

**FINAL COPY**  
**Torrance County Board of Commissioners**  
**Regular Commission Meeting**  
**July 12, 2023**  
**9:00 AM**

Commissioners Present:

**RYAN SCHWEBACH – COUNTY CHAIRMAN**  
**KEVIN MCCALL – COUNTY VICE CHAIRMAN**  
**SAMUEL SCHROPP – COUNTY COMMISSIONER**

Others Present:

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

**1. Call Meeting to order.**

**Ryan Schwebach – County Chairman:** Calls the July 12, 2023, Regular Commission Meeting to order at 9:03 AM.

- 2. Pledge lead by:** Ryan Schwebach – County Chairman  
**Invocation lead by:** Samuel Schropp – County Commissioner

**3. Changes to the Agenda:**

**Janice Barela – Madam County Manager:** Please remove agenda items 4B employee is unable to attend and 11C a meeting was held and resolved.

**4. CERTIFICATES AND AWARDS:**

**A. SHERIFF:** Recognition of Employee Service Year Pin: Sharaya Medina (2).

**Janice Barela – Madam County Manager:** I have the honor of recognizing Sharaya Medina, who has been with us for two years. This goes back to her starting off as a summer intern through the program that we have through the Public Education Department. She was hired as a float clerk and was working here at the county after she graduated from high school, Sharaya was hired at the Sheriff's Office. We are so honored to have her on staff here. She's a hard worker. She has excellent customer service skills and is a team player, we enjoy interacting with her every day. It's nice to see our youth from within our community decide to stay here and become active in local government, and to see her invest here and want to be here.

**B. FIRE/EMS:** Recognition of Employee Service Year Pin: Chris Sanchez (2). Removed

**5. BOARD AND COMMITTEE APPOINTMENTS:**

**6. PUBLIC COMMENT and COMMUNICATIONS**

**Patrick Riley & Marcie Wallin – Torrance County Fair Board:**

**Patrick Riley:** The reason we wanted to address the commission is to discuss and voice our concerns over the unfinished kitchen in the fairgrounds building.

**Marcie Wallin:** When it was set into motion that there was a grant for the repair of the kitchen, I was at the meeting and voiced concern over the two-month time to accomplish the big feat of getting the kitchen redone. It was also expressed that the deadline to receive the funding for that grant was June 30th. The equipment is all over in the fair building, it's in the flower areas in the main hall and the kitchen is in total disrepair.

**Ryan Schwebach – County Chairman:** I reached out to the contractor; he assures me that it will be ready before the fair and a useable kitchen before the fair. Right now they have all that equipment stored in there. They're going to be sheet rocking, and will be moving that equipment in. I understand that the Fair Board would like to set up and want to set up indoor exhibits this weekend. Correct?

**Marcie Wallin:** That was our initial plan. I also met with Mr. White, the project manager, and he did say that there's a function going on, on the 22nd. So the plan is to hopefully have it accessible to whoever rented that building. He did comment that they may have to move all that equipment off site, to be able to use the fair building. He stated that the kitchen may not be up and running for the fair. That does present another problem for each group that is planning on using the facility. Today his words were "in all probability". He did state that this equipment and stuff may be ready but it's pending inspections, and then after that the Environment Department has to come and inspect before each group would be allowed to use it. 4H doesn't want to purchase the food that they need ahead of time, if they can't use it, because there's no returning it. There was also a comment as to why didn't the FFA run the concession as they have throughout the years. They were all offered but denied the ability to run the concession stand because school has already started don't have the manpower. Food trucks were a good idea but too expensive and there were a lot of complaints from the exhibitors that they couldn't afford the food.

**Patrick Riley:** One of the main things we wanted to address is if it's not completed by July 23rd, we won't have ample time to set up all the indoor exhibits, because July 27th is our last cleanup day. That would be our last day that we would have parents, 4H members, and FFA exhibitors help with not only any cleanup that needed to be done in the building, but also moving around of cases and setting up for the indoor exhibits.

**Ryan Schwebach – County Chairman:** I'm told it takes about five hours to set up indoor?

**Marcie Wallin:** It's strategic with the amount of equipment we have in there. It takes a long time; the manager of the indoor exhibits is very particular about it looking nice. So it needs to be cleaned and mopped. All the exhibits need wiped down exhibit pieces need to be put out.

**Ryan Schwebach – County Chairman:** Indoor exhibits come in August 8<sup>th</sup>?

**Marcie Wallin:** Yes. We don't want to wait till August 7th to set it up. We've had to do that one year, it was unacceptable. July 23<sup>rd</sup> would be acceptable.

**Ryan Schwebach – County Chairman:** I don't know if I can guarantee July 23<sup>rd</sup>, but I will talk to the contractors and see what we can do. Is there any flexibility after July 23rd?

**Marcie Wallin:** July 25th, we keep giving extensions, we are going to have to work with you, and the contractor to get it done.

**Patrick Riley:** With two of the schools in the county starting the week of the first or teachers and students being back to school that week, the week prior to August 1st, is really the last time they would have the manpower and flexibility.

**Samuel Schropp – County Commissioner:** I'm willing to work with you and work with the contractor to get the exhibit hall cleared out so that you can begin, even if he's not done with the kitchen. We can resolve that problem very easily. I'm willing to work with the board as well, in coming up with Plan B if the kitchen is not finished and not inspected and certified. And apparently you have a plan B?

**Patrick Riley:** Yes, a possible plan B is if the county would be willing to help us fund a kitchen trailer for the Desperados and for each group that has volunteered to do the concession, it will have refrigeration and a place to cook hamburgers, hot dogs, etc. Assuming the kitchen is not up and ready to serve.

**Ryan Schwebach – County Chairman:** I need to visit with the contractors. I need hard dates for the fair. That's two weeks prior to before exhibitors get in. That's a hard date. That's what we have to go by. I can't make any guarantees. If we have some wiggle room and extra weight there may be a difference. If we can set that back, what does that involve? What kind of help does the fair need, in order to get the exhibitors up and ready?

**Patrick Riley:** If we are pushed back past the week of the 25th - 28th, then we would need some manpower to just help move.

**Ryan Schwebach – County Chairman:** After July 23<sup>rd</sup>, it is a manpower issue, is that correct?

**Patrick Riley:** Correct.

**Ryan Schwebach – County Chairman:** So I think we can probably accommodate that. I will open up a door to communication with a contractor, we'll see where they are at and make a timeline on what's coming so you can plan ahead and make this work.

**Patrick Riley:** At the next commissioners meeting, would that be an appropriate time to come back for a contingency plan?

**Ryan Schwebach – County Chairman:** We will have a contingency plan.

**Marcie Wallin:** Would it be possible at that meeting to have somebody from the county finding out about the portable kitchen? Who's going to pay for it and what group is trying to plan and purchase food.

**Ryan Schwebach – County Chairman:** We can look into it. I would encourage you guys to make phone calls also. I understand the Fair Board is very nervous, and a little anxious and rightfully so. But it's going to happen.

**Marcie Wallin:** If we look into the price and come back, can it be put on the next Commission meeting agenda so the Commission could act on it if it's not completed by that date?

**Ryan Schwebach – County Chairman:** Yes, let's put it on the agenda.

**Don Dirks-County Fire Chief:** I was going to address today all of what we're doing but it pales in comparison with the number of traffic accidents we've had in the county in the last three weeks. Just yesterday, there were five separate accidents involving multiple vehicles requiring extrication and med flights, everything just in the Clines Corners area. There was also a wreck on the overpass in Moriarty and a wreck between Edgewood and Moriarty. I would caution everybody please pay attention when you're driving, slow down. We've got people driving way too fast on some of these roads. It's unbelievable the amount of damage from all these accidents. Time involved in hospitalizations and ambulances. Please be careful on the roads!

**Samuel Schropp – County Commissioner:** A training opportunity came across my email the other day regarding using the jaws of life, extrication on electric vehicles, hybrid vehicles and high voltage dangers. Have you heard about it?

**Don Dirks-County Fire Chief:** Yes, I'm aware.

**Ann Schropp – Torrance County Resident:** Let's pretend that Torrance County won a magnificent lottery. We've got new buildings, we've got emergency equipment, fire equipment, operational, everything. But there's a catch. We can't change anything in our management or personnel. Salaries don't change and workload doesn't change. All of that equipment, all of those facilities are absolutely useless, worthless, without quality, motivated people to work. You don't get quality motivated people with poor pay, and poor work conditions. That has to change. Every two weeks, three wealthy men sit in this room and make decisions that greatly affect and impact over 15,000 citizens in this county and 125 employees of this county. Having that kind of power shouldn't be an exciting or heady thing. It would be very humbling and even scary to realize that with a simple yea or nay, you are improving the lives of other humans or not. Two weeks ago, I sang the praises of this commission for its work on that marathon budget meeting in May. The commissioners agreed to moderate pay raises and cost of living. To bring our county a little closer to competitive rates. New hires were approved to ease the workload into overworked departments, improvements in personnel, facilities, and training, which bring our county up to state and federal requirements. All of that was accomplished, staying within budget. This county is dying on the vine. There are issues outside our control that we can't do anything about. They make thriving and even surviving in this county more difficult. The major reason we're falling behind is lack of attention to the humanity of good governance. Thank you.

## 7. APPROVAL OF MINUTES

- A. **COMMISSION:** Request approval of minutes of the June 28, 2023, Regular Meeting of the Board of County Commissioners.

**Samuel Schropp – County Commissioner:** While reviewing the minutes, I found that there was an omission which was addressed by Linda Jaramillo, County Clerk. She added the omission and completed the revised minutes.

**Linda Jaramillo-County Clerk:** I received an email yesterday about four o'clock. So I took it upon myself to fix the minutes by listening to the audio and I entered everything that was said, as per request of Commissioner Schropp. I'm asking everybody that has any corrections to get them to us in a timely manner for the corrections to be made. We send them out to all the different departments in the county, when they are complete, for their review and corrections if necessary.

**Samuel Schropp – County Commissioner:** The corrections were concerning the fire suppression system at the McIntosh Fire station, and how Chief Dirks was not getting definitive guidance from any of the state regulatory agencies. I asked Chief Dirks for his professional opinion as to whether or not that facility was safe for our firefighters to be sleeping in, he answered in the affirmative. That was very important to have that included in the minutes, because we're going to move forward with other projects, and we needed this in the record to establish why we're doing it.

### **Action Taken:**

**Ryan Schwebach – County Chairman:** Motion to approve minutes of the June 28, 2023, Regular Meeting of the Board of County Commissioners, as presented online along with the addition of this one page.

**Samuel Schropp – County Commissioner:** Seconds the motion.

**Roll Call Vote:** Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:

**MOTION CARRIED**

## 8. APPROVAL OF CONSENT AGENDA

- A. **FINANCE & PURCHASING:** Request approval of payables.

**Action Taken:**

**Ryan Schwebach – County Chairman:** Motion to approve payables.

**Kevin McCall – County Vice Chairman:** Seconds the motion.

**Roll Call Vote:** Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:

**MOTION CARRIED**

**B. PLANNING & ZONING: Special Use: RV Park.**

**Donald Goen-County P & Z Director:** Included in your packet is the application and the minutes with the findings from the Planning & Zoning Board. This is to finalize the process so that they can move forward with the development of this RV park. The location was at the former Cattle Country Estates where there's power and water already there. They've been proactive with the State Environmental Department. Included in that was also the Petroleum Storage Tank Bureau with the state, everything's in order. This is one of the best thought out applications that I've seen. Carol Ansley is available for questions.

**Samuel Schropp – County Commissioner:** I'm in favor of this project. The county needs the gross revenue tax and the money that this would bring in. This project owns 44.25 acre feet of water, ample water, and the footprint of this development will be used by people who constantly come up with concerns about developing in this county and water use. The footprint of this piece of property will use less water than a comparable acreage raising alfalfa or corn silage. While this will be a development which uses water, it will be using less water than a domestic development because of the nature of an RV park. We need to start weaning ourselves away from the Torrance County Detention Facility, this is a step in that direction. So with those things said I'm in favor of approving the special usage.

**Action Taken:**

**Ryan Schwebach – County Chairman:** Motion to approve Special Use: RV Park.

**Kevin McCall – County Vice Chairman:** Seconds the motion.

**Roll Call Vote:** Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:

**MOTION CARRIED**

**C. PLANNING & ZONING: Keer Industries Special Waste Disposal – Annual Renewal of Solid Waste District.**

**Donald Goen-County P & Z Director:** This is their annual renewal for their solid waste district, as per ordinance. Included in the packet was the inspection report from the State Environmental Department, showing no violations. This is procedural at this point. Mr. Adrian Montano is here for any questions.

**Action Taken:**

**Ryan Schwebach – County Chairman:** Motion to approve annual renewal of Solid Waste District.

**Samuel Schropp – County Commissioner:** Seconds the motion.

**Roll Call Vote:** Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:

**MOTION CARRIED**

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

**10. ADOPTION OF RESOLUTION:**

**A. PLANNING & ZONING:** Resolution 2023-17 to clean lot D-106 Echo Ridge subdivision on Massachusetts Court.

**Dan DeCosta-P & Z Code Enforcement:** We are here for four different considerations of resolutions for county cleanup and lien. The first one is going to be for cleaning lot D-106 Echo Ridge Subdivision on Massachusetts Court. There's pictures in your packet of what needs to be cleaned up and there's a deed of ownership. We have not been able to contact them. The taxes are partially paid as I recall. It's been here since I started 13 years ago. I've tried to contact the owners on different occasions, and I've never had any luck.

**Ryan Schwebach – County Chairman:** To explain the process, Planning and Zoning has attempted to contact the landowners with notice when there's been no attempt to clean it up or pay their taxes. We're assuming that's okay for recovery at this point. Within our ordinance, we have the ability to proceed with cleaning up the property. The county goes in there cleans up the property, a lien is placed to recoup the money. At any time the landowner could come up and pay the bill. If they don't show up. What is the timeframe?



**Dan DeCosta-P & Z Code Enforcement:** We have some that have been on for years. So unless they go to auction, which they could, then the state could auction them off and that would be part of the price, starting base for what they auctioned it off for. We haven't seen that happen on a lot of them, but we have a few of them paid off over the years. It's within the state statute that allows the county to do this. It's 30-18-5, dangerous buildings and debris. That's where the authority comes through is through state statute, basically it's kind of like a condemnation of the property. We go in and clean it, and then that gives us the authority to lien it afterwards.

**Juan Torres-Deputy County Manager:** You also have one other option available for liens that are outstanding, to foreclose the lien and that will be a decision of the Commission directing legal to start that process. What that will do is legally force the sale of the property. So it is almost like creating an auction for it. It's one of those if it goes to auction, no more purchases, then the property becomes Torrance County's.

**Ryan Schwebach – County Chairman:** This is something I would like to discuss further at a later date, I am concerned about what we have in front of us.

**Action Taken:**

**Ryan Schwebach – County Chairman:** Motion to approve Resolution 2023-17 to clean lot D-106 Echo Ridge subdivision on Massachusetts Court.

**Kevin McCall – County Vice Chairman:** Seconds the motion.

**Roll Call Vote:** Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:

**MOTION CARRIED**

**B. PLANNING & ZONING:** Resolution 2023-18 to clean lot E-123 Echo Ridge subdivision, 10 New Jersey Court.

**Ryan Schwebach – County Chairman:** Same as previous?

**Dan DeCosta-P & Z Code Enforcement:** Yes

**Action Taken:**

**Ryan Schwebach – County Chairman:** Motion to approve Resolution 2023-18 to clean lot E-123 Echo Ridge subdivision, 10 New Jersey Court.

**Samuel Schropp – County Commissioner:** Seconds the motion.

**Kevin McCall – County Vice Chairman:** How long has this been on your radar?

**Dan DeCosta-P & Z Code Enforcement:** These folks, from what I understand, are dead now. I did get in contact with the daughter, but we can't cite their daughter into court.

**Roll Call Vote:** Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:

**MOTION CARRIED**

**C. PLANNING & ZONING:** Resolution 2023-19 to clean lot 3-E-1 Echo Ridge subdivision, 8 Harlow Court.

**Dan DeCosta-P & Z Code Enforcement:** This one has been on the list for three of four years when the roof blew off. I have done extensive searches and can't find them.

**Action Taken:**

**Ryan Schwebach – County Chairman:** Motion to approve Resolution 2023-19 to clean lot 3-E-1 Echo Ridge subdivision, 8 Harlow Court.

**Kevin McCall – County Vice Chairman:** Seconds the motion.

**Roll Call Vote:** Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:

**MOTION CARRIED**

**D. PLANNING & ZONING:** Resolution 2023-20 to clean lot E-21 Echo Ridge subdivision, 4 Minnesota Court.

**Dan DeCosta-P & Z Code Enforcement:** The roof blew off about five years ago, I have had the owners of this one in court a couple of times. The owner of this one

is alive. It's doubtful that she has the means to do anything about it. Right now she has an arrest warrant. When we were supposed to go to trial she took off. If she gets picked up and we get her into court. We can try to get as much out of her as we can but the chance that that's actually going to happen could be slim. She hasn't paid taxes in years. She got the property from her father who died, and she lived in it for years.

**Action Taken:**

**Ryan Schwebach – County Chairman:** Motion to approve Resolution 2023-20 to clean lot E-21 Echo Ridge subdivision, 4 Minnesota Court.

**Kevin McCall – County Vice Chairman:** Seconds the motion.

**Roll Call Vote:** Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:

MOTION CARRIED

**Ryan Schwebach – County Chairman:** So where's that funding? What do you estimate these four projects are going to come in at?

**Dan DeCosta-P & Z Code Enforcement:** From right now our fund is somewhere about \$47,000. When we were doing these before, we were doing them a little bit differently. It used to cost us anywhere from \$4,000 to \$6,000. I am estimating that right now, that probably be \$6,000 to \$8,000. We're not going to know that until we actually do this. We're going to use the road department on this. They're going to do it on their days off. We did one a couple of years ago, where we used the road department. We used to use a private contractor, and we also had an MOU with Estancia Valley Solid Waste, they were hiring a contractor and we are just paying them but now we are using the Road Department.

**Ryan Schwebach – County Chairman:** So based on that I will direct our attorney to get with Mr. Torres and see what it takes to push in these projects to where we can continue to push forward. These are not the only four that need cleaning.

**Dan DeCosta-P & Z Code Enforcement:** I've got a list. This is just this list I did a couple of years ago, 25-30 properties. When the fire happened in Echo Ridge, we went through and hit a lot of them. Out of the all the ones that we put notices on we've got a few people that we actually were able to contact. We are looking at another one over on Ice Plant Rd. that we gave a NOV, that guy is selling the

property and there's a real estate company that's coming in to buy it. We think that one is going to get cleaned up. We do hit some that get cleaned up. As of 2016-2017, We've cleaned up over 125 mobile homes since 2010. I stopped counting after that. We have been successful. Doesn't always look it but there's a lot of stuff that's got done, we have done it through the courts, through grants that we got through New Mexico Environment Department and county funds that we've had. It's a long process, finding the people, getting them into court. Sometimes it takes a year or two.

**Noah Sedillo-County Finance Director:** You approved in the budget \$150,000 for cleanup this year.

**E. CLERK:** Resolution 2023-21 Designating polling places and locations for all statewide elections conducted in 2024 and 2025.

**Linda Jaramillo-County Clerk:** According to statute 1-3.-2, precinct duties of County Commissioners, For the conduct of statewide elections during the period beginning January 1 of the next succeeding even numbered year until December 31 of the odd numbered year thereafter, in June or July of each odd numbered year the Board of County Commissioners shall by resolution designate the polling place of each precinct that shall provide individuals with physical mobility limitations and unobstructed access to at least one voting machine consolidate any precincts pursuant to section 1-3-4, designate any mail ballot election precinct pursuant to section 1-6-22-1, create additional polling places in existing precincts pursuant to section 1-3-7.1.

I'd like to read the polling locations:

**Estancia High School Gym:** 709 Hopewell Estancia, NM

**Dr. Saul Community Center:** 111 N. Roosevelt Ave Mountainair, NM

**Torreon Community Center:** 18 Torreon Heights Rd Torreon, NM

**Willard Community Center:** 520 N. Becker Ave. Willard, NM

**Duran Fire Station:** 19 Vidal Street Duran, NM

**Encino Community Center:** 427 B North Main Street, Encino, NM

**McIntosh Radio Station:** 8 Clements Road, McIntosh, NM

**Moriarty Civic Center:** 202 Broadway Ave Moriarty, NM

**Moriarty/Edgewood Admin Office:** 2422 US Route 66 Moriarty, NM

**Manzano Community Center:** 04 Community Center Rd Manzano, NM

**Tajique Community Center:** 8636 Hwy 55 Tajique, NM

The In-Person Early Voting polling place is here at the Torrance County Administrative Office 205 South Ninth Street in Estancia.

The Alternate Early In Person voting location is at the Moriarty Civic Center 202 Broadway Moriarty.

Absentee by Mail is also here at the Torrance County Administrative Office 205 South Ninth Street in Estancia.

I was able to secure the radio station and will put signage to inform voters where to go. I talked to Dixie and Lacey Cromer. I have the keys, everything's ready to go with the radio station. It is the ideal place for McIntosh. This is the only change to the previous polling locations.

**Action Taken:**

**Ryan Schwebach – County Chairman:** Motion to approve Resolution 2023-21 Designating polling places and locations for all statewide elections conducted in 2024 and 2025.

**Kevin McCall – County Vice Chairman:** Seconds the motion.

**Roll Call Vote:** Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:

**MOTION CARRIED**

**11. APPROVALS**

- A. **A. FINANCE:** Motion to approve the FY2023 Capital Assets Certification.

**Noah Sedillo-County Finance Director:** Before you is the FY23 Capital Asset listing which is all assets that are valued at \$5,000 or greater, as of June 30. This is in conjunction with the correspondence we sent out to the departments from my department. I want to thank Toni Lowery, our purchasing director. This is a hard process to learn. She's done very well. So thank you, Toni. With that being said, this is the final compilation as of June 30, that the county has booked for our FY 23 assets. This is state statute required. Furthermore, this is also encompassed in our annual fiscal audit every year. We had no deletions, but we did have additions. With that, there is a letter for the chairman to sign if you so approve.

**Action Taken:**

**Ryan Schwebach – County Chairman:** Motion to approve the FY2023 Capital Assets Certification.

**Kevin McCall – County Vice Chairman:** Seconds the motion.

**Roll Call Vote:** Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:

**MOTION CARRIED**

- B. COMMISSION:** Submission of proposal to Planning & Zoning Board to remove D-3 zone designation from Parcels R030279, R026580, R017643, R016832, R020735 and R026581, located north and south of Exit 203 and designate as D-2. (Commissioner Schwebach)

**Michael I. Garcia-County Attorney:** When we talk about zone changes in New Mexico land use law, they have a very specific process that has to be observed it is called a quasi-judicial process. It means that the Commission involved are almost like judges in this particular kind of case. Legislators or in your circumstance, administrators, when it comes to a quasi-judicial process, presumes you're like judges in a courtroom, and the only thing that you can take into account when you're making a decision is the law that you're applying and the facts that are before you in the present case. Things that you may have heard or things that you may even know on your own, are not things that you necessarily inject into your decision. Another thing that is critical about a quasi-judicial process is that take for example, if you were a judge in a criminal matters, and the defendant wanted to talk to you, you could not talk to that party about the case outside of the courtroom.

It's called in legal terminology, *ex parte*. So it's one of those things that can actually be dangerous to process or cause problems or result in recusals. Another thing, if there's a personal interest or a family interest or financial interest in the outcome of the case, then those are things that need to be disclosed publicly, or else the individual decider would need to recuse himself from the case. In this particular case, because it deals with a particular parcel of land, it's going to be a quasi-judicial case. New Mexico land use law seems to have caused more problems in my experience than just about any other thing that governments do in terms of dollars in damages that can be awarded, if it's not done properly.

**Ryan Schwebach – County Chairman:** We're deciding whether or not we're going to present this Planning & Zoning change to the Planning Zoning Commission, essentially, we're going to turn it over to Planning & Zoning to review this.

I have no personal family or financial interest. In this case, I was approached to try this process and move forward. So now I'd like to turn it over to Planning and Zoning.

**Donald Goen-County P & Z Director:** I was approached about this about two months ago. I was getting a lot of unconnected, and conflicting information. Through the course of the research, The D3 zone first appeared in the ordinance as a revision that was done in 2009. Prior to that, to see how that came about, for the determination of the locations of the D3 zones, I did speak with Mr. Harlan Lawson, who was on the Long-Range Planning Committee at that time and had direct involvement in the discussions that took place on this. I also spoke with Mr. Dennis Wallin, the former county attorney, to try and get some background, because there were implications that there may be federal law involved with the establishment of these districts. Mainly where that applied was first amendment rights for freedom of expression. Looking at it from that aspect, this can be done, you can't just legislate out the ability for the D3 zones, the people who have the adult entertainment establishments. There are several other locations down the I-40 corridor. D3 zones will still be available within the county if somebody was to choose to engage in this type of activity. The main difference between the D3 and the D2 is that while everything that's allowed in the D2 is also allowed in a D3. It's just the addition of the adult entertainment. It was Mrs. Ansley's and others' desire to address this issue. There are two more parcels that are currently owned by Shedarom LLC. They had obtained a conditional use permit for a truck stop where the old 203 club was. They have gone in and done all the environmental cleanup, and they've made a lot of preparations. I did speak directly with the principal of that company. When they got their conditional use was when all the COVID hit.

They had a delay because of materials, contractors, etc. They are in full intention of proceeding or moving forward with the development. One concern was the change of zoning affecting that conditional use. I did provide him with a letter stating that it would have no effect on that conditional use, they would still be able to have a truck stop there. He was fully in support of this. One of the parcels is owned by Longhorn Holdings, Mr. Terry White, and I contacted him via email, he responded in full support. So we have three main property owners, Donny and Carol Ansley, Shedarom LLC, and the Longhorn Holdings, and all three of the respective property owners are in full support of this. They all like to see this converted just straight over to D2, to prevent that type of business from coming back into this location at a future date.

**Ryan Schwebach – County Chairman:** How many other property owners are there?

**Samuel Schropp – County Commissioner:**

**Donald Goen-County P & Z Director:** A total of three applying for a zone change or an amendment to ordinance falls under the same section. Procedurally, this is what it states in the ordinance. One of the avenues that they have is for the Commission to submit it and send this back to the Planning and Zoning Board for review. The other option that an applicant would have, and it applies to either one of those is an amendment to the ordinance or to the zone change instead of bringing it from the top back down, is to bring it from the bottom up. One of the differences here are the application fees, another one of the main impacts is the timeframe for resolute for final determination on the issue.

**Michael I. Garcia-County Attorney:** In Section 24A, county zoning code, it says the County Commission may amend any part of this ordinance, including the zoning district boundaries, the County Commission may elect to submit a proposal for amendment to the Zoning Board for review and recommendation by the Zoning Board. There's two other avenues, you can get a direct application from the applicant, or the Board of Commissioners can direct the Planning and Zoning Board to entertain the zone change.

**Samuel Schropp – County Commissioner:** In the commission, sending it back for review will the same application fees apply?

**Donald Goen-County P & Z Director:** No, sir, they will not.

**Samuel Schropp – County Commissioner:** First off, I'm not in favor of taking this avenue and circumventing the normal process. Secondly, I look at application fees as a type of user fee, which helps defer some of the costs to the county of the



diligent work that Don Goen and his staff have done. Mr. Goen says that the timeline will be approximately the same. I don't think this will put a burden on the landowners. I'm not opposed to what they want to do. I'm opposed to the process which they are proposing.

**Action Taken:**

**Kevin McCall – County Vice Chairman:** Motion to approve Submission of proposal to Planning & Zoning Board to remove D-3 zone designation from Parcels R030279, R026580, R017643, R016832, R020735 and R026581, located north and south of Exit 203 and designate as D-2.

**Ryan Schwebach – County Chairman:** Seconds the motion.

**Roll Call Vote:** Samuel Schropp – County Commissioner: - No: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:

**MOTION CARRIED**

**C. FIRE:** Request approval for reclassification of Administrative Assistant to Executive Assistant. - Removed

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

**Don Dirks-County Fire Chief:** This is also a carryover from the last meeting, we discussed and was directed to discuss this with the County Manager as to what we were asking, this is going back towards our original plan. To change one of the positions, we're not adding or removing a position. We have more people hired and added a third shift. We're asking for that one position to be made back into a lieutenant position.

**Janice Barela – Madam County Manager:** I did visit with Chief Dirks and Deputy Chief Sanchez on this issue. I am in agreement that this would be something that would be good for the department. I think having that oversight for that shift as well as the others would be in the best interest of the department and also the county. As far as the amount of money that this will require for the budget, we already have each one of the EMT positions, salaries set as if a paramedic were to come into that position. That's the amount in the budget. In order for a person to come in as an EMS Lieutenant., it's just one more dollar per hour added to their

salary versus if they were just an EMT firefighter. We would be adding \$1 per hour more to the budget. Funds that the Chief has already been encompassing, we wouldn't have to worry about where that money would come from, it's able to absorb. That's assuming that the EMT Lieutenant is at a paramedic level. If we end up hiring one that's intermediate, then we're at the salary that it currently is, as an EMT Firefighter.

**Action Taken:**

**Kevin McCall – County Vice Chairman:** Motion to approve request approval for reclassification of one Firefighter/EMT position to an EMS Lieutenant.

**Ryan Schwebach – County Chairman:** Seconds the motion.

**Roll Call Vote:** Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:

**MOTION CARRIED**

**E. EMERGENCY MANAGEMENT:** Acceptance of 2023 Emergency Management Performance Grant in the amount of \$38,770.50.

**Samantha O'Dell-County Emergency Manager:** We received the acceptance for our Emergency Management Performance Grant the EMPG grant in the amount of \$38,770.50. However, we had requested a grant for the amount of \$57,342.16. The information that I handed out to you includes the breakdown of where that amount that we requested came from, as well as a list of the deliverables for the EMPG grant. Under the deliverables, I have listed the ones that would continue to be required, even if EMPG was not something that the county chose to continue to participate in. On their EMPG deliverables list, there's also a couple of resolutions that are addressed and I've attached those to the documents that I handed out to you as well. This was not fully funded because there was a one-million-dollar budget shortfall in the EMPG grant process. What Department of Homeland Security and Emergency Management decided to do is to fund as many of the departments as they could but at last year's budget instead of this year. So this is the \$38,770.50 that we received last year. They funded us the same amount as last year and that's what they did with the agencies across the state who requested an EMPG fund for this year.

**Janice Barela – Madam County Manager:** I called the Department of Homeland Security and Emergency Management, that's where I learned about the 1-million-dollar shortfall. In the discussion, they did find out that none of the agencies were notified in advance of the shortfall prior to their application being submitted. I wanted to make sure that was something that we did not know in advance. As stated earlier, Samantha did let the Commission know that they did notify that there will be no new positions, they said that some positions across the state were not funded at all. I'm happy that we at least have some partial funding for each one of our positions. One of the things that was also disclosed to me is that they were having a discussion between the grants, the bureau chiefs, the finance department, and the deputy secretary to decide how to handle this, they decided that they wanted to allocate money to every one of the programs that are in place. They also stated that when they visit this midstream, at the middle of the fiscal year, if they determined that they actually have more money than they have projected, maybe they've been more fiscally responsible in how they manage the budget. If they find that money is available, then they would entertain doing an amendment to the agreement to allocate more money out to the programs. I did ask, "If you're pulling back part of our funding from the grant, are you also cutting out some of the deliverables?" In other words, we don't have to do as much as to requirement. I received a chuckle on the phone, the answer was no. So I'd also like Samantha to explain how they actually added more things this year, in regard to the deliverables, and now we have less funding to do more.

**Samantha O'Dell-County Emergency Manager:** They did add under the NIMS, the National Incident Management Systems component, that was something that was there before, but they have now added in the National Qualification System. What that entails is anybody in an emergency management position that is funded by EMPG, is required to complete, and submit a Position Task Book for EOC positions, you have three years to complete this. This is a FEMA requirement. This is something that would be required through other federal funding as well. We are required to complete it within the three years, the requirements are several classes, there are two classes that I would still need to take at this point. They require you to work in an EOC in three different positions, observed by an evaluator so that they can sign off on that position. That's for the general task book, once you complete that task book, then they ask that each person that's in the Emergency Management realm funded by a federal grant, submit additional textbooks, Planning Section Chiefs or Operations Section Chiefs, the EOC Director, so this is

kind of a steppingstone to additional position task books that are going to be required. We do have a part of the qualification system that's under NIMS. We have a resolution 2017-48, which is in the packet that I provided you with where the county did adopt the NIMS System. The National Qualification System and the Position Textbook is something that they have just rolled out this year. Previously, it was a suggestion. Last year, the state adopted it and this year, they're expecting all of the counties to adopt it and move forward with it.

**Kevin McCall – County Vice Chairman:** On this page that you sent the deliverables for the grant, did you say that these are required whether we get the grant or not?

**Samantha O'Dell-County Emergency Manager:** If we do not have the grant then things that would go away would be the quarterly reporting for the grant and the annual exercise participation, which really we should be doing anyway. The other things that are listed here are required for any type of federal funding. So if we do not comply with these, we would not be eligible for any other federal funding.

**Kevin McCall – County Vice Chairman:** How many hours for the quarterly reporting?

**Samantha O'Dell-County Emergency Manager:** Three or four hours of quarterly reporting to get all of the documents together and submitted.

**Ryan Schwebach – County Chairman:** We accept this money, or we don't. So most of the same amount that we received last year, does this marry us to that amount. Are we looking for a full-time and a part time employee?

**Samantha O'Dell-County Emergency Manager:** It's two full-time positions, however, as far as what's covered under EMPG, would be full time for my position and the second position part time because it's half Emergency Management and half safety. They only cover the Emergency Management portion of it.

**Ryan Schwebach – County Chairman:** The same dollar amount does that tie us to the same full time and part time position?

**Ryan Schwebach – County Chairman:** They funded both of the positions.

**Janice Barela – Madam County Manager:** They funded it at the last fiscal year salaries, which was a full time and a part time.

**Samantha O'Dell-County Emergency Manager:** The difference in what we requested and what we were awarded is \$18,571.66.

**Kevin McCall – County Vice Chairman:** What deliverable could we cut, if we didn't take the grant?

**Samantha O'Dell-County Emergency Manager:** Nothing if we want to be eligible for other federal funding down the road.

**Ryan Schwebach – County Chairman:** What I've seen in the last year is that as a commissioner, since I really haven't seen Emergency Management to what it could be, it's almost like an insurance policy, you don't know you need it till you need it, by then it's too late. So I am supportive of this. It's hard to see deliverables until you actually have an issue. I would like a little bit more deliverable consequences. A Commission needs to know why they're funding this. I think there's a lot more, but for me, that's a big question, "where are the deliverables"?

**Samuel Schropp – County Commissioner:** On the question of deliverables. These are good practices. I know that nobody likes having an outside agency come in and tell us that we need to establish these best practices. There's nothing onerous or out of line in what is being passed as deliverables here. These are the things which will build a competent emergency manager's office and help build our Fire and Sheriff's Departments as well.

**Action Taken:**

**Ryan Schwebach – County Chairman:** Motion to approve Acceptance of 2023 Emergency Management Performance Grant in the amount of \$38,770.50.

**Samuel Schropp – County Commissioner:** Seconds the motion.

**Roll Call Vote:** Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:

**MOTION CARRIED**

**F. GRANTS:** Ratify acceptance of award of Rural Primary Health Care Act (RPHCA) Grant in the amount of \$101,124.00.

**Senaida Anaya - Grants Assistant:** We're here to ratify the award for the Rural Primary Health Care Act, ROHCA. We were awarded this. We were the actual recipient instead of PMS of the award through the HCEP process, which is the health care exemption process. We only had a seven-day period to be able to sign

the award. It's the same amount as it has been in the past. This award will go from 2024 through 2027, annually with no match.

**Action Taken:**

**Ryan Schwebach – County Chairman:** Motion to approve ratification acceptance of award of Rural Primary Health Care Act (RPHCA) Grant in the amount of \$101,124.00.

**Kevin McCall – County Vice Chairman:** Seconds the motion.

**Roll Call Vote:** Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:

**MOTION CARRIED**

**G. ASSESSOR:** County Assessor Lucero attended 86th Annual New Mexico Counties Conference prior to an approved purchase order in place. This occurred in the last fiscal year budget, and we are requesting your approval for payment to New Mexico Counties in the amount of \$275.00.

**Noah Sedillo-County Finance Director:** Mr. Lucero attended the annual conference, and a purchase order was not submitted within that time frame. We were no longer issuing purchase orders. It rolled into this fiscal year and carryover per our policy. So we're asking for your approval. Does it need to be paid? Yes.

**Action Taken:**

**Ryan Schwebach – County Chairman:** Motion to approve payment to New Mexico Counties in the amount of \$275.00.

**Kevin McCall – County Vice Chairman:** Seconds the motion.

**Roll Call Vote:** Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:

**MOTION CARRIED**

**12. DISCUSSION**

## A. MANAGER'S REPORT

**Janice Barela – Madam County Manager:** I wanted to let you all as well as the public know that we will have a public hearing for the final budget at the next commission meeting scheduled for July 26. I would request and we would have a discussion now that this actually be put across to two different meetings instead of one meeting. A Tuesday, Wednesday, or Thursday, with a possibility that it could be tabled and continue the next day and just advertise it as one meeting. I just wanted to allow the Commission the opportunity to do this today, by informing the public that the Commission Meeting could carry over to a second day.

**Ryan Schwebach – County Chairman:** We will recess and continue. I'm also urging staff and Commissioners to do some digging to see where they'll get more done in our meeting.

**Janice Barela – Madam County Manager:** I also want to invite the public to go onto our county website and look at the job advertisements that we have. They currently have the new salaries posted with it. So maybe that would make it more enticing to have the more applicants put into these positions.

## B. COMMISSIONERS' REPORTS

### 1) Kevin McCall – County Vice Chairman, District 1

**Kevin McCall – County Vice Chairman:** It was brought up earlier about the kitchen at the fairgrounds and I guess I need some assurance that are we in risk of losing our funding. With this kitchen not being completed by June 30th.

**Juan Torres-Deputy County Manager:** I do not believe so because I think the key thing we're waiting for is going to be the inspections. That's my understanding, that's all scheduled according to the state. So those are things that are out of our hands, all the equipment, everything is there that needs to be there. There's just certain things that have, from my understanding from the contract, or certain things that have to happen, in a certain sequence, for it to be certified and signed off on.

### 2) Ryan Schwebach – County Chairman: District 2

**Ryan Schwebach – County Chairman:** I covered most of my discussion stuff during the meetings.

3) Samuel Schropp – County Commissioner, District 3

**Samuel Schropp – County Commissioner:** I'm working on a project to bring excess equipment to the mountain communities from the Fire Department. There are some conditions which I believe would have to be met before I would recommend that transfer of that equipment to the mountain communities. I don't want to see this equipment go up to the mountain communities and freeze and break the pumps or rot the tires. So the original conversation that I'm having with representatives from the mountain communities, and John Perea and Chief Dirks is to use this in conjunction with building a Wildland Firefighter Program to keep young people here in the county with job opportunities and to expand from wild lands into structure certification and hopefully begin building our volunteer system. There's a lot of things that need to be ironed out. This is on the table, the earliest I could see it coming before this commission will be August 6.

**14. EXECUTIVE SESSION:**

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

Regular Commission Meeting July 26, 2023, 9:00 AM, Torrance County Admin Building.

**16. Signing of Official Documents**

**17. Adjourn.**

**Action Taken:**


**Ryan Schwebach – County Chairman:** Motion to approve payables.


**Kevin McCall – County Vice Chairman:** Seconds the motion.




**Roll Call Vote:** Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach  
– County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:  
**MOTION CARRIED**


**Meeting adjourned at 10:35 AM**

  
\_\_\_\_\_  
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.