. Mr. Burpo explains the Industrial Revenue Bond Act School District PILT Distribution Changes. Counties are allowed to enter industrial revenue bonds with firms that are producing energy. In 2021 commissioner McCall, County Manager Madam Barela, and former County Manager Wayne Johnson spent a lot of time working to get some clarification from education on the book. The way it was before basically the county had to negotiate with the School District. The School District held up things a little bit. In 2021 we made a proposal, and we got the legislative act that passed. What it is, is that all five School Districts that are located within Torrance County regardless of capacity get an equal share of whatever payment the county and the energy company negotiated. The counties were free to negotiate. There was some tough negotiating, but there was light of the payment. Then those were shared equally, which is 20%, with all five of the School Districts that have jurisdiction within the county.

This year Senator Shendo on behalf of Mosquero and the Corona School District, introduced a new legislation. Under the new legislation five School Districts within Torrance County get different amounts. 50% goes to where the project is located. 40% goes based on land mass. 10% goes to the School District based on student population. All of this is being driven by school District maps that were drawn 15-20 years ago by The Public Education Department. The Education Department doesn't have any bias or rational decision on where the kids are.

There are local opponents and local supporters. The most local supporters were the Mosquero and the Corona School Districts. The Mountainair School District was a local supporter of this project as well. This bill took them from 20% to 9.67%. Jemez Valley School District is where Senator Shendo is from. Sandoval County is about to do an Industrial Revenue Bond, under his own bill. That takes it from 20% to less than 10%. He is supporting it. Estancia, Moriarty, and Dulce School Districts are the opponents. What it does is help some schools and hurt others.



**Distribution of PILOT pursuant 2023 legislation per \$100,000.**

- Estancia School district – 9.74%
- Corona School District – 33.71%
- Moriarty School District – 13.28%
- Mountainair School District – 9.67%
- Vaughn School District – 33.06%

- B. MANAGER:** Presentation on American Legion Youth Corps (Gerald Chavez, American Legion Post 22 Commander).

**Gerald Chavez, American Legion Post 22 Commander:** Summed up in four pillars of the American Legion Youth Corps. It was founded in 1919. The four pillars of the American Legion were developed one to support veteran affairs of rehabilitation, two national security, three Americanism and four children/youth. Those have always been the pillars of the American Legion. June 14- 17 for American Legion Youth Camp. Help to empower our community. Teaching our children lost core values. Came to the commission for support.

**C. MANAGER'S REPORT**

**Madam County Manager Barela:** Update the commission on the finance department being very active in meeting with the department heads to get their requests in for the upcoming budget hearings. Not ready to meet with the commissions yet but that will occur soon. Finance will meet with the commission individually to see what projects they would like to see.

**D. COMMISSIONERS' REPORTS**

1) **Commissioner McCall, District 1**

Was approached by a constituent about the fact of the lack of defibrillators in our facilities. Maybe ARPA funding could be used for this.

**Samantha O'Dell, Emergency Manager:** Currently have two or three quotes on defibrillators. Waiting for some more quotes to come in. We have identified six locations. Seven AED that are initially needed to be placed within county public buildings. There are different options for renting them. In the process of determining which looks like the better direction. There is also some required training.

2) **Commissioner Schwebach, District 2**

I am very grateful for the individuals who came up with the setbacks. I would like to start the process of addressing their concerns. The thought process is one start communication with Pattern to make sure they know what's coming. If we are going to go through ordinance changes. This is just one aspect of an ordinance. We may have to look at some other periods and tie it all together. I feel it's something as a commission, we need to start doing. I feel we don't update our zoning ordinance enough. What I propose is that at the bare minimum each commissioner comes up with something they want to address within the ordinance. Start systematically addressing that to form improvement.

3) **Commissioner Schropp, District 3**

On April 11, I inspected Core Civic Detention Center. Made a trip to Encino, was invited by the city administrator for the city council meeting. Donzil Worthington, Juan Torres, and I went down to Duran to see the country that is part of my district. Met with the Land Grand Presidents three Saturdays ago. Learned a lot and got an earful. Still learning the job. Thanks everybody that sat on the board on the zoom calls and reminds everyone that our government requires the participation of its citizens. Come to the meetings.

**13. EXECUTIVE SESSION**

**14. Announcement of the next Board of County Commissioners Meeting:** Regular Commission meeting May 10, 2023, 9:00AM, Torrance County Admin Building.

15. **SIGNING OF OFFICIAL DOCUMENTS:**

16. **Adjourn.**


**Action Taken:**

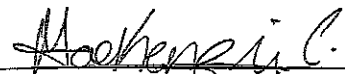
**Chairman Schwebach:** Motion to Adjourn.

**Commissioner McCall:** Seconds the motion.


**MOTION CARRIED**

**Meeting adjourned at 1:00 PM**

  
\_\_\_\_\_  
Ryan Schwebach - Chairman

  
\_\_\_\_\_  
Mackenzie Carlson - Admin Assistant

  
\_\_\_\_\_  
Date May 24 2023

  
\_\_\_\_\_  
Linda Jaramillo - County Clerk

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