

**FINAL COPY**  
**Torrance County Board of Commissioners**  
**Regular Commission Meeting**  
**June 28<sup>th</sup>, 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 June 28, 2023, Regular Commission Meeting to order at 9:04 AM.
  
2. **Pledge lead by:** Chairman Schwebach  
**Invocation lead by:** Commissioner McCall
  
3. **Changes to the Agenda:**

So that would be 12A moving before 11A out of consideration for those that are in attendance from the State Police Department that we they could move on if they need to.

4. **Certificates and Awards:**

A. **Janice Barela-Madam County Manager:** Mr. Smythe is not available today. Road Superintendent, Leonard Lujan, is going to present his award to him in one of their meetings.

B. **Chairman Schwebach:** Grants Recognition of Employee Service Year Pin: Senaida Anaya (2)

**Noah Sedillo-Finance Director:** On behalf of the County, my department and management, I'd like to give this pin as recognition of two years' service to Mrs. Senaida Anaya. If you could come forward and be recognized.

**Senaida Anaya-Grants Assistant:** I just want to say thank you to the county for the opportunity of working here. I've learned a lot and I've enjoyed serving. I've worked for the clerk's office for 14 years before and two years with the grants. My time here with the county has been very successful. Thank you.

C. **Chairman Schwebach:** Animal Services: Recognition of Employee Service Year Pin: Kevin Logan (2)

**Danette Langdon-Animals Services Director:** On behalf of the County and my department, I would like to present this two-year service pin to Kevin Logan. He's hands down the best animal control officer that we have. He is dedicated, compassionate, and caring. He goes above and beyond for the people and the animals of Torrance County. We deal with all kinds of people in all kinds of situations, and he manages to deal with all those situations in a professional and calm, composed focused manner, which is not always easy in animal control. I'm so thankful that he has chosen to stay with us for these two years and I look forward to many more years working with him.

**Kevin Logan-Animal Service Officer:** Thank you, it's always an adventure.

- D. **Chairman Schwebach:** Assessor: Recognition of Employee Service Year Pin: Linda Gallegos (2)

**Jessie Lucero-County Assessor:** This morning I have the privilege of presenting my Chief Deputy Assessor, Linda Gallegos, with her two-year pin. Linda joined the Torrance County Assessor's Office back in 2021. Prior to her coming to Torrance County, Linda held office in Colfax County for eight years. She was also the Chief Deputy Assessor for two years. While working as a County Assessor in Colfax County, Linda also served on the New Mexico Association of Counties Board of Directors, and most recently on the Advisory Council. Linda was also our Assessor affiliate chair for the past five years. I'm very pleased that Linda has chosen to come and work with me in Torrance. And I hope she stays for a long time. I am very proud to present this award to Linda Gallegos.

**Linda Gallegos-Chief Deputy Assessor:** Just like to say thank you. It's been a pleasure working here for the last two years. And I'm looking forward to many years to come for sure. And thank you all for welcoming me from up north.

## 5. **BOARD AND COMMITTEE APPOINTMENTS**

- A. **Chairman Schwebach:** Clerk request re-appointment of current Board of Registration. Asks Madam County Manager if we need one from each party.

**Janice Barela-Madam County Manager:** It's been the choice of this Commission at the recommendation of the clerk. Madam Clerk is present so you can direct your questions to her.

**Linda Jaramillo-County Clerk:** As per statute at the first regular scheduled meeting in June, you, the Commission are to appoint the Board of Registration. I have Michelle Jones, Gayle Jones and Sandy

Ness who are the current Board of Registration. They've done an excellent job. And I'd like to keep them on

**Chairman Schwebach:** I'm assuming they all agreed to stay on.

**Linda Jaramillo-County Clerk:** Yes, they did. I notified them and asked them if they would like to continue serving. They enjoy being on the Registration Board.

**Action Taken:**

**Chairman Schwebach:** Motion to reappoint the current Board of Registration. Michelle Jones, Gayle Jones, and Sandy Ness

**Commissioner McCall:** Seconds motion.

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

**6. PUBLIC COMMENT AND COMMUNICATIONS:**

**Red Kingston:** Pleased to be here to visit with you a little more about the Mountainair rodeo grounds. Since April, we've had four Mountainair rodeos in the series of six rodeos with an average 90 to 95 contestants. We have age groups for nineteen and over. A lot of other contestants have been coming in and spending the night with their horses on Saturday night for rodeo on Sunday. In each rodeo we've rented approximately 19 stalls with 20 still available. Four to six families camped out overnight. That's why I would like to make some improvements and RV hookups out there so that they could rent those and then be a little more comfortable staying out. We had the 4-H Rodeo that I've already discussed with you. We had 122 contestants at that rodeo. We had about 24 stalls rented out that weekend for two nights, we had contestants coming in from Las Cruces, Lovington, Tucumcari, Farmington, Grants, and many other towns across the state of New Mexico. Every one of them pretty much came to me and complimented us on our grounds. This past weekend, we had the Mountainair FFA Ranch Rodeo. We had eight adult teams coming in from all over the state. We had two kid teams. We thought it was going to run into the night because of that many teams that we had, but we got it done, just a little before dark. Everybody had a good time. We had at least 600 paying people to come through the gate. Most of the teams came from the Roswell, Artesia,

Espanola, Lincoln County, Socorro County and Torrance County area. But we had 10 stalls needed and four of the teams came on Friday evening and spent the night.

I've been working on these RV hookups talking to different people. I had one quote, from approximately six months ago, that was about \$15,000.00, to put in six to 10 pedestals. I have talked to another company to do electric and water, and the quote that I had on my list was only for electric. This new company that I was talking to can do electricity and water, but it's going to be quite a bit higher to do that. They estimated \$30,000.00 on electric and \$30,000 to \$50,000.00 on the plumbing that includes freshwater and then sewer. I've been talking to some other people, and they just haven't gotten back with me on some prices yet. I appreciate any support I'll be able to get from you.

**Commissioner Schropp:** I attended the rodeo on Saturday. You walked me through your plans for the grounds. I think you mentioned that you had already spoken with the Town of Mountainair about water and sewer hookups. The electricity is ready to go as well. You had a drop point there that would sustain these RVs.

**Red Kingston:** Electricity is close, within just a few feet. I measured off the water and it was about 300 feet to the sewer line. So, it wouldn't be a hard thing. I have discussed it with the mayor and the Town and Mountainair.

**Commissioner Schropp:** The reason I asked Mr. Kingston to come in today was Commissioner McCall was going to check in his district to see if there were some rodeo grounds up there that needed some money and that kind of ended the discussion last time. I wanted to keep this on the radar, as a shovel ready project. This is bringing money into Mountainair and the venue is a good facility. I can see jackpot roping, jackpot sorting, jackpot team panning on Fridays and Saturdays. Mr. Kingston and I discussed people overnighing horses there during hunting season. This is going to be a good source of outside money coming into Mountainair for the restaurants, grocery stores and other businesses. I know we won't do anything about this today but want to keep it up in front of everybody's mind that this is a good project and shovel ready.

**Jason Quintana-President of Manzano Land Grant:** I was asked by Orlando Lopez, who runs the mutual domestic, to basically give you an update on the status of the well. Right now, we do have water. but the issue is that the pump that's running right now, which generally can pump 30,000 gallons in about eight hours, is now taking 24 hours. It's getting weaker by the day. I spoke to Noah. The other day he said, it's in the process. Hopefully we can catch up before we lose that pump, too. There is a radio transmitter on the top of that tank. Somebody thinks it's up there for target practice. They shot it and knocked it down. It's still in good shape. The last time it was a few \$100.00 to fix it. We're wondering if, if, while they're there if they could just put it back up. Orlando has medical issues, and he must go out and manually turn the pump on, and off. The radio transmitter was doing all of that for us.

We talked to the Fire Chief and asked if they had some fire equipment, specifically tankers, that we could put out in Punta, Manzano and Tajique. We have some people that are willing to volunteer and take the wildland certification. In the event if there is a fire in the area, we can go out there and help. We're closer than any of the other fire departments. With tankers and training we can start fighting the fire until the fire departments can show up. In the past and we've already had one this year, we spent about three, maybe four hours out there with shovels trying to put it out by hand. We had seven volunteers, pre-COVID, but now, being that it's volunteer, we probably have two to three people in each community that would be willing to be out there and be able to respond to something just to try to keep it from turning into a disaster.

**Commissioner Schropp:** I asked Mr. Quintana to come today to talk about the tanker trucks. This is very preliminary, but I wanted to get it on your radar. We're looking for the excess equipment and would ask Chief Dirks instead of going with equipment to the state auction that it be donated to the mountain communities instead. The mountain communities will staff the trucks and take responsibility for maintenance and everything that goes with having those assets. This will support our county, state, or Interagency Fire Service firefighters. Those entities would then pay a daily rate or whatever the rate is. That would also set us up for a program to have wildland firefighters in the mountain communities. Commissioner McCall has expressed on several occasions, trying to find good jobs that will keep young people in our county. I think there is an opportunity there. Mr. Quintana

came at my request to give you a head's up as he and Chief Dirks work towards whatever kind of deal would be acceptable to the Commission.

**Noah Sedillo-Finance Director:** I'd like to welcome and introduce Miss Amanda Lujan, our new Grants Administrator. She comes from us from private grants, so to speak. From Girl Scouts of America, Boys and Girls Club to name a few. We are very lucky to have her. I've tasked her with some tough stuff out of the gate.

**Amanda Lujan-Grants Coordinator:** Thank you, everyone. Thank you for giving me the opportunity to work here for Torrance County. I was raised in New Mexico, both of my parents retired from Torrance County. Many of my family members work for the county. Everybody knows Leonard. There's a history of public service in my family and I'm honored to be able to contribute to the county and give back to my community as I've returned to New Mexico. Thank you.

**Ann Schropp:** Mr. Chairman, I'm here to sing your praises. Today, I want to praise this commission and the county staff for their exemplary and determined work on May 24th. For any who might not have known that was an 11 and a half hour meeting. Chairman Schwalbach's managing of the process was frankly masterful. Each of these three commissioners bring their own strengths to the table, and the expertise of each of them is needed for balanced and productive government. The county staff were all well prepared to speak to their portions of the budget with cogent arguments for and explanations of their needs.

I could not stay for the entire meeting, but I did have a good play by play, afterwards. Writing up the minutes of a marathon meeting like this had to be a monumental task but Madam County Clerk's Office did an outstanding job. Congratulations Ms. Jaramillo and your staff. The work accomplished by this commission at that meeting, getting ARPA funds encumbered, as well as lining out the annual fiscal budget has gone a long way towards getting Torrance County caught up to current salaries, infrastructure and equipment needs and regulatory requirements. Such large expenditures will not be the way of the future here. But the American Rescue Plan Act money has been a huge boost to our county.

Now wish to address the rest of us. Good government requires participation of its citizens. What constitutes participation in governance is attending

meetings such as school boards, city councils and Commission. In person or via Zoom is a start. But that start requires further effort to understand the facts of what is going on, and how the system works. Buying into and believing ugly rumors, petty gossip, half-truths, and innuendo sets us all back and prevents the county moving forward. There are too many who seem to think that complaining long and loud about something and then walking out is to pat themselves on the back.

That's not participation in government. If some of you stuck around or read the minutes when they are published, you would hear things like the fact that Commissioner McCall has a couple of projects in the works, to address some things that are sources of irritation for citizens. Or you might learn that Chairman Schwebach is working on the problems with the landfill. It's very easy to walk in here, throw a grenade at the commission and walk out that helps nothing and no one. We have some real problems, but this county is moving forward by facing and addressing them. We will move forward much faster and better if we're all determined to be part of the solution. Thank you.

**Linda Jaramillo-County Clerk:** I wanted to give you an update on the renewals that went out for business registrations. We send out 404 business registration renewals at \$35.00 per renewal. We have two liquor licenses in the county, VFW and Rays One at \$250.00 per renewal.

The deadline for the local entities to give me the positions that are going to be running in the Local Election is July 10th. Most of them have been sent. I will send those positions to the Secretary of State and the Local Election will officially start but I have been planning for months.

## 7. **APPROVAL OF MINUTES**

A. **COMMISSION:** Request approval of minutes of the May 24, 2023, Regular Meeting of the Board of County Commissioners.

### **Action Taken:**

**Chairman Schropp:** Motion to approve minutes as written of the May 24, 2023, Regular Meeting of the Board of County Commissioners.

**Commissioner Schwebach:** 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:** FINANCE & PURCHASING: Request approval of payables.

**Action Taken:**

**Chairman Schwebach:** Approve payables.

**Commissioner Schropp:** Seconds the motion.

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

**10. ADOPTION OF RESOLUTION:**

**A. Chairman Schwebach:** EMERGENCY MANAGEMENT: Resolution 2023-12 Accepting New Mexico Counties Community Wildlife Risk Reduction for Rural Communities Grant to Update Community Wildlife Protection Plan

**Samantha O’Dell-Emergency Management Manager:** This resolution is to accept the grant that we received from New Mexico Counties for the update of the Community Wildfire Protection Plan. As part of their grant acceptance process, they do require a resolution signed by the Commission accepting that it's for \$20,000. We do have a 10% match of \$2,000 which can also be in kind.

**Chairman Schwebach:** We have currently done this annually, correct.

**Samantha O’Dell-Emergency Management Manager:** It's not annually. We first created it in 2008. It was updated in 2016. We're due for another update currently.

**Action Taken:**

**Chairman Schwebach:** Motion approval for New Mexico Counties Community Wildlife Risk Reduction for Rural Communities Grant to Update Community Wildlife Protection Plan.

**Commissioner McCall:** Seconds the motion.

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

**B. Chairman Schwebach:** ROAD: Resolution for 2023-13, Approving Participation in Local Government Road Fund Program Administered by the New Mexico Department of Transportation (State Cooperative Agreement Project – CAP).

**Leonard Lujan-Road Department Supervisor:** We need to get our application signed by the Commission for the LGRF funds. This is for next year's money. We do this every year.

**Action Taken:**

**Chairman Schwebach:** Approve Participation in Local Government Road Fund Program Administered by the New Mexico Department of Transportation (State Cooperative Agreement Project – CAP).

**Commissioner Schropp:** Seconds the motion.

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

**C. Chairman Schwebach:** ROAD: Resolution for 2023-14, Approving Participation in Local Government Road Fund Program Administered by the New Mexico Department of Transportation (State Cooperative Agreement Project - SB).

**Action Taken:**

**Chairman Schwebach:** Approve Participation in Local Government Road Fund Program Administered by the New Mexico Department of Transportation (State Cooperative Agreement Project - SB).

**Commissioner McCall:** Seconds the motion.

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

**D. Chairman Schwebach:** ROAD: Resolution for 2023-15, Approving Participation in Local Government Road Fund Program Administered by the New Mexico Department of Transportation (State Cooperative Agreement Project – SP).

**Action Taken:**

**Chairman Schwebach:** Approve Participation in Local Government Road Fund Program Administered by the New Mexico Department of Transportation (State Cooperative Agreement Project – SP).

**Commissioner Schropp:** Seconds the motion.

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

**As per the request of Janice Barela-Madam County Manger Item 11-A is moved before item 10-E (Adoption of Resolution)**

11. **APPROVALS:**

A. **Chairman Schwebach:** SHERIFF: Request approval of breakdown of law enforcement retention payments funded by Law Enforcement Fund (LEF) – HB 68.

**Janice Barela-Madam County Manager:** What Noah Sedillo is passing out, please disregard the first page. What we will be looking at is the second page. This is not information received prior to this meeting.

**David Frazee-County Sheriff:** We're here to talk about the LEF grant. And I'm going to let my secretary start this off.

**Cheryl Allen-Sheriff's Executive Secretary:** I prepared some talking bullets that I want address. On March 24, of 2023, I had submitted the first required quarterly report for the LEF grant, which did include a description of the distribution plan, and at that point what was proposed to the DFA was ranging from \$750.00 to \$8,000.00 which included from a three-month recruit to Undersheriff recruitment bonus. On May 16, 2023, when preparing to submit the disbursement list, I confirmed with Geovanna Loscito, the grants administrator for LEF from the New Mexico Department of Finance and Administration, that she said it is up to you, referring to the Sheriff's Office to decide on the amount you are giving out. I also reviewed again House Bill 68, which pertains to this grant. It says that recruitment and retention funds are dispersed to a law enforcement agency to expand the funding. And as a law enforcement agency, the Torrance County Sheriff's Office finalized the payment plan and submitted it to finance on May 22 of 2023. Following our submittals, the Deputy County Manager decided to prepare a disbursement schedule without consulting the Sheriff's Office except by sending an email dated May 31, informing us of his plan.

On June 14, the Chief Procurement Officer of the finance department had requested that the LEF requested that I resubmit the LEF disbursement spreadsheet as the Sheriff's Office had prepared, and she was going to provide

that to the Deputy County Manager. I did provide the spreadsheet again. On June 26, which was this Monday, we were provided a copy of the disbursement that was prepared by the Manager's Office, which was leaving out Undersheriff Lucero as he had left the department as their reasoning. At first, we acquiesced. But on further review, we realized Lucero's payments should be issued. The reason for this is one of the primary goals of funding for the LEF was recruitment, as documented in two memos from DFA. Eligible recipients must be with the department a minimum of three months which Undersheriff Lucero had completed.

The payouts from the County Manager's office does include payments to four other officers that have left the department. They're receiving bonuses, and one of those officers that has been paid served with the department less than one year. When we had prepared the plan, that we had discussed included what we wanted to retain and reward our current deputies and the Undersheriff for the work that they have been providing throughout the year. We did include Lucero even though he had left, and we also included the four other officers within our plan, because we did think even though they had left the department, they provided valuable service to the department while they were here. While keeping with House Bill 68. We are asking that we go with the plan as proposed by the Sheriff's Office, which does include Undersheriff Lucero. That is the spreadsheet that I had handed out to you all prior to our discussion.

**David Frazee-County Sheriff:** Initially, when we submitted this proposal that included the deputies that left the department, my reasoning for that is because they, at that time, had earned the money. It belongs to them, even though they've left the department. When I got the change in the proposal, as Cheryl said, we generally thought, well, that's a good idea. He's not here. We can redistribute that money. But then in hindsight, when I looked at it, I said, what about the others that have left the department? They're receiving a benefit from that as well.

I don't think that's fair. I think we either include all of them, or we include none of them. But I don't think that we should single out one person that's left and not the others. I can tell you that I've never been in the Sheriff's position before. And I've been here for six months, and I've made some missteps. I have not been very transparent to this body as I should have been. I want to let you know now, at this point, I intend to be much more transparent about the decisions that I make in my department. I want to make those decisions that

are relative to my position. I'm hoping that I get to make these decisions without any interference.

**Commissioner Schropp:** Whatever our feelings are by this Commission as to the circumstances in which Eli Lucero left the department must be set aside. Eli Lucero did good service to this county and is qualified for the bonus. I would view this is a retaliatory move to exclude him. I wouldn't be a part of that.

**Juan Torres-Deputy County Manager:** When we first got the pay request, Finance Director Sedillo and I made a couple phone calls. We made one call to DPS and one call to DFA. When we spoke with DFA they stated that this is a budgetary requirement which requires your approval. You are the ones who set the budget and set the payouts. That's why we decided to pull it in not just process as submitted and bring it to you for your review. In looking at it and going through distributing it, the whole point of it was supposed to be rewarding for years of service. I did submit one which had Eli Lucero in there for his years of service. He had roughly one year and 10 months if you count both of his tours, as Undersheriff. I put him in the two-year category. The thought process of that is, he is an appointed official, he is not a rank-and-file officer. The point was to reward longevity. That's why he was taken out from the final Managers spreadsheet. If you'd like we could put that one back in and put him in the two-year range. We do have that spreadsheet available as well. The whole point was, it's not the discretion of the Sheriff's Department to make budgetary decisions. It's this governing body's decision. It was Ms. Chavez, the head of the Local Government Division, who told us that there must be a decision by the governing body.

**Cheryl Allen-Sheriff's Executive Secretary:** We have no problem with the governing body making the final decision. We're just wanting the Commission to review our proposal and House Bill 68 says that the money is awarded to law enforcement agencies to make the expenditures and are seeking your approval. I also do want to make another point as far as the amount that we had included in here for the Undersheriff is in the future. This grant does continue. This grant is a recruitment tool to get the best quality Undersheriff possible. As we look forward to the replacement of Lucero, having an established amount shows that we value this position and therefore we are hoping to recruit a high caliber Undersheriff.

**Chairman Schwebach:** I don't want to micromanage your office. Has the Undersheriff as an appointed official ever received this bonus? If we have an Undersheriff, they must be law enforcement certified, correct?

**Cheryl Allen-Sheriff's Executive Secretary:** This the first time we've had this funding available. It'll be the first time anyone has received this.

**Janice Barela-Madam County Manager:** Torrance County has never paid a bonus to any law enforcement official.

**Chairman Schwebach:** We're giving this as recruitment or longevity?

**Cheryl Allen-Sheriff's Executive Secretary:** Initially it was for recruitment only. However, once the funding was dispersed, many of the counties were awarded so much money that they could not fathom how they were going to be able to issue that much money. Within a single year, for example, some of the departments received \$37,500.00 and other departments received the same amount, if we recruit one person, are going to give them a \$37,500.00 bonus. At that point, the memo was issued making the change that it was for going to be for recruitment and retention of law enforcement officers.

**Chairman Schwebach:** Sounds like your retention is not working in this case. Is that correct?

**David Frazee-County Sheriff:** We've had several officers leave for various reasons, and I understand what you're saying they're across the board. I'll reiterate if you're going to strike one then we need to strike all.

**Chairman Schwebach:** When these funds were available, were these individuals on the payroll and qualified at that time?

**David Frazee-County Sheriff:** Yes, sir.

**Chairman Schwebach:** I'm going to leave it up to your decision. I'm supportive of your decision.

**Commissioner McCall:** It's not recruitment. It's not retention if the officers have already left the department so is this commission going outside of what the House set the money aside for?

**Juan Torres-Deputy County Manager:** I can answer that. The way they wrote the statute, it's supposed to follow the same rules as the LERF. The way that one is, is if the officer was here, and so that one's based upon the bonuses for 914. There are two different bonus services or laws that were passed. I think this one requires a minimum of three months. If they at least put that portion in, then they're eligible for the funding. The idea is that, in theory, they're going to stay on long term. Ms. Chavez stated that they're recommending that we could draw up contracts to keep the employees but at the same time, we know, we can't keep an employee bound by a contract. We're going to give you this bonus, but you must agree to stay here for a year. That's already been tossed out. The way the statutes read is if they worked here, they were employed, while the funding was available, they're eligible for it. Cheryl and the Sheriff are correct. It is for either recruitment or retention.

**Chairman Schwebach:** I agree with you. What do you think the right thing to do is. Where did these funds come from?

**Juan Torres-Deputy County Manager:** This is a grant received from the state three years back, we're also looking at having all your options available. If you choose not to pay the pay, we will have to revert this year's funding. We will get next year's funding and it will come back. But it is a three-year program. You as the governing body can choose to disperse it or not, it is completely your choice. But we're locked in we've already applied. We're set for three years. We're set to receive funding each year.

**Chairman Schwebach:** Most of these individuals have moved on to higher paying jobs or retired or what's happening?

**David Frazee-County Sheriff:** Higher paying jobs and one retirement

**Commissioner McCall:** County Manager could you address that? Do we have to spend it all or a portion.

**Juan Torres-Deputy County Manager:** Whatever we do not spend, we'd have to revert back.

**Commissioner McCall:** The comment was made we've got so much money. We don't know what to do. I've just got a problem with that fundamentally as soon as it speaks. I mean, I'm not I'm not speaking for the house.

**David Frazee-County Sheriff:** We weren't referring to this body and for the funding that this body had well.

**Commissioner McCall:** As a whole government, I have a problem. And that's when that's the mentality is we've got so much money. We don't know where to spend it. So, are we going to develop this?

**Commissioner Schropp:** That mischaracterizes statements that I've made in past meetings, and if Commissioner McCall would take the time to read the minutes, he would realize that.

**Chairman Schwebach:** The comment was made, and I understand what Commissioner McCall is saying. The comment was directed at this fund coming from the state, there is so much money they don't what to do with it. Is there an explanation on why this was set up for retention in the way it was because what that comment was relevant to regardless how you put it that money is taxpayer dollars. I agree with Commissioner McCall, just because we have more money, we don't know what to do with it doesn't mean it shouldn't be spent willy nilly. I got to be honest, I don't think understanding this further, this is not how I would manage it. If this is retention fund opened to ones that have left but I also don't feel I should manage your office to extend so if the sheriff thinks this is the right thing to do with these funds, I will support it's not what I would do but I'm not sure.

**Action Taken:**

**Chairman Schwebach:** Motion to approve breakdown of law enforcement retention payments funded by Law Enforcement Fund (LEF)

**Commissioner Schropp:** Seconds the motion.

**Roll Call Vote:** Commissioner Schropp: - Yes: Commissioner Schwebach: – Yes: Commissioner McCall: -No: **MOTION CARRIED**

**As per Janice Barela Madam County Manager adoption of Resolution 2023-16 is moved to item 10-E.**

**10. Adoption of Resolution**

**E. Chairman Schwebach:** FINANCE: Resolution 2023-16, Budget Increase (Sheriff) to cover Law Enforcement Fund (LEF) – HB 68.



(Consider Item 11.A. prior to approval.) So, we're now looking at the budget increase to cover law enforcement in the LEF.

**Noah Sedillo-Finance Director:** Before you use the approved funding in the resolution just passed. This will be an adjusting entry within the budget because it was not budgeted. That is a requirement from DFA. Just a formality at this point,

**Action Taken:**

**Chairman Schwebach:** Approve Budget Increase (Sheriff) to cover Law Enforcement Fund (LEF)

**Commissioner Schropp:** Seconds the motion.

**Roll Call Vote:** Commissioner Schropp: - Yes: Commissioner Schwebach: – Yes: Commissioner McCall: -No: **MOTION CARRIED**

**As per the request of Janice Barela-Madam County Manger Item 12-A is moved before item 11-A (DISCUSSION)**

**12.DISCUSSION**

- A. **Chairman Schwebach:** MANAGER: Update on New Mexico State Police initiatives in Torrance County (Captain Alex Rodriguez and Sergeant Ricardo Breceda

**Alex Rodriguez Sate Police Captain:** Good Morning, Torrance County I'm Alex Rodriguez Captain of New Mexico State Police. With me is Sergeant Ricardo Breceda

**Ricardo Breceda Sate Police Sergeant:** I'm Sergeant Ricardo Breceda, New Mexico State Police currently assigned to the recruiting.

**County Manager Janice Barela:** Commission if I may interject this point, I'm very proud that both individuals are from Torrance County both are graduates from Estancia High School.

**Alex Rodriguez State Police Captain:** Neither of us had any idea until a couple of weeks ago. Every time we're out here, we run into tons of people that we know. It's always a little surprising. But comfortable. It's home. Pretty much just wanted to talk about some of the things I came here to do. A few months ago, we talked about some of the initiatives that we're working with the New Mexico State Police. I wanted to report on some of those things. Also, see if you guys have any concerns that we might be able to address. Some of the things we've been working on is we've had officers in the schools here in the Torrance County area, talking with students kind of trying to close that gap between what people think law enforcement does and what law enforcement does, trying to provide some support for students in the schools, security for students in this school.

We've been teaching active threat response classes for civilians here in Torrance County area, we're still doing those if you guys want a class on active threat response for civilians then we can do the classes, all we got to do is get a phone call. We can set some up takes about an hour 15 or an hour 20-minute kind of depending on, how many people are there and whatnot and questions and stuff that we get. I will tell you Torrance County is the only place I've ever taught this class where participants sat me right on my butt. It was impressive happened in Moriarty. They did a phenomenal job. I was a little surprised to say the least. We're also working with Estancia Police Department, Torrance County Sheriff's Department, Moriarty Police Department Edgewood PD. We're working to support each other in manpower, training, to staffing all the way around. Just try to support each other with resources. Unfortunately, law enforcement is short no matter what agency you look at, at this point in time, which is part of the whole retention fund that's come out recently. Law enforcement is shorthanded, so we're trying to support each other to be able to provide better services to the people here in Torrance County. Unfortunately, this is a huge area. A lot of remote locations. Very tough to get law enforcement response sometimes but we're working on that. We're trying to improve on that sort of stuff. We've had officers here for parades, community events, graduation, things of that nature. Sergeant Breceda runs a lot of that stuff. I'll let him talk about that if you want to.

**Ricardo Breceda State Police Sergeant:** I took on this role in February of this year. I'm relatively new but like manager Barela said, you know, I'm from here, my family moved here from California. I love it here. My goal in this new capacity is to create a positive interaction with the community and do that through community policing. Any events, anything that we can do to support the community to uplift the community, we're on board to do. We just want to see the community prosper. I'm sure all the citizens, the commissioners and managers do as well. Whatever we need to do, we're on board. Thank you.

**Alex Rodriguez State Police Captain:** With that said, if you guys do hear something that oh State Police is doing this terrible thing or whatever, please call. I hear about things like that on a regular basis. Most of the time, I'm wondering what someone is talking about. So, if you guys are concerned about what Sate Police is doing here, please call me let me know, I would love to be able to clear the air on it. That way you understand exactly where we're coming from. At this point moving forward. We are working on some of the community events coming up throughout the summer. You should be seeing the officers here in Estancia, Mountainair, the Torrance County area in general, as we move forward. With that said, are there any questions, comments, concerns for us, that we might be able to help with or address here? We appreciate you guys. You need something. Please give us a call. We're down the road, it's always nice to come back to Estancia.

**Chairman Schwebach:** I have none, I am glad you're here.

**Commission Schropp:** Thank you for keeping us in the loop.

## **11. Approvals**

- B. **Chairman Schwebach:** EMERGENCY MANAGEMENT: Request approval of MOU between Torrance County and Claunch-Pinto SWCD to work together on the Community Wildfire Protection Plan Update

**Samantha O'Dell- Emergency Manager:** This is regarding the resolution that you guys just approved for the community wildfire protection plan. This is to move forward with that. In the past, Torrance County has worked with Claunch Pinto Soil and Water Conservation District on community wildfire protection plan filed in 2008 and 2016. The request has been made that we work together this year as well. The benefit of this is that we'll each have our own plan, but the plans are very similar. We can work together on the plans which will help with the community meetings, help with the funding and that support. They received the same grant that we did with \$20,000. And then they'll be putting in their additional 10% \$2,000.

**Commissioner Schropp:** Madam County Manager just for my education and the public. How is this money used? What jobs are qualified for that?

**Samantha O'Dell -Emergency Manager:** It's to update the plan. The plan is essentially community projects, projects that residents can do that sort of thing to help with wildfire protection and reduction throughout the years.

**Commissioner Schropp:** Fuel reduction planning, forestry management. Kind of not that's probably not the right term. But for people to reduce the fuel loads and mitigate fire hazards on their property is what this money would go through the soil conservation district's board.

**Samantha O'Dell -Emergency Manager:** This is for the plan to update the plan with that information for residents. It does not give them money to residents to do the work, but it's for the plan update. The representative from Claunch Pinto is on Zoom as well if there's any questions for her.

**Action Taken:**

**Chairman Schwebach:** Motion to approve of MOU between Torrance County and Claunch-Pinto SWCD to work together on the Community Wildfire Protection Plan Update.

**Commissioner Schropp:** Seconds the motion.

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

C. **Chairman Schwebach:** FIRE: Request approval for reclassification of Administrative Assistant to Executive Assistant.

**Don Dirks -Fire Chief:** This is one of the requests we made with our budget. Our administrative assistant, Mayra Delgado, has been doing awesome and we have increased her responsibilities daily. We have a new training program; it's going to incorporate a lot of screen time. She is the one that's going to initiate this its online training. It's online, truck checks, SCB, all that kind of stuff is all going to be online now. We're going to start farming this out to not only the paid crew, but it's also going to be all out to all the volunteer stations, they're going to be taking all this on. This is all part of the changes with the ISO and the State Fire Marshal's and everything. She is the one that's going to be initiating this. I would like to change her classification. It won't change our budget or anything else like that. But she's taken on more and more responsibilities, and I'd like this to reflect that.

**Commissioner Schropp:** We ran into something similar with the county admin assistant and executive, this is going to be with a pay increase. This is changing classification.

**Don Dirks- Fire Chief:** It is not, other than the cost of living.

**Commissioner Schropp:** We ran into this before when Leonard's executive assistant wasn't on parity with other executive assistants in accounting. We're going to have to resolve what you just said, no pay increase with what we've previously discussed. Going forward, executive assistants would be at executive assistant pay throughout the county.

**Janice Barela-Madam County Manager:** In following up to what you just stated, we do have all the executive assistants at the same rate of pay in the county. All the administrative assistants are paid at a lower rate of pay. To state that this would not impact the budget is an incorrect statement, it would be if this classification was changed to

an executive assistant, then that rate of pay would reflect that with a higher rate of pay. It's not simply renaming.

**Chairman Schwebach:** How many executive assistants are within the fire department?

**Don Dirks- Fire Chief:** None. Hannah was the last one when she got hired.

**Commissioner McCall:** Can you go over the job title increase and workload.

**Don Dirks- Fire Chief:** Don't have that on me.

**Chairman Schwebach:** Can we revisit this with that information?

**Action Taken:** None

**Chairman Schwebach:** Item Deferred

D. **Chairman Schwebach:** FIRE: Request approval for reclassification of one Firefighter/EMT position to an EMS Lieutenant.

**Don Dirks-Fire Chief:** Originally, under previous County Fire Chief, originally, we had three Lieutenant positions. And I don't know if you recall, but we came back I believe it was August of last year and asked to reclassify one of the lieutenant positions to an EMT position. The thought was at the time, we didn't have enough people and it was easier to hire an EMT, firefighter EMT, as opposed to trying to get a paramedic Lieutenant, at the time. We only had two shifts going. We only needed two lieutenants. Now we're hiring more and more people. We now have a third shift that we're going to require a lieutenant position for. We'd like to reclassify that again as part of the growing change that we foresight.

**Hanna Sanchez-Deputy Fire Chief:** With that the lieutenant salary was already set back in August. We're not asking for any pay increase. To change it, and then again, so in August, the lieutenant position salaries were changed. I think it reflected \$1. We're not asking for any money to reflect this was just the same rate.

**Janice Barela-Madam County Manager** This is the same situation that if you reclassify this position, it is going to be a higher rate of pay.

**Chairman Schwebach:** It's within the budget?

**Don Dirks-Fire Chief:** Yes

**Janice Barela- Madam County Manager:** It's within the budget, but I just wanted to accurately portray what this would be.

**Chairman Schwebach:** Have you discussed this with the fire department on all this changing?

**Janice Barela-Madam County Manager:** I have not gone into details, I knew that they were putting this on the agenda. I knew there was the why, which is what they're saying today. But we have not gone into looking at the schedule and seeing how many EMTs that they do have and the shift and whether or not this is something that would be beneficial, versus so we haven't vetted that out.

**Chairman Schwebach:** I'm not arguing with anything, you're asking for me to approve it. I need you to meet with our manager to have all the details. Just where we have a full understanding of that, please. I'm asking for the same thing done for two weeks on this also and get that information on that.

**Commissioner McCall:** Does that put the lieutenant over all three shifts?

**Hanna Sanchez-Deputy Fire Chief:** There would be a lieutenant on each shift, we have two right now, two positions open. We've been able to obtain employees that have dwindled into a C shift. The reason we're asking this is we were asked that we don't burn ourselves out. On our C shift, we're constantly on a call because they don't have a supervisory person on that shift specifically. When we came back in August and requested to change it, we were just starting this up. We've been hitting bumps and we're trying to find what works best. Basically, we were just asking to go back to the three initial that were approved.

**Chairman Schwebach:** We had changed that?

**Hanna Sanchez-Deputy Chief:** Yes. Back August 24. We have the minutes here.

**Chairman Schwebach:** We change that, or you requested?

**Hannah Sanchez-Deputy Fire Chief:** We requested to change it. At the time we didn't have enough employees that dwindled into a C Shift.

**Chairman Schwebach:** I feel better if we went through the before I approve. Can you guys hold on another two weeks?

**Commissioner McCall:** I guess the question I have is, you're taking what you have, as a firefighter EMT moving them into lieutenant is that not then open that position back open. You are now short another person now?

**Hanna Sanchez-Deputy Fire Chief:** The way we have it worked out, our lieutenants are still certified and they're still on a rig. It's just they're a point of contact and supervisory role on that shift. They would still have direction, but they are still on a truck. Theoretically, on our shifts, we have more people which causes us to run two trucks a shift.

**Chairman Schwebach:** The purpose of Lieutenant is toward that's your job foreman so to speak, right? We're getting enough people to go back to the plan that we started.

**Don Dirks-Fire Chief:** Yes

**Chairman Schwebach:** I would like to review if you don't mind.

**Action Taken:** None

**Chairman Schwebach:** Item Deferred



- E. **Chairman Schwebach:** FIRE: Request approval for acceptance of donated 1994 Luverne fire apparatus from Dona Ana County Fire Department fleet.

**Don Dirks-Fire Chief:** With all the ISO inspections and State Fire Marshal inspections, we were notified, there was some changes that we need a reserve engine. Now we do have a reserved engine right now. It's a 1980s model and it's been sitting for quite some time. Every time we send an engine out to get fixed that's out for one month, two months, whatever. We use this reserve engine and every time we use that reserve engine it leaks oil, it's old, it's breaking down. Dona Ana County replaced their entire fleet. They have had like six of these engines that they were farming out and I contacted them and asked them if we could get one of these donated to replace our old engine that's been pumped tested, it's ready to go. As opposed to spending a ton of money to replace an older engine that needs replaced anyway. We could get a newer one that's ready to go.

**Action Taken:**

**Chairman Schwebach:** Motion to approve acceptance of donated 1994 Luverne fire apparatus from Dona Ana County Fire Department fleet.

**Commissioner McCall:** Seconds the motion.

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

- F. **Chairman Schwebach:** FIRE: Request approval for reclassification of Deputy Fire Chief to Deputy Fire Chief/EMS Director

**Don Dirks-Fire Chief:** This is another one with our growing pains, we thought about this, we need a little separation between fire and EMS. Hannah has taken all of this on. She's been deputy and she's way more split time. This gives her a little more leeway to run the day-to-day operations. To have the title commensurate with that. When she's dealing with the Commission or with the County Manager, or with outside entities, and things like that. That gives her

basically the position to deal with that. I can oversee it a little more. But then again, I can allow her a little more leeway to handle the EMS side of it. While I am more focusing on the fire side.

**Chairman Schwebach:** This one I have visited a little bit, but since more than just changing the name, it's changing job descriptions and duties.

**Janice Barela-Madam County Manager:** Currently she assists the chief. Her role is to assist the chief in any way that he needs her to assist. He saw the strengths that she has and has placed her over the career staff. She has been operating in this function in this role for a long time, this would just be giving the title that shows that when she's visiting with outside agencies, instead of just being the Deputy Fire Chief, having the title of EMS Director with it does give a little more understanding of who they're talking to when they're visiting her role and her responsibilities. I know this was brought up during the budget hearing. When we were talking about her salary, and I had brought it up, but it was never decided. I read back through the meeting minutes as well. In the meeting, this didn't reflect a change in her title. That's why it's brought up now, this would not include any increase in her salary, it would just be changing, restructuring the title. If in the future, something changes or for example, Mrs. Sanchez decides that she's going to take a different role in another position here in the county or wherever. If the job ever becomes open again, then the Fire Chief does have the opportunity at that point to reclassify it back to whatever he would like.

**Chairman Schwebach:** This is not necessarily different, redefining what she's currently doing what your staff is currently doing.

**Commissioner McCall:** I would be remiss to vote for or against this without truly asking administration. Is it which is are you okay?

**Janice Barela-Madam County Manager:** My only hesitation in this is that the overall responsibility for the department still rests on the Fire Chief. And I don't want this to remove his oversight from the

EMS. I think having this role underneath him still makes him responsible for it overall. But I can tell you the day-to-day operations, any time I have any questions for the career regarding what's going on with the career staff, all my questions are directed completely to Deputy Chief Sanchez. I don't go to the Fire Chief with those questions because I know she's the one that has the answers. So overall, the accountability still rests with the Fire Chief. I guess all that to say that I have the expectation that he's still going to have oversight for the department, but I'm okay with this change in the classification.

**Action Taken:**

**Chairman Schwebach:** Motion to approve reclassification of Deputy Fire Chief to Deputy Fire Chief/EMS Director

**Commissioner Schropp:** Seconds the motion.

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

- G. **Chairman Schwebach:** DWI: Request approval for Local Driving While Intoxicated (LDWI) Grant Agreement for FY2024 in the amount of \$100,000.00.

**Tracey Master- DWI Prevention Coordinator:** Before you is a grant agreement, Number 24 DG 31, between Torrance County and the Department of Finance and Administration, Local Government Division Special Programs Bureau Local DWI. Our grant award was \$100,000 for this year, and I am requesting approval for that. I will say that upon approval this grant does need to be sent electronically to DFA today.

**Chairman Schwebach:** What is the county matching funds on this?

**Tracey Master-DWI Prevention Coordinator:** It is 10% of in-kind match. And that is often provided through office space and utilities, the use of county vehicles, insurance on the county vehicles and staff support.

**Action Taken:**

**Chairman Schwebach:** Motion to approve Local Driving While Intoxicated (LDWI) Grant Agreement for FY2024 in the amount of \$100,000.00

**Commissioner McCall:** Seconds the motion.

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

H. **Chairman Schwebach:** DWI: Request approval of Professional Services Agreement with Mr. Frank Magourilos, Prevention Works Consulting LLC for program evaluation FY2024, at the rate of \$1,583 per month, inclusive of New Mexico Gross Receipts Tax, not to exceed \$18,996.

**Tracey Master- DWI Prevention Coordinator:** Before you is a professional Services Contract between Torrance County and Prevention Works Consulting LLC. Mr. Frank Magourilos. Mr. Magourilos has been our evaluator for two years now and provides wonderful services to us and helps us know how they're doing and lets us know what we're doing right and lets us know where we need to make improvement. I request that you approve this professional services contract in the amount not to exceed \$18,996.

**Action Taken:**

**Chairman Schwebach:** Motion to approve of Professional Services Agreement with Mr. Frank Magourilos, Prevention Works Consulting LLC for program evaluation FY2024, at the rate of \$1,583 per month, inclusive of New Mexico Gross Receipts Tax, not to exceed \$18,996.

**Commissioner Schropp:** Seconds the motion.

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

I. **Chairman Schwebach:** DWI: Request approval of Professional Services Agreement with Gilbert A. Ortiz for Teen Court and prevention services for FY2024, at the rate of \$4,000 per month, inclusive of New Mexico Gross Receipts Tax, not to exceed \$48,000.

**Tracey Master-DWI Prevention Coordinator:** Before you is a Torrance County Professional Services Agreement between the DWI Prevention Program and Mr. Gilbert, Adrian Ortiz to provide to continue to provide services as our teen court coordinator and production specialist and I am requesting that you approve this not to exceed \$48,000 For FY 2024.

**Action Taken:**

**Chairman Schwebach:** Motion to approve Professional Services Agreement with Gilbert A. Ortiz for Teen Court and prevention services for FY2024, at the rate of \$4,000 per month, inclusive of New Mexico Gross Receipts Tax, not to exceed \$48,000

**Commissioner Schropp:** Seconds the motion.

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

- J. **Chairman Schwebach:** DWI: Request approval of contract with Waves Behavioral health for mental health support for Teen Court youth for FY2024, at the rate of \$120 per hour, inclusive of New Mexico Gross Receipts Tax, not to exceed \$22,100.

**Tracey Master-DWI Prevention Coordinator:** Before you is a Professional Services Contract between Torrance County DWI Prevention Program and Waves Behavioral Health LLC for youth behavioral support services. The amount is not to exceed \$22,100. And I would request that you approve this contract as well. And yes, it has been approved by legal.

**Commissioner McCall:** At \$120 an hour. How close have you been to bumping up against the limit.

**Tracey Master- DWI Prevention Coordinator:** We just started the contract for this year. And I don't have the paperwork in front of me. But I do believe that we requested \$4,300 and in the two months that we did receive the billing. I think it came in at about \$3,200 So it was it was well under there.

**Action Taken:**

**Chairman Schwebach:** Motion to approve contract with Waves Behavior Health for mental health support for Teen Court youth for FY2024, at the rate of \$120 per hour, inclusive of New Mexico Gross Receipts Tax, not to exceed \$22,100.

**Commissioner Schropp:** Seconds the motion.

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

K. **Chairman Schwebach:** DWI: Request approval of Professional Services Agreement with Perpetual Tears Memorial Inc. to provide prevention support for FY2024.

**Tracey Master-DWI Prevention Coordinator:** Before you is a Professional Services Agreement between the Torrance County DWI Prevention Program and Perpetual Tears Memorial Inc. This would enable Provincial memorial to assist with prevention activities for the DWI Prevention Program. This is something that is very much needed and has been needed for quite some time. I'd like to be able to make this happen. I am strongly requesting that this be approved.

**Chairman Schwebach:** Have we done this one before?

**Tracey Master:** No, we have not. Mr. Chairman.

**Janice Barela-Madam County Manager:** If I may interject on this one. With all the prevention activities that Tracey does in the county, she's one person and if something arises in her personal life, that she needs to take time off for whatever reason, most of the time, she just doesn't. She shows up to these activities and has never asked for an additional person to be in her department. I view this as an opportunity for her to have additional assistance when she needs it without having to hire additional staff. This is a very good opportunity to provide the additional support that she needs for her department without providing additional staff.

**Tracey Master-DWI Prevention Coordinator:** If I could briefly elaborate on that. I am technically and have been on intermittent FMLA. Since the end of April, however, and as Ms. Barela knows, I have not been able to get any assistance. I have been everywhere that I

needed to be. I have not missed a single obligation in two months despite being on FMLA.

**Chairman Schwebach:** I'm trying to figure out this. Is another employee, so to speak.

**Tracey Master-DWI Prevention Coordinator:** We have been partners with Perpetual Tears Memorial, the founder of PTMI was the original chairperson of the DWI planning council. Since 1994, I think, is when she started when the program first came into existence. Through their program, they have different prevention grants as well. This would enable me to, for example, if there was a community event that I could not attend, they would attend in my stead and promote this program.

**Action Taken:**

**Chairman Schwebach:** Motion to approve of Professional Services Agreement with Perpetual Tears Memorial Inc. to provide prevention support for FY2024.

**Commissioner McCall:** Seconds the motion.

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

- L. **Chairman Schwebach:** DWI: Request approval of FY2024 Community DWI (CDWI) Grant Application.

**Tracey Master-DWI Prevention Coordinator:** I realized when I was looking at the packet and printing my copy this morning, that you have a copy of this sheet which is first Memorandum of Agreement, you should have the scope of work and I'll bring that around. This agreement is between the Transportation Department Traffic Safety Division. The amount of this grant is \$1,857. There is no match involved. The funding comes from a \$75 fee that is assessed and paid by convicted DWI offenders. As you'll notice, the amount is not divisible by 75. The reason for that is that we receive the money based on the collections of the money. If folks don't pay the entire \$75, then it's not going to be divisible by that. The funding this year will be

utilized to purchase incentives and other prevention items to promote alternative prevention activities. Items will be provided at area outreach events including but not limited to the annual Community Health Fair, Farm Safety Fair, prom and graduation events, events as well as other community events, such as Christmas parades and Halloween or harvest festival events. I currently attend a minimum of 10 outreach events during the year, so these items are used. Additionally, items will be distributed to local dispensaries, and liquor serving, selling to promote safe driving practices, and I request your approval for this one as well.

**Janice Barela-Madam County Manager:** The scope of work was provided in the agenda packet here was on second page.

**Action Taken:**

**Chairman Schwebach:** Motion to approve FY2024 Community DWI (CDWI) Grant Application.

**Commissioner McCall:** Seconds the motion.

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

M. **Chairman Schwebach:** DWI: Request approval of amendment to Professional Services Agreement with Gilbert A. Ortiz for Teen Court and prevention services for FY2023, at the rate of \$22.00 per hour, plus New Mexico Gross Receipts Tax, not to exceed \$47,000, including gross receipts tax.

**Tracey Master-DWI Prevention Coordinator:** This is an amendment to the professional services contract between Torrance County DWI Prevention Program and Mr. Gilbert Adrian Ortiz, the original contract for this year was \$46,200. We're asking for just an increase of about \$800 so that Mr. Ortiz can be compensated for the additional work that he did provide to the program over the past few weeks. He has been compensated at the rate of \$22 per hour, but he's gone above and beyond and not billed for many of the hours he's put in. I would like to at least compensate him for some of the additional work that he has provided to the prevention program.



**Chairman Schwebach:** Through asking for an amendment an increase of how much?

**Tracey Master-DWI Prevention Coordinator:** \$800.

**Chairman Schwebach:** Quick question. I'm looking at this contract. It's Adrian or Gilbert A. Ortiz I would like that to read the straight clear across. However, he wants it worded. For what we're approving and what's going on in this contract. Or spell out Adrian. It's just a little technical.

**Commissioner McCall:** What keeps him from just going over and over and over until someday we're over that \$800.

**Tracey Master-DWI Prevention Coordinator:** What keeps him from doing that is, item number 11. I request approval of the professional services contract with Gilbert A. Ortiz for Teen Court intervention services for FY 2024. At the rate of \$4,000 per month inclusive of New Mexico gross receipts tax not to exceed \$48,000. That was approved a few minutes ago.

**Commissioner McCall:** I understand. But who gives him the ability to go and have an overage. You?

**Tracey Master-DWI Prevention Coordinator:** No, sir, you he has submitted his invoice, knowing full well, that he was probably not going to get paid for all the hours he put in. He has overworked for lack of a better way to put it for every year that he's been here, which is one of the reasons that we decided to go with a 1/12 drawdown. When we know the exact amount there's no question each month how much is going to be billed. There are some months when he puts in 20-30 extra hours. Of course, he's paid for those earlier in the year. This year again, this really goes to assist with the past couple of months. He has worked extra hours because of the different events that we've had because my availability has been a little bit limited.

**Commissioner McCall:** I guess my question to you and legal council is when it says not to exceed what, how do we keep that from not to exceeding.

**Michael Garcia-County Attorney:** You have the discretion now whether you want to grant it or not?

**Janice Barela-Madam County Manager:** If you do not approve this today, whatever hours he worked were just donated because he knew and agreed to the contract that the Commission had approved for the total amount not to exceed a certain amount.

**Noah Sedillo-Finance Director:** If I may ask a question, please. So, Miss Master, the request is to go back and pay for hours that he worked.

**Tracey master-DWI Prevention Coordinator:** For this current month, and this was submitted. I believe I submitted it to finance in May.

**Noah Sedillo-Finance Director:** My question is not that but to go back and retroactively. That's my questions, so to speak,

**Tracey Master-DWI Prevention Coordinator:** For this month, or for a portion of this month

**Chairman Schwebach:** But he has been paid the \$47,000.

**Tracey Master-DWI Prevention Coordinator:** No sir because his billing has just gone through May at this point. He has submitted, in line with the contract, that he did submit his invoice for June in a timely manner.

**Chairman Schwebach:** His invoice will equal \$47,800 for the duration?

**Tracey Master-DWI Prevention Coordinator:** No, it'll be less than \$47,000.

**Chairman Schwebach:** Why were we asking for the \$800? If it's because of the original.

**Tracey Master-DWI Prevention Coordinator:** The original contract was \$46,200 So, this \$800 will make it \$47,000.

**Chairman Schwebach:** I'm not understanding. What we just approved was \$48,000. He's working with \$46,200?

**Tracey Master-DWI Prevention Coordinator:** For this current fiscal year.

**Noah Sedillo-Finance Director:** If I may one last recommendation to if you do so choose to approve as to modify the word personnel to professional on the top of the amendment.

**Action Taken:**

**Chairman Schwebach:** Motion to approve amendment to Professional Services Agreement with Gilbert A. Ortiz for Teen Court for prevention services for FY2023, at the rate of \$22.00 per hour, plus New Mexico Gross Receipts Tax, not to exceed \$47,000, including gross receipts tax.

**Commissioner Schropp:** Seconds the motion.

**Roll Call Vote:** Commissioner Schropp: - Yes: Commissioner Schwebach: – No: Commissioner McCall: -No: **MOTION FAILS**

N. **Chairman Schwebach:** FIRE: Discussion and possible action for required upgrades to District 3 Main Station.

**Don Dirks-Fire Chief:** Torrance County Fire Chief, this is also a carryover from the last meeting, we discussed that we might possibly have to get a fire suppression system built into District Three for our paid staff that started 24/7 or change of occupancy. In the interim, I've had many meetings, many phone calls, many walkthroughs with fire

investigators, inspectors. To this point, not even one of them has told me for absolute certain that we must have the fire suppression system. I have got to say that in case not even one of them can tell me that we have to have a fire suppression system. This is the State Fire Marshal's, state inspector. Everybody that I've talked to, other than OSHA. OSHA is asking us what are we going to do? Do we need to do we have to have one, and I cannot get an answer. This is the absolute truth. Now where I'm right now, I'm dealing with IDIQ, which is one of our contractors. Their architect is on vacation right now. He is the one that I contacted, that believes he can come up with a letter for us, it states that we do not need a fire suppression system. Now I'm still going forward with the fact that I think we're going to need one at some point. I'm still going to know the fire protection fund grants open next month. We are eligible to apply for a grant for upgrades to that building to include fire suppression, which is I think up to \$300,000. So, I'm still going forward trying to come up with a plan that we can present as a grant request to at least pay for part of it.

**Commissioner Schropp:** Mr. Chair, at the last meeting and reading the minutes, you mentioned that I believe it was the floor or a wall didn't qualify as a fire block, correct? Have you investigated resolving that?

**Don Dirks- Fire Chief:** That is part of what IDIQ was with the architect. We will have to get something done there because that no longer qualifies our firewall.

**Commissioner Schropp:** Regardless of whether we need a fire suppression system we're going to have to upgrade is it wall or floor? It's a wall okay. We will have to upgrade and regardless of whether we installed fire suppression and one other note, in reviewing the minutes, we talked a little bit about a dry system. In thinking about that, and leisure, I thought that is, in my view would not work because you have not bought in with the powder. Trying to get out. Correct. Okay, thank you.

**Chairman Schwebach:** Is it any possible action that we can do right now.

**Don Dirks-Fire Chief:** At this point, I'm not really asking for action, I'm just giving you an update of where we're at. It's hard to get a hold of people, we've had inspections with the State Fire Marshal's. They wrote a report that the County Manager got. It doesn't even state in there that we must have a sprinkler system. I've called them back many times. I've talked to my representative at the State Fire Marshal's Office, and they say what are you going to do? I responded, "What do I have to do?"

**Chairman Schwebach:** You just need to start moving forward as far as I'm concerned.

**Don Dirks-Fire Chief:** That's what I'm doing.

**Chairman Schwebach:** Just move forward.

**Commissioner Schropp:** Better to ask for permission or forgiveness.

**Commissioner McCall:** In the tune of \$300,000.00, would it be wise that we get another on call architect's opinion? I'm just contemplating putting it out to another engineering/architect firm.

**Chairman Schwebach:** If the State Fire Marshall is saying no and OSHA is saying, yes.

**Don Dirks-Fire Chief:** OSHA is not actually saying, yes, either. They don't know.

**Chairman Schwebach:** How did all this come about?

**Don Dirks-Fire Chief:** From a disgruntled employee.

**Chairman Schwebach:** From a disgruntle employee complaint. We don't have statute that says we have to have it.

**Don Dirks-Fire Chief:** Correct.

**Chairman Schwebach:** In my opinion based on the professionals that have interpreted this we don't have to do this.

**Don Dirks-Fire Chief:** You are not wrong at this point.

**Chairman Schwebach:** Other than that, I don't see why we must wait on a report.

**Commissioner McCall:** I would agree if you put it in that context.

**Don Dirks-Fire Chief:** This stems from the codes changing, change of occupancy. The codes are very convoluted from the State Fire Marshal.

**Commissioner Schropp:** As a fire professional are you comfortable with our people sleeping in those quarters without a fire suppression system.

**Don Dirks-Fire Chief:** With the wall fixed, yes, I would.

**Commissioner Schropp:** That's the opinion we will rely on.

**Don Dirks-Fire Chief:** When the upgrades were done before by the prior Fire Chief such as the windows and egress, to be honest that was done incorrectly. We will have to change that eventually.

**Chairman Schwebach:** So, all of this yet to be determined and will come together?

**Don Dirks-Fire Chief:** Yes

**Action Taken:**

**Commissioner McCall:** Motion to accept.

## 12. DISCUSSION

### B. Chairman Schwebach: Managers Report

**Janice Barela-Madam County Manager:** I asked Deputy County Manager Juan Torres to give an update on the project at the road department and provide an update also on the kitchen at the fairgrounds.

**Juna Torres-Deputy County Manager:** To let you know the pad has been poured, the road department is going to go and do some backfilling that way they can pour the aprons for the entrance to the base. Then we're just waiting on the steel. I believe we're still on track for them to start construction in August. The kitchen should be complete within the week, hopefully everything's squared away. Maybe even have some ribbon cutting or something where we can invite the state down and have them come out at some point and maybe mid to late July. Just to show everyone.

**Commissioner McCall:** You have an update on fairground?

**Juan Torres-Deputy County Manager:** We're still waiting for one quote that was still high. I'm waiting for two other additional quotes. I've gone beyond the on calls, trying to just get some sort of documentation, some sort of quote, in designs.

**Janice Barela-Madam County Manager:** Before me I also wanted to schedule the time for deputy county manager and myself to meet with Bohannon Houston, I think there may have been miscommunication there, that they believed that there was a joining of the old building and a new building, which would reflect on that cost that they have for architectural services. So, I need to get that clarified and make sure that they're looking at this as being a standalone building. Regarding the last budget meeting that we had, in May, there was some discussion since we don't have the actuals on the revenue

just yet. On should the positions be approved still in the final budget and new positions.

In speaking with several of you, I did let you know that I was going to hold off from getting those positions filled until the final budget has been passed by the Commission. This gives an additional opportunity for the Commission to review the actual revenue, and then make that final determination on whether or not you still want those positions. I just didn't want to move forward with something without this commission having full confidence in adding new positions. As I know there's been comments in the course of the years that you've been here that once you add a position, it's difficult to pull it back in. So out of respect for those comments that have been made, I want to let you know that I will not be filling those positions until the final budget has been approved.

## **C. COMMISSIONERS' REPORTS**

### **1) Commissioner McCall, District 1**

Let many y'all know I like six weeks ago, two months ago, I had about a two-hour meeting with District Five Head Engineer and State of Mexico DOT. And I can report back to you that I'm very disappointed in everything we drove around and looked at has not been touched has not been even somewhat addressed. And I'm really sitting here right now blasting New Mexico DOT in our roads are absolutely falling apart in Torrance County and not getting any address.

### **2) Commissioner Schwebach, District 2**

I made everybody aware of all the rainfall we've had, which is given us some great growth and good pastures. I urge everybody to dry out. Let's hope we get some rain between now and the fourth of July. Be careful with your fireworks. I'm looking at the crowd, I guess there might be one or two fireworks shooters over there. Please, please be



because it always happens. The other thing I'd like to bring up, Commissioner Schropp. I appreciate you bringing so much information and individuals to public comment. I would like to shift some of those to discussion to have more reports where we can move forward on stuff and get with Ms. Barela on some of that. Okay. Thank you. That's all I have.

3) **Commissioner Schropp, District 3**

Since our last meeting, I made a surprise visit to the prison on Memorial Day, Monday at 8am. I walked through and found that the holiday staff are just as competent. And the prison has been run just as well at any time that I show up. And in reflection of that, I wrote an op ed to the Albuquerque Journal in rebuttal to a op ed on May 19. And that was full of misinformation and claimed that the detainees here were being treated worse than animals also forwarded that to Senator Heinrich's office as he's getting the wrong information about what's going on with the Torrance County Detention Center. Thank you.

**13. EXECUTIVE SESSION**

**14. Announcement of the next Board of County Commissioners Meeting:** Regular Commission meeting July 12, 2023, 9:00AM, Torrance County Admin Building.

**15. SIGNING OF OFFICIAL DOCUMENTS:**

**16. Adjourn.**

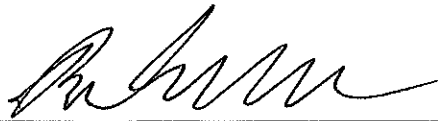
**Action Taken:**

**Chairman Schwebach:** Motion to Adjourn.

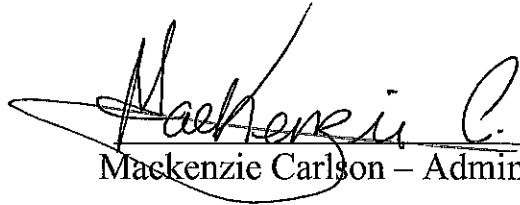
**Commissioner McCall:** Seconds the motion.

**MOTION CARRIED**

**Meeting adjourned at 10:51 AM**



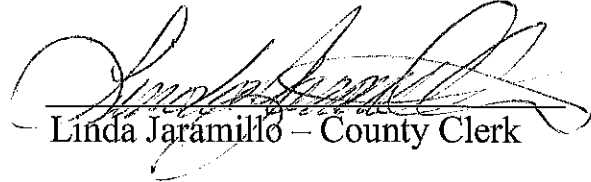
Ryan Schwebach - Chairman



Maskenzie Carlson – Admin Assistant

7/12/23

Date



Linda Jaramillo – County Clerk

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

