

**FINAL COPY**  
**Torrance County Board of Commissioners**  
**Regular Commission Meeting**  
**May 10, 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 May 10, 2023, Regular Commission Meeting to order at 9:03 AM.

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

**Invocation lead by: Commissioner Schropp**

**3. Changes to the Agenda:**

Defer 4B – 4F to the next meeting when staff is available.

Move agenda item 12C to before 10A.

**4. CERTIFICATES AND AWARDS:**

- A. MANAGER:** Presentation of Memorial Plaque to Cheryl Allen in Remembrance of late County Employee, Larry “Dusty” Allen, Jr.

**Madam County Manager Barela:** Kind words were spoken about Larry “Dusty” Allen, Jr. and a plaque was presented to his wife Cheryl Allen.

- B. PLANNING & ZONING:** Recognition of Employee Service Year Pin: Donald Goen (5) - **Deferred**
- C. ROAD:** Recognition of Employee Service Year Pin: Aaron Smythe (5) - **Deferred**
- D. SHERIFF:** Recognition of Employee Service Year Pin: Monica Torres (2) - **Deferred**
- E. SHERIFF:** Recognition of Employee Service Year Pin: Pablo Arreola (5) - **Deferred**
- F. SHERIFF:** Recognition of Employee Service Year Pin: Jordan Duran (5) - **Deferred**

**5. BOARD AND COMMITTEE APPOINTMENTS:**

**6. PUBLIC COMMENT and COMMUNICATIONS**

**Senaida Anaya – Grants Assistant:** Torrance County was awarded funding for a student enrichment program happening this summer. 40-60 Students will be able to work for 8 weeks 20 hours per week \$12.50 an hour working at various locations throughout the county. The student needs to be enrolled in Mountainair, Estancia, Moriarty/Edgewood or EVCA school to be eligible. Students can apply through the county page.

**Red Kingston – Resident:** Mountainair has rodeo grounds that are in need of repair. Many people from around the state attend our rodeos and shop around Mountainair. Our first rodeo of 2023 on April 16<sup>th</sup> had 96 contestants. 4H had a

rodeo on April 29<sup>th</sup> & 30<sup>th</sup> with 122 contestants. We were in need of more stalls to accommodate all the participants. A list of needs was provided.

Our next rodeo will be June 4<sup>th</sup>, 25<sup>th</sup>, July 16<sup>th</sup> and 22<sup>nd</sup> and a Mountainair FFA ranch rodeo on June 21<sup>st</sup>. Welcoming the Commission to attend and show around to discuss needs.

**John Perea-** This concerns the ARPA funds. The water system in Torreon needs improvement and a new well. We only have 2 working fire hydrants. If there were to be a fire as in years past we would have to attain it from other towns.

**Chairman Schwebach:** EMWT will not go there since the land grants do not want it.

**Ann Schropp – Resident:** This county is sitting on a few million dollars in the ARPA fund money we are suddenly frantic to spend. For the last six months meeting after meeting I have heard how this county is poor and had no money for example, a vehicle for the Planning and Zoning Department. I understand that the responsibility for balancing the budget lies with the Commission. This Commission has done that well. ARPA funds are not part of the budget, an unexpected bonus designed to help a struggling community recover from the pandemic. Federal dollars were returned to the citizens.

**Jason Quintana – Resident:** Culverts and blade work are needed on the roads. ARPA funds can be used for the Mutual Domestic System.

**Orlando Lopez – Manzano Resident:** Manzano water system needs repair, this system was put in place in 1954 and is not up to code. Any funding would be appreciated.

**Tracey Master– Resident District 2:** Emergency Manager Samanta O’Dell deserves a pay increase. She is an asset to our county. She has done more in the short time she has been here than any other Emergency Manager. I have worked for the county for 21 years in various positions and see she is more involved and passionate about her job than any others that have held this position. She is underrated and underpaid.

**Augustine Montoya– Resident:** I applaud you that EMWT will not go onto the land grants. You’re opening up a conversation for negotiation. If I was called, I would have had that conversation with you. I understand the water concerns in McIntosh, but one part of the county should not affect other parts of the county. I

implore you to enter into conversation with Federal Congresswomen Stansbury. She is a great asset to assist with the water concerns in the county.

The water planning committee for the Estancia basin provided that since the scarce rainfall on the valley (inaudible) recharge of the aquifer is limited, with little rainwater coming into the aquifer. The extensive reliance on ground water has taken a toll on resources. Ground water levels in parts of the central basin have declined over 80 feet since the 1950s. The following statement was provided by New Mexico legal aid to the land grant interim committee of the New Mexico State Legislature. Land grant base water systems had often had a lengthy record of sustainability; however the surface and underground water uses in any area are notoriously interconnected and therefore vulnerable. Any water service that might consider entering into such a community must be extremely careful that those plans do not impair the hydrological system or the current uses that the community values. Assumptions in one section of the county about the desirability of acquisition of agricultural water rights or instillation of large volume wells may not be shared in part of the county that has 1. a strong agricultural tradition 2. has early priority water rights 3. is in the upper part of the watershed with good quality and quantity of water 4. already has community base systems in place.

**Pattie Alexander– Resident:** Hers is not a comment but more of an announcement. The New Mexico Constitution allows for citizens to put together a referendum to fight against certain bills that are put on the ballot to be voted on. She is the captain for Torrance County. She does not see this as a political issue but a good versus evil issue. Evil is attacking our children and our elections. If you are interested in volunteering to gather signatures for petitions, please call 505-290-7176. Our next training will be Monday May 15, 2023.

**Albert Beckwith– Resident:** Is concerned about the new yellow light that is flashing at Chairman Schwalbach's property onto his property. Also, all the illegal activity, including but not limited to illegal dumping and squatters surrounding his area. He voices his concern about the lack of water in McIntosh.

## 7. APPROVAL OF MINUTES

- A. **COMMISSION:** Request approval of minutes of the April 26, 2023, Regular Meeting of the Board of County Commissioners.

**Linda Jaramillo – County Clerk:** I do apologize but the minutes are not ready. We have a new staff member creating them that had a family emergency which put her behind on transcribing the minutes. Can they please be deferred to the next meeting? I am currently looking at some software that can transcribe your speech into text during a commission meeting. I feel this might help in the transcribing of the minutes.

**Chairman Schwebach:** I am fine with that.

**Deferred**

## **8. 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**

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

## **12. DISCUSSION**

**C.COMMISSION:** EMWT Policy Discussion/Explanation (Mayor Nathan Dial)

**Nathan Dial – Mayor of Estancia:** I have done many hours of research, everything is based on documents provided by the Town of Estancia, EMW Gas or EMWT. EMWT is not in good standings with the Secretary of States Office and ineligible to receive funding. In 2021 the issues were resolved by the Secretary of States Office and got EMWT back in good standing. They are about 9 months of

being dissolved by the Secretary of State's Office. I don't understand how Torrance County is going to earmark money for an entity that is ineligible to receive money. The JPA is questionable. Moriarty had no number on the signature page, Willard has no date, Estancia has three different versions and was illegally signed by Ted Barela, he was not authorized, he was not the Mayor, Mayor pro-tem or a trustee. Currently the JPA and letters of incorporation that are filed at the Secretary of States Office allows them to go outside of Torrance County. Until the two documents are confirmed they are illegally submitted.

Secretary of State's Office does not enforce, they just process paperwork. EMW gas gave EMWT \$50,000 loan and still has not been paid back.

**Chairman Schwebach:** Does the Town of Estancia not agree with the Concept?

**Nathan Dial – Mayor of Estancia:** The initial concept was a trunk line from Willard to Moriarty and staying within Torrance County. How can an entity receive funding who is not eligible. I'm not against Torrance County building a well in McIntosh, I'm against Torrance County giving money to an entity that is not eligible to receive funding.

**Bobby Ortiz – EMWT Regional Water Chairman:** EMW Gas tried to spin off as a water company and received funding from USDA but when the funding was to be received they were questioned why a gas company was getting money for water. A decision was made to get members together to form a JPA to get a water system for the Estancia basin. During the meetings all the communities got together and decided Torrance County is a big player in this area, it made sense to add Torrance County to the JPA. EMW Gas has the resources and operations in place, so we can share resources. As far as shipping water to Santa Fe County: December 17 meeting notes item 7B – we redefined EMWT services and boundaries. A map of EMWT proposed McIntosh water system was used for reference to determine what existing county line can be used to reference our western boundary service area. It was decided the Eastern Bernalillo County boundary line would suffice. David Dean made a motion to revise EMWT service area boundaries to be defined by the existing Eastern Bernalillo County line. Straight south to the end of the basin east to the end of the basin and north to the Torrance County line excluding exportation of water and purchasing of water rights anywhere outside of the newly determined service area. Motion was second by Ronny Reynolds and passed unanimously.

All of us on the board are here to keep the water within the valley and believe it should be in Torrance County. We also want to connect our communities together with a trunk line, if one of our wells goes down we will be in a dire situation, this will help all communities in an emergency situation. We were awarded a water trust board grant, 100% grant and started working on getting water to McIntosh.

We do not have any revenue and EMW Gas lends us resources to conduct meetings. We appreciate what EMW Gas has done to help us.

**Chairman Schwebach:** My suggestion is for EMWT to ratify all documents with current dates, to help eliminate some confusion. If we don't give purpose for this water then someone else will.

**Commissioner Schropp:** Mayor Dial, what will your recommendation be at your council meeting?

**Nathan Dial – Mayor of Estancia:** We will be addressing the JPA, and letter that incorporation stay in Torrance County.

**Bobby Ortiz – EMWT Regional Water Chairman:** We are new and are open to anyone's ideas, support and to be part of the solution.

## 10. ADOPTION OF RESOLUTION:

- A. **Commission:** Discussion and Approval of Resolution 2023-09, a Resolution Approving American Rescue Plan Act (ARPA) Projects.

**Juan Torres – Deputy County Manager:** Resolution 2022-13 is a base resolution. The new resolution has been left open for any modifications.

**Noah Sedillo – Finance Director:** We have \$3,450,000 left in ARPA funds.

**Chairman Schwebach:** If we incur this funding, can we move the funding for other uses?

**Juan Torres – Deputy County Manager:** You can make that change as long as the project is not complete.

**Juan Torres – Deputy County Manager:** In the 2022-13 resolution, the McIntosh water project, the water rights, identification, and acquisition we are looking at approximately \$300,000. This can be incurred through Bohannon Huston as our on-call engineer. Of the \$981,000, that can also be earmarked by Bohannon Huston for the second phase, planning and design, and the EMWT water association project. That would be separate from EMWT's funding. This would be our portion based on what we pledged.

**Chairman Schwebach:** The goal is to tie all ARPA funds to this Resolution?

**Noah Sedillo – Finance Director:** Yes, Fire District 3, water well; equipment for ambulance; road loader, road department pad, mutual domestic water for Torreon, Tajique and Marzano are incurred and spent by ARPA funds.

**Commissioner McCall:** Road Department pad, was that ARPA money?

**Noah Sedillo – Finance Director:** Yes \$474,515.00.

**Juan Torres – Deputy County Manager:** This was all before we got the \$250,000 in capital outlay. We may not need that full amount.

**Commissioner McCall:** Was it decided that the Road Department was going to do a lot of the work?

**Noah Sedillo – Finance Director:** They are currently working on this project.

**Chairman Schwebach:** We are going to be over budget for fairgrounds.

**Juan Torres – Deputy County Manager:** The approximate quote is \$450,000. This is for design, programming, and construction documents.

**Chairman Schwebach:** The purpose of this is to incur funds because of potential legislation. Water, roads, and buildings are a huge deal.

**Juan Torres – Deputy County Manager:** \$2,168,000.00 for the fairgrounds, excluding the kitchen.

**Commissioner Schropp:** Incumbering money as a reserve for overruns is a prudent thing to do especially since we can move the money where we need to move it, as we saw overruns on another project. \$200,000 may not cover all the contingencies in the future but it encumbers money and leaves money for numerous projects.

**Commissioner McCall:** Are there any stipulations with ARPA?

**Juan Torres – Deputy County Manager:** The original ARPA came with a lot of stipulations specific to certain projects. You can claim up to \$10 million of ARPA funding as lost revenue for general functions of the government.

**Commissioner McCall:** Do we want to increase the overages on buildings?

**Chairman Schwebach:** I thought \$100,000 is more realistic.

**Commissioner McCall:** That's including fairgrounds and Admin?

**Chairman Schwebach:** Building projects in general.

**Commissioner McCall:** I'd like to see it higher, closer to \$250,000.

**Chairman Schwebach:** \$981,000 EMWT, \$750,000 for building, remainder \$1,718,950.00. Mountainair project falls into buildings. I can't push EMWT because the water is needed in McIntosh. I don't want to ignore other water systems. We need to set aside money for water.

**Commissioner Schropp:** Mr. Worthington has the numbers on completing the Duran project and is shovel ready. With the problems in Duran they have to shut the water system down in order to repair their aging infrastructure. The entire town is without water at that time. I'd hope to see Duran's water project high on our list.

**Donzil Worthington - Bohannon Huston:** A PER was done in Duran for the initial tank and the funds came from the capital outlay with approximately \$130,000 left in that funding, this is right at the estimated amount to complete the initial tank. For a second tank it will be approximately \$100,000 with the work that has already been done. The 12-mile-long water project is estimated at \$2.5 million.



The 22,000 gallon fiberglass tank failed, this was the emergency project. They are able to operate on the 18,000 gallon tank, this is allowing them to have water most of the time when they don't have a leak. If the pipeline is not fixed then they will be out of water for a long time.

**Commissioner Schropp:** Can we mix funding for this project when we dedicate some ARPA funds and come back with ICIP to complete the project?

**Donzil Worthington - Bohannan Huston:** A lot of ARPA funds were encouraged to not spend immediately; they saw the greatest potential for the funds to be leverage for getting other federal funds.

**Commissioner Schropp:** It looks like we can use ARPA funds as a match in the future. This will open a lot of options since we don't have to fully fund projects just encumber enough funds.

**Juan Torres – Deputy County Manager:** Yes, as long as the project meets the requirements of the ARPA.

**Commissioner McCall:** Taking money to make more money is smart, just be cautious and know it will take time and effort on staff to search for other funding.

**Chairman Schwebach:** We have \$1.7 million left to work with, we can split it 50/50 half to roads and half to water projects other than EMWT because its already funded. We will set a time frame on that.

**Madam County Manager Barela:** Regarding the Mountainair Rodeo Grounds, instead of having them inclusive of the over runs of the construction, I feel if this Commission would like to fund, it should be its own funds listed in the resolution. It is not a current project the county has. Also, how long will you be holding onto this money. Don't just get this money incumbered but also get it spent. Saving the money to get money is fine if it is done in a short amount of time. I believe we have money to leverage, PILT and other funding sources besides ARPA.

**Commissioner McCall:** AED defibrillators would be wise to install in our county buildings using ARPA funding. Another project would be renting a screener or a crusher.

**Commissioner Schropp:** Renting equipment would be no different then buying the materials, we are just producing it ourselves.

**Juan Torres – Deputy County Manager:** We will have to look into if you can use ARPA funds on rentals.

**Leonard Lujan – Road Superintendent:** It cost about the same to base course a mile or to chipseal a mile. Its \$70,000 a month for a crusher and \$21,000 to rent a dozer. This will allow us to stockpile. We can crush 10,000 tons in a month, 176 hours of rental time. The crusher can be moved to various locations. It will only take one operator.

**Commissioner Schropp:** Roughly \$91,000 can be spent and we can get started on it before the road season begins if ARPA funding allows it.

**Chairman Schwebach:** What is the comparable material we can buy now?

**Leonard Lujan – Road Superintendent:** Road base is about \$10.50 a ton from Moriarty.

**Commissioner McCall:** Stockpile of material is a great way to spend the money.

**Chairman Schwebach:** We are in agreeance to get at least a month's worth of material.

**Commissioner Schropp:** My list of six projects needed for my district are as followed: 1-5 are water projects for Torreon, Duran, Tajique, Manzano and Chilili. Number 6. is Mountainair fairgrounds.

**Commissioner McCall:** I like the 50/50, water/road.

**Commissioner Schropp:** Agreed

**BREAK – 11:35 AM to 11:52 AM**

**Chairman Schwebach:** Can ARPA be used for vehicles?

**Juan Torres – Deputy County Manager:** Depends on the type of vehicle. Emergency vehicles qualify, not certain about any other.

**Chairman Schwebach:** IT was mentioned.

**Juan Torres – Deputy County Manager:** The Commission has approved roughly \$10,000 for the new firewall, currently in place. We had a walk through with Ambitions looking at all of our switches and cabling totaling \$150,000. This will be an upgrade and can move with us to the new building.

**Commissioner Schropp:** Our incident command vehicle is currently down.

**Samantha O'Dell – Emergency Manager:** I have quotes for 7 AED's for various county buildings. To purchase them they will be from \$8,800 to \$16,000 total or rent from \$600 to \$882 a month, they will be serviced every four weeks and all maintenance and liability falls to them. AED's are not mandatory in county buildings.

**Commissioner McCall:** I'm leaning to the rental of AED's. Unless ARPA funds cannot be used for this.

**Chairman Schwebach:** Lets looks at this when the general budget comes up.

**Samantha O'Dell – Emergency Manager:** Can ARPA funds be used for radios in the 6 new county trucks in the amount of \$6,876.00.

**Juan Torres – Deputy County Manager:** This resolution can be modified at any time. Tie up some projects and as the need comes around we can come back with modifications.

**Chairman Schwebach:** My suggestion is to do a 50/50 split with road and water.

**Madam County Manager Barela:** Clarification on the overrun of construction, you have \$750,000 including Mountainair Rodeo grounds gets \$260,000 total. Do you want to fund that totally?

**Chairman Schwebach:** This will be discussed at a later time.

**Commissioner Schropp:** Can we incur some funds for the Mountainair Rodeo project, while they look for more funds?

**Chairman Schwebach:** Looking at the list, personally I would not add the tractor, groomer, or the covered grandstand. When you start looking at the RV hook ups, stall lights and pipe fence. I'm on board with that.

**Commissioner Schropp:** With improvements to the infrastructure, we can continue to expand the rodeo.

**Commissioner McCall:** Keeping the grounds in great shape is part of why people like going to Mountainair Rodeos.

**Commissioner Schropp:** Covered grandstands would be a great asset.

**Chairman Schwebach:** Improvements are needed but I'm thinking \$25,000 and going from there.

**Commissioner McCall:** Moriarty and Estancia rodeo grounds could use help.

**Chairman Schwebach:** \$750,000 for building overages, you can pull out of that for projects like this, with Commission approval.

**Commissioner McCall:** Motion for \$750,000 building capital improvement overages, keeping the EMWT as stated in prior resolutions,

**Chairman Schwebach:** The remainder \$1,718,000 split 50/50, purchase road materials to improve the roads with the county and water improvements on existing water systems within the county.

**Michael Garcia – Attorney:** Read into record the updated Resolution 2023-09.

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**TORRANCE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
RESOLUTION NO. R 2023- 09**

**AUTHORIZING AMERICAN RESCUE PLAN ACT (ARPA) FUNDS FOR PROJECTS**

**WHEREAS**, Torrance County Board of County Commissioners "BCC" passed Resolution 2022-13, Authorizing Use of a Portion of Torrance County's American Rescue Plan Act Funds to be Dedicated as the Local Match for the EMWT Regional Water Association's Water Trust Board Application for the McIntosh Water Project, Contingent on the Terms of This Resolution; and

**WHEREAS**, the terms of Resolution 2022-13 included the authorization of Torrance County's use of ARPA funds for a local match for the EMWT Regional Water Association's McIntosh Water Project, and the match was contingent upon a favorable or acceptable outcome of the funding from the Water Trust Board application process, with anything less than complete funding of the project granting the County the option to claw back and not provide the local match or a portion of the local match; and

**WHEREAS**, the matching funds approved in Resolution 2022-13 are no longer required since the Water Trust Board only funded a phase of the project, and they required no local government match; and

**WHEREAS**, the BCC desires to make full use of Torrance County's American Rescue Plan Act funds for the betterment of Torrance County residents regarding these and other projects; and

**NOW, THEREFORE BE IT RESOLVED** that the Torrance County Board of County Commissioners authorizes the use of ARPA funds for the following projects:

1. *Water Rights Identification and Acquisition*, \$50,000, to Bohannan Huston, one of Torrance County's on-call engineers. (RFP TC-FY22-04)
2. *Purchase of Water Rights*, \$250,000, purchased and owned by Torrance County, with the intent to lease said water rights to EMWT Regional Water Association for the McIntosh Water Project.
3. *Second Phase of Planning and Design of EMWT Regional Water Association's McIntosh Water Project*, \$681,050, to Bohannan Huston, currently planning and developing design of First Phase of the project and one of Torrance County's on-call engineers. (RFP TC-FY22-04).
4. *Building Capital Improvements Overruns*, \$750,000.
5. *Water Improvements on Existing Water Systems in the County*, \$859,475.
6. *Improvements on Existing County Roads*, \$859,475.

**DONE THIS 10th DAY OF MAY, 2023.**

**Action Taken:**

**Chairman Schwebach:** Motion to approve Resolution 2023-09, a Resolution Approving American Rescue Plan Act (ARPA) Projects, as stated.

**Commissioner Schropp:** Seconds the motion.

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

**11. APPROVALS**

- A. MANAGER:** Discussion and possible approval of architect for the fairgrounds building. (Map hereto attached)

**Juan Torres – Deputy County Manager:** This was the only bid we received from our on call, Studio Southwest Architects is a contractor with Bohannon Huston. All of our engineers with the exception of Wilson and Company have subcontracted the architectural portion. If this were to be awarded it would go through Bohannon Huston.

**Commissioner Schropp:** \$451,045 is a lot of money and under additional services, if we go back after the initial plan, you are paying hourly rates (listed on page, under additional services.) I think if you give someone \$451,045 to design a building, it should be a complete package.

**Juan Torres – Deputy County Manager:** On the forth page is a site plan showing the area we would like the building to be built. This will be a multiple phase project. The Commission asked for a 45,000 square foot steel building that could be constructed in phases. This would encompass the indoor arena and the extension office. What phase of the project do you want to start with?

**Commissioner McCall:** This puts this project at 4.5 million dollars.

**Juan Torres – Deputy County Manager:** We get the complete design and have a target goal in place, phasing it in. Or we can go back and say, here is our funding, design us a building based upon this building. If we want to reduce the size or make any changes we can do that. This is not the comprehensive plan, it's just the building.

**Commissioner McCall:** In a previous meeting, we had three quotes from our on calls. I feel we need another opinion before we can award this. On the map, I don't recall discussing the narrow part of the building.

**Chairman Schwebach:** I don't remember 45,000 square feet. I remember the angle north of the sheep barns and incorporating it into the existing barns. The

existing show barn is solid. The question is on the showing arena structure. We did talk about keeping it incorporated.

**Juan Torres – Deputy County Manager:** This L shaped building was based on our last conversation at the Commission meeting we had here. I was not a part of the initial walk through. If you want to change the scope it can be done.

**Chairman Schwebach:** A 45,000 square foot building, we are looking at an \$11 million dollar building. I don't think we have ever had that much money available. There may have been talks about having a 45,000 square foot footprint, using existing buildings. There is talk about the Extension Service added.

**Marcie Wallen – Fair Board Chairman:** During the walk through we talked about going east from the existing building and up against the sheep barn.

**Continued discussion – using map in packet.**

**Juan Torres – Deputy County Manager:** Of the funding you have to spend \$150,000 of the \$2.1 million by June 2024.

**Chairman Schwebach:** We are proposing a building north of the sheep barn with the maximum size we can get. This will be a multi-use building with the intent it has rollup doors with the ability to take equipment in for various uses.

**Commissioner Schropp:** A building on the north side of the existing sheep building that is oriented east and west.

**Chairman Schwebach:** Access coming from the east side and parking.

**Marcie Wallen – Fair Board Chairman:** Originally the building was set to butt up against the current show barn and the sheep barn and go east toward the rabbit barn.

**Chairman Schwebach:** I'm good with that.

**Commissioner McCall:** That's an 18,700 square foot building. (Drew a picture with the scope of work for Deputy County Manager and plan on doing a walk through at the fairgrounds for accurate measurements) We need to do an RFP.

**No Action Taken:**

- B. SHERIFF:** Approval to pay prior fiscal year expense: \$2,711.40 from Axon, Invoice INUS037382, dated 12/9/2021 (issues prior to approval of contract with Axon) without a purchase order.

**Cheryl Allen – Executive Assistant Sheriff’s Office:** This is the first of three invoices from Axon that need to be paid from previous years. This one is for taser batteries which we confirmed were received in the amount of \$2,711.40.

**Action Taken:**

**Chairman Schwebach:** Motion to approve pay prior fiscal year expense: \$405.70 from Axon, Invoice INSU044774, dated 1/5/2022 with Purchase Order 37445 issued 1/4/2022 in the amount of \$375.00.

**Commissioner McCall:** Seconds the motion.

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

- C. **SHERIFF:** Approval to pay prior fiscal year expense: \$405.70 from Axon, Invoice INSU044774, dated 1/5/2022 with Purchase Order 37445 issued 1/4/2022 in the amount of \$375.00.

**Cheryl Allen – Executive Assistant Sheriff’s Office:** This invoice is for training in the amount of \$405.70.

**Action Taken:**

**Chairman Schwebach:** Motion to approve pay prior fiscal year expense: \$405.70 from Axon, Invoice INSU044774, dated 1/5/2022 with Purchase Order 37445 issued 1/4/2022 in the amount of \$375.00.

**Commissioner Schropp:** Seconds the motion.

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

- D. **SHERIFF:** Approval to pay prior fiscal year expense: \$1,255.76 from Axon, Invoice INUS048771, dated 1/20/2022 (issues prior to approval of contract with Axon) without a purchase order.

**Cheryl Allen – Executive Assistant Sheriff’s Office:** This invoice was for taser lithium batteries in the amount of \$1,255.76.

**Action Taken:**

**Chairman Schwebach:** Motion to approve pay prior fiscal year expense: \$1255.76 from Axon, Invoice INUS048771, dated 1/20/2022 (issues prior to approval of contract with Axon) without a purchase order.

**Commissioner Schropp:** Seconds the motion.

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

## 12. DISCUSSION

### A. ASSESSOR: Annual Report to the Commission

**Jessie Lucero – County Assessor:** 2023 annual report attached hereto.

Torrance County Assessor annual cycle: January 1<sup>st</sup> – March 1<sup>st</sup> is the determination value for entire county. April 1<sup>st</sup> – May 1<sup>st</sup> notice of values are sent out, protest period begins, assessor evaluations. May 1<sup>st</sup> – August 1<sup>st</sup> protest settlements, state certification of value. September 1<sup>st</sup> – October 1<sup>st</sup> tax roll and warrant sent to county treasurer. August 1<sup>st</sup> – December 31<sup>st</sup> continued reappraisal of county.

The County Assessors role and responsibilities are to determine value of property for property taxation purposes and implement a program of updating property values. Appraisal staff responsibility is to study the market to determine values for all nonresidential and residential properties. Process all incoming permits from municipalities, state, and county. Process all combines, splits and lot line adjustments. Process all tax releases for manufactured homes for title work, transfer to real property and transfers to personal property. Process intake of all livestock rendition and agricultural accounts. Customer service staff responsibilities are the first point of contact for property owners. Intake of all exemptions and applications. Ownership transfers and sales affidavits. Process all intake and data input, valuation of business personal property.

Property valuation program components: valuation maintenance – maintaining current and correct values through the appraisal/reappraisal process. Net new – additional value of residential and non-residential property placed on the tax roll in the current year (new money). New construction – permits, reappraisal (improvements to property), new business/business personal property updates, livestock rendition/reporting.



Pictometry aerial imagery was implemented in December 2019 and greatly reduced the need for physical door to door review, saving time and resources. This technology has proven to be invaluable for its accuracy in verifying square footage of residential improvements and providing a safe environment for appraisal staff and also cost savings on fuel and other maintenance.

Formal protest hearings: Notices of value were mailed out April 1, 2023. The protest period started April 1, 2023, - April 30, 2023. The Assessors' office is currently in protest period. No information on current protests. Formal protest hearings are set for July 25<sup>th</sup>-27<sup>th</sup> 2023 if necessary.

Desktop appraisal is about 80% of the appraisal process. Appraisers can accurately determine square footage of properties, allowing them to reach a more correct valuation. There is still a need for boots on the ground when the aerial photo does not provide enough information. There are 8,067 residential parcels, 17,902 non-residential parcels, 1,687 agricultural parcels and 650 commercial parcels. Total taxable value for 2023 is \$589,729,065, 2022 was \$512,304,723. Net new taxable value for 2023 is \$8,129,046 and in 2023 was \$4,234,864.

The Assessor's office has three new state certified appraisers: Linda Gallegos, Crystal Garcia, and Bill Holt. Two junior appraisers: Tanner Solomon and Zachary Davis. Helen Gutierrez is our CAMA specialist, Geno Jones is our new office manager, Alanna Chavez-Mitchell is our new Customer Service Clerk I and Casandra Knoten was promoted to our Customer Service Clerk II.

67% of the Counties budget comes from property taxes.

**B. COMMISSION: Second Amendment Sanctuary Resolution (Mayor Nathan Dial)**

**Nathan Dial – Mayor of Estancia:** The Town of Estancia declared itself a Second Amendment Sanctuary town. Torrance County included itself as a Second Amendment Sanctuary County. When we did that we had a different Sheriff and Commission. The main question is, where do our county elected officials stand on standing up for our constitutional rights? We start with the Second Amendment because if they can regulate and license the Second Amendment then sooner or later they can regulate and license the First Amendment. This building being incorrectly marked, no firearms, did set a precedent. Mayor Keller, the Mayor of Santa Fe and the Governor have all implemented the same reason you use for no firearms in this building, because of the Extension Office. Because of the Extensions Office that makes this a school campus. I completely disagree with that. Where do the Torrance County elected officials stand on standing up for our

constitutional rights and Second Amendment rights because of three things that have happened. 1. The Governor has made a rule, you cannot go on the state capital with a firearm. 2. I openly supported the Sheriff and the judge based on the statements that they were going to be a constitutional Judge and Sheriff. The Sheriff is on record stating that he would enforce a red flag law to include using deadly force. 3. The State Police stated they want open lines of communication and transparency but will not check in with dispatch when they are in our county or municipalities. Verbally, the Attorney General's Office, through the State Police, have told me they were going to arrest me if they continue to see me breaking the law because they don't think I have the rights that I think I have. For three years I have asked for the legal opinion from the Attorney General's Office of what I can do. I wish you would reconsider taking the no firearms off this building.

**Chairman Schwebach:** We are not taking no firearms off this building. I am not reconsidering this till my manager has discussion with the staff and their well-being and safety.

This board affirms it's support with the duly elected Sheriff of Torrance County New Mexico in the exercise of their sound discretion and affirms it's resolve to support decisions by our staff to not enforce unconstitutional firearms law against any citizen. This provision shall not be construed to include persons convicted of violent felonies. As a duly elected official his actions are his; we have no authority on what he does and doesn't enforce. This resolution stands.

**C. COMMISSION: EMWT Policy Discussion/Explanation (Mayor Nathan Dial)**

Moved to before agenda item 10. A

**D. FINANCE: Fiscal Year 2023/2024 Budget Discussion.**

**Noah Sedillo – Finance Director:** Current fiscal budget attached hereto.

1. Salaries – will we be using percentage increase or dollar amount increase?
2. COLA – Other counties are looking at a 5% is the average.
3. PERA will increase by .5% for both employer and employee, we have no choice for the next three years.
4. Health insurance will be going up by 29% - 40% January 1<sup>st</sup>, Presbyterian Health Plan

The budget is a living breathing document. In the general fund 401, in this current year we have a budget of \$13,179,323.00, we have 42% remaining, \$5.5 million. We have an opportunity to reposition some stuff within the budget to offset some of these financial increases.

**Chairman Schwebach:** Does this include capital expenditures we haven't spent?

**Noah Sedillo – Finance Director:** No

**Chairman Schwebach:** 100% operating expenses. I need to pull out the stuff that has not been budgeted.

**Commissioner Schropp:** We can increase salaries knowing how much we have leftover FY23 at the current salary levels. We can look at that and decide what kind of increases can be made in 2024.

**Chairman Schwebach:** I want to see what was spent versus budget. The insurance concerns me the most 40% with 112 employees is a large amount.

**Noah Sedillo – Finance Director:** I will pull what was budgeted for full time salaries and expenditures as far as vehicle maintenance etc..

**Madam County Manager Barela:** In the last couple of years the Commission has opted to do the dollar amount instead of the percentage.

## E. MANAGER'S REPORT

**Madam County Manager Barela:** Torrance County will have dumpsters in Echo Ridge May 12<sup>th</sup> and 13<sup>th</sup> for those affected by the fire. The dumpsters will be on North Carolina Court and Echo Ridge Loop.

The road department is currently working on the pad for the new road shop.

We will be holding a tax auction here at the commission room May 25<sup>th</sup> at 10 AM. There are 75 properties listed.

## F. COMMISSIONERS' REPORTS

### 1) Commissioner McCall, District 1

**Commissioner McCall:** There will be a vacancy on the P & Z board that needs to be filled.

I have contacted the warden at the detention center to see if detainees can pick up litter.

2) Commissioner Schwebach, District 2

**Chairman Schwebach:** NONE

3) Commissioner Schropp, District 3

**Commissioner Schropp:** One April 28<sup>th</sup> the County Manager and I met with ICE, CoreCivic and representatives of Innovative Law Lab who represent the ACL of New Mexico for an inspection of the Torrance County Detention Facility in Estancia, New Mexico. The attorneys were primarily interested in the legal rights of the detainees to communicate with their legal representation. The staff at the TCDF were courteous, well prepared and forthcoming with all requests for documents or to inspect a particular location in the facility. The facility was clean, quiet and is an orderly humane place as they wait for there immigration hearing. I also traveled to Duran with Deputy County Manager Torres and Mr. Worthington to discuss the water project with Duran citizens. I met with the land grant presidents and found the ARPA ready projects. Jason Quintana and I drove to Cedarvale to look at a road complaint on Torrance Road. The landowner is pleased with the work done by Leonard Lujan, Road Department as well as the responsiveness of the county.

**14. EXECUTIVE SESSION:**

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

Regular Commission Meeting May 24, 2023, 9:00 AM, Torrance County Admin Building.

**16. Signing of Official Documents**

**17. Adjourn.**

**Action Taken:**

**Chairman Schwebach:** Motion to Adjourn.

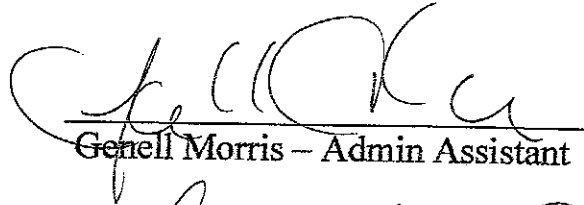
**Commissioner Schropp:** Seconds the motion.

**MOTION CARRIED**

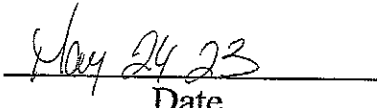
**Meeting adjourned at 1:50 PM**



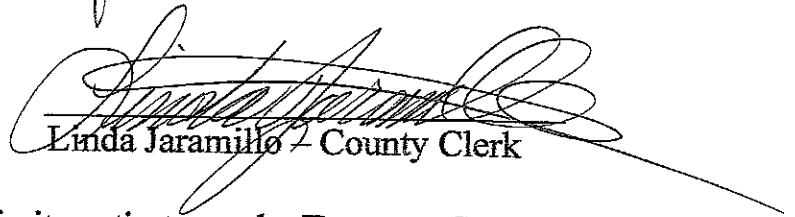
Ryan Schwebach - Chairman



Genell Morris - Admin Assistant



Date



Linda Jaramillo - County Clerk

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