

FINAL COPY
Torrance County Board of Commissioners
Regular Commission Meeting
August 23, 2023
9:00 AM

Commissioners Present:

RYAN SCHWEBACH – COUNTY CHAIRMAN
KEVIN MCCALL – COUNTY VICE CHAIRMAN

Others Present:

JANICE BARELA – MADAM COUNTY MANAGER
MICHAEL GARCIA – COUNTY ATTORNEY
LINDA JARAMILLO – COUNTY CLERK
NOAH SADILLO – COUNTY FINANCE DIRECTOR
GENELL MORRIS – ADMINISTRATIVE ASSISTANT I

1. Call Meeting to order.

Ryan Schwebach – County Chairman: Calls the August 23, 2023, Regular Commission Meeting to order at 9:02 AM.

- 2. Pledge lead by:** Ryan Schwebach – County Chairman
Invocation lead by: Kevin McCall – County Vice Chairman

3. Changes to the Agenda:

Janice Barela – Madam County Manager: Move agenda item 11D to after agenda item 6.

4. CERTIFICATES AND AWARDS:

5. BOARD AND COMMITTEE APPOINTMENTS:

6. PUBLIC COMMENT and COMMUNICATIONS

Donald Goen-County P & Z Director: A notice was posted seeking letters of interest. I will read it: The Torrance County Commission is accepting letters of interest from the populace of one of the three districts to fill an “at large” vacancy on the Planning and Zoning Board. Eligible applicants for appointments to the Planning and Zoning Board shall meet the following minimum requirements: A. Own or be purchasing land and reside in Torrance County. B. Is not already serving on a board or commission elsewhere in Torrance County. C. Is not employed by Torrance County. Board members are appointed to a three-year term. They are eligible to be reappointed to a second three-year term. Board members are limited to two consecutive terms. Letters of interest must be received by the Torrance County Planning and Zoning Office no later than 5:00 pm on September 14, 2023. Applicants will be interviewed by the Commissioners on September 27, 2023, at their regular meeting which begins at 9:00 am and the appointment will be decided. Mail letters of interest to Torrance County, PO Box 48 Estancia, NM 87016. Attention: Planning and Zoning, or hand deliver to the Planning and Zoning Office in the County Administration building located at 205 South 9th St, Estancia. This has been posted all around outside of the building, Post Offices, and the County website. Also on the front page of the website, Planning and Zoning page, and the Independent. I have been negotiating with them as far as getting it posted on the website and published once a week. We have time to have it in at least two editions. I have received a letter from District Three.

Martin Trujillo – Advanced Communications: Presented under agenda 11D.

Marcie Wallin - Torrance County Fair Board: 2023 Torrance County Fair expenditures were \$17,148.77. Invenergy donated \$1,500 for add-ons in the sale. Tecolote Wind energy company also donated \$2,000, all the buckles, banners and plaques were covered through donations. We had eight contestants for the Queen contests, 58 participants for the Livestock exhibit: 33 cattle, 24 lambs, 43 pigs, 34 goats, seven rabbits and 20 chickens. We had two kids that graduated that showed a large number of pigs and lambs. The flower department had 11 categories, two Best of Show awards. They had more exhibits this year. We had exhibitors in photography, creative arts, hobbies, home arts, handiwork, quilting, baked goods, candy, preserve food and special cake. Specialty cakes get to be exhibited and sold in the auction. The 4H Department ran by Deb Mayberry and her staff had 226 entries and thank you, Deb, for doing a great job in that department as well as helping in other areas. Her group was in charge of the buyers’ barbecue. The Sheep to Shawl had a new superintendent this year and we had three participants in that as well as the Cotton Extravaganza. Vendors: we had four food trucks, one food stand, the 4H Desperadoes sold candy and chips, one boutique truck, lemonade and

other vendors that sold gift baskets, jewelry, crafts, wood carvings, Pampered Chef, and the Cowbells. Community outreach: Four Rivers Company came and brought their excavator. That was a crowd favorite where you got to try to use your skills. Farm Bureau had a cornhole contest as well as prizes. Estancia FFA had a fun night for the kids. Healthier Torrance Communities had bingo and festivities at the Soil and Water Conservation building. Moriarty Elementary brought kindergarteners, they were all over the fair having a big time, it was well organized. Seniors from various community high schools took them around. Hopefully we'll get some interest targeting that. The Estancia Public Library did their annual pet show. Our livestock sale had 47 sale categories which included a cake, a rabbit, and chickens. Our sale total was \$272,850.00. The breakdown on average were heifers sold for \$7000, cake for \$600, chickens \$800, Rabbit \$950, goats \$5125, lambs \$5900, steers \$7687 and the pigs were \$5968. We also had a gymkhana Old Timer Day and gave away eight buckles that were donated. Kids ranging from four years old up to seniors in high school.

Kevin McCall-County Vice Chair: What peaked my interest was the kindergarteners coming from Moriarty. Who organized that and is there any way we can get more interest?

Marcie Wallin - Torrance County Fair Board: We did this to try it and see how it would work. Kyria had contacts at the Moriarty School. Patrick is working on Mountainair. It was a lot of fun watching the little kids. They took them all around. We are interested in reaching out to the other two schools.

Ryan Schwebach-County Chairman: I'd love to see that. I thought it was great, and it was enjoyable. The feedback I got was that individuals appreciated the events in between the shows or afterwards. The comment was, "This is actually a fair, much beyond a livestock show" the vendors were a big hit. It drew a lot of people in there. I would like to thank the Fair Board for expanding because I enjoyed it.

Marcie Wallin - Torrance County Fair Board: Thank you for your compliment. We appreciate that. We did have a lot of foot traffic through the vendor area and the vendor trucks. Some of the people from this facility came over, ate lunch also the town and the Fire Department, and Police Department. People enjoyed the food trucks. The Red Barn: Connie Haley does a great job and brings her various animals and has projects for the little kids to do. If you ever can't find your kid they are probably at the Red Barn having fun. It is a crowd favorite.

Kevin McCall-County Vice Chair: Is it off the table in the future for the amusement rides to come back? Or is it just something that we've kind of lost in the liability becoming an issue?

Marcie Wallin - Torrance County Fair Board: The problem with that is when we reached out and tried to get the Bennett Amusement, which was a local vendor

but they are out of business. Last year they came two weeks before the fair but couldn't get help. His partner had knee surgery. They didn't even move their stuff this year. The bigger amusements that go to San Juan and other fairs want to know foot traffic. When you give them the realistic numbers for the Torrance County Fair they can't afford to come. We did try the same amusement company that went to the Mountainair festivities. They have bouncy houses and a really nice entertainment, it is \$7,000. There was a circus carnival that cost \$4,000. This year we had a traffic jam at the fair and that hasn't ever happened. So I think we're going to have to have the emergency preparedness department help us with traffic signs. We've never had that kind of an issue at the fair. Some of us missed a couple of the endings of the pig and steer shows because we were trying to get traffic situated.

Linda Jaramillo-County Clerk: Tuesday, August 29, 2023, is candidate filing day for the Regular Local Election, from 9:00 am to 5:00 pm in my office.

Patty Alexander (on Zoom): Noah Sedillo read statement: I think we are letting too many pot farms move into our county. It is starting to negatively affect not only our residents but now our local farms that have been here for decades. Dollar signs mean nothing if people have to leave due to no water. Water is more important than dollar signs. What are you going to do about this issue?

Ryan Schwebach – County Chairman: Duly noted.

7. APPROVAL OF MINUTES

COMMISSION: Request approval of minutes of the August 9, 2023, Regular Meeting of the Board of County Commissioners.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve minutes of the August 9, 2023, Regular Meeting of the Board of County Commissioners.

Kevin McCall-County Vice Chair: Seconds the motion.

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

8. APPROVAL OF CONSENT AGENDA

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: 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

11. APPROVALS

- A. FIRE:** Request approval to submit the FY2024 Fire Prevention Grant application for all TCFD Districts and Fire Administration and authorizing County Manager Janice Barela to sign applications. (Grant Committee Reviewed & Approved)

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve FY2024 Fire Prevention Grant application for all TCFD Districts and Fire Administration and authorizing County Manager Janice Barela to sign applications.

Kevin McCall – County Vice Chairman: Seconds the motion.

Hanna Sanchez-Acting Fire Chief: FY2024 grants are due August 31. These are grants that we will be applying per district, with \$300,000 from the administration we can get one project plus \$25,000 in stipends. I'm asking permission to be able to submit those on behalf of the County Commission.

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

B. FIRE: Request approval to submit payment for FY23 medical billing services conducted by Quick Med Claims (QMC) from February and April 2023 in the amounts of \$1,507.08 and \$2,197.95 (Invoice # INV27900 and #INV28975).

Hanna Sanchez-Acting Fire Chief: I received these two invoices from February 23 and April 23. Back in July, when FY 24 started. I never received these in my email. This is for the medical billing, the third-party company that does our medical billing for us. I'm asking permission to be able to pay for them. I do currently have a PO for FY 24 in the amount of their contract which is \$59,999. However, a year's worth of medical billing will not touch that. I'm requesting to pay these from FY 23.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve FY23 medical billing services conducted by Quick Med Claims (QMC) from February and April 2023 in the amounts of \$1,507.08 and \$2,197.95 (Invoice # INV27900 and #INV28975).

Kevin McCall – County Vice Chairman: Seconds the motion.

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

C. MANAGER: Approval to pay for a prior year invoice. Ambitions Consulting Group failed to bill Torrance County for May 1, 2023 – May 31, 2023, Block Consulting Hours in the amount of \$1,307.64 (Invoice #10698). Invoice received August 4, 2023

Janice Barela – Madam County Manager: We didn't receive the invoice for this until August 4. There is an error on the county side as well, since this is recurring every month we should have been looking out for this and we will do our due diligence moving forward to make sure that we receive this monthly bill. With that being said, this is in prior fiscal year, so it does require Commission approval, this is part of our contract.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve prior year invoice. Ambitions Consulting Group failed to bill Torrance County for May 1, 2023 –

May 31, 2023, Block Consulting Hours in the amount of \$1,307.64 (Invoice #10698). Invoice received August 4, 2023

Kevin McCall – County Vice Chairman: Seconds the motion.

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

D. SHERIFF: Presentation and possible approval for purchasing 20 radios with necessary accessories

Martin Trujillo – Advanced Communications: The state is currently deploying their version of the 7/800 radio system and in doing so they're trying to get other agencies such as Torrance County to get on their radio system. To do so, Torrance County would have to either abandon what they're currently using today, or buy a radio that will accommodate both, and that's what I proposed in this radio. It'll be 7/800 LTE. FirstNet is another variation of public safety communications. It will do FirstNet, it will do 7/800, it will do UHF bands that are typically med channels if they're needed, and VHF channels that Torrance County uses today. I don't feel that Torrance County should abandon their VHF system because they have invested so much money in it. It's a backup plan if and when the county decides to go with the state system. Initially the state was charging agencies a per radio per user fee per month. Most officers in the field today have two radios, one on their hip and one in the vehicle. That would be upwards of anywhere from \$80 to \$200 per month per officer. They waived those fees earlier this year in the legislative sessions, so those fees are gone. It is more feasible for a county to do their current radio system today and at the same time be able to talk on the site with permission. If I had this radio, can you switch on their current analog system today and be able to talk on a digital channel on the same radio? The answer is yes, it's a simple channel selection. Channel one could be digital channel, two could be analog, and channel three can be the 7/800 system. Other brands don't do this, you have to either switch radio round or switch channel banks. The feature sets that are quoted on this radio are basically ala carte, you don't have to buy it all at once. They can be filled up with the software purchase and we can add those features later. Yesterday's radios cost the county about \$1,000. For a radio today that cost is five times as much, regardless of manufacturer or where you buy it from. P25 is a standard that's been adopted since 2012. Any radio you purchase can only provide P25 compliant radios today. There's a lot of features you may or may not need today. If you need those later, then we can add them later. There is nothing that limits the department from buying this radio, and preparing for future use on the

state system. There is no mandate saying you have to go on the state system. That is something that they're pushing really hard for agencies to do.

Kevin McCall-County Vice Chair: Please, elaborate on the P25.

Martin Trujillo – Advanced Communications: P25 is a new standard they have been trying to push since 1994. In 2012 there were only so many frequencies that we were allowed to be used in that spectrum. We used it all. In 2012 the FCC mandated that we use narrowband and switched it from 25 kilohertz spacing up to 12 and a half essentially doubling the frequencies. The P25 compliance is going to do away with the analog frequencies that we used to use in our TVs, then we went to a digital converter. It's the same thing. The next phase of that narrowband will be six and a quarter kilohertz spacing between channels so doubling it up again and then therefore only operating in the digital platform. It was an unfunded mandate in 2012 costing Torrance County thousands of dollars to be compliant.

Lieutenant Ballard – Torrance County Sheriff's Office: My name is Kent Ballard. I'm a lieutenant with the Sheriff's Office. I've been with the Sheriff's Office since August of 2007. Late last year, I took on the role of property control. I think that's the first time since I've been with the Sheriff's Office that one person was keeping track of the equipment we have. That's when I started to notice the deficiencies that we had in our current systems. To answer your question, we have to purchase radios. We are at a point now where the radios we currently have cannot be repaired. The last bulk purchase was made during the Pete Golden administration prior to me coming on with the Sheriff's Office. We got several hand me down radios from the US Marshal Service in 2011. We have tried to use those as best as we can. There's been upgrades with the infrastructure with dispatch, those radios have been able to keep up with that. We're kind of at this point now where we don't know where the direction is going to be in the future. It could be digital or stay with VHF. We are looking at having to make a purchase because of failing hardware. Looking at an option like this makes the most sense because it doesn't limit us in in the long run. If we don't steer away from the VHF or analog system to digital and become completely obsolete it could be an absolute waste of money if we end up being forced in that direction. Things are changing daily as to what the state is wanting as far as this system is concerned and what they're willing to do to help some of the smaller agencies. When we started looking at the radios, we wanted to know what we could purchase that would get us through the next 10 to 13 years. This is the radio that was recommended because it has those capabilities. There must be something in between this radio and something maybe less expensive, that might be able to do the same thing. That question would probably have to go to Mr. Trujillo, but I can say for sure that our current hardware is at the point where if we were fully staffed, we wouldn't be able to outfit everybody with a radio. Those radios have been cannibalized over time

when parts start to go bad. When one radio gets taken out of service we start using parts antennas, screens, buttons, we can't buy those things anymore. The last time we had to purchase parts from Motorola's that we're using, we had to get those off of eBay. It's not sustainable as far as keeping things in service. I think the capability exists for using LTE, we do have FirstNet through the County. I don't know what the infrastructure is with that or if that's ready to go. That seems like it's one of those things that's always on the horizon to be used, but I've not seen it in practice. If the county decided to get on the state network, because the infrastructure is being essentially paid for by somebody else and the cost prohibitive nature of the of the monthly fees has been taken away, there's not one of those three ways that these radios wouldn't allow us to move forward on, but I think in the short term, we would continue to use the VHF system. Emergency Management has one of these radios in their inventory. Samantha was gracious enough to let us use it for the last three or four weeks. We've taken it out into the field. I've taken it out myself on calls to different areas and tested it. We've seen absolutely no degradation between this radio and our current radios and in some areas, it seems like we're getting a stronger signal. We are able to get clear transmissions in areas where we weren't otherwise. That is coming back to the fact that it could be because it's different technology, or it could just be that it's a more powerful radio. If that's all we got out of it, we will have radios that would get us through the next 10 to 15 years. We know these are expensive pieces of equipment, and we try our best to keep them serviceable. They have to be rugged in order to put up with a lot of the demands that patrol deputies have.

Ryan Schwebach-County Chairman: A question for this Commission is whether or not we do the full package deal because we can add on LTE later or do we need to pay for it now if we aren't going to use it?

Martin Trujillo – Advanced Communications: If you wanted to buy this radio as a VHF radio to operate on Torrance County system, then you can do that. The cost would be the same as if you purchased it up front. We would have to add services to come out here and do that, they are all field upgradeable, every feature on the radio is. The most expensive part of this radio is the state speed 25 system functionality, because you need several options that are required by the State, in order for this radio to be on their system. It's approved by the State of New Mexico by DOIT (Department of Information and Technology). They manage the radio system for the State of New Mexico. The LTE module, it's an actual module, we put a SIM card in it. That would be a recurring cost. If you do go on FirstNet, it is ready to do so. The FirstNet protocol is for this radio.

Ryan Schwebach – County Chairman: You have a cellular plan that is tied to a radio, FirstNet is that what this \$912 per unit represents? You're telling me we don't know when these other systems are going to be there?

Lieutenant Ballard – Torrance County Sheriff's Office: We are not currently using LTE, and we would be able to get by just fine. If we went with the VHF system for now, that would solve the hardware issue. I don't know how the cost effectiveness of upgrading later would be if we had to. I don't think we'd have to do both. I don't think you'd have to do LTE and the state network. We could wait to see which direction those are headed.

Martin Trujillo – Advanced Communications: I don't think the state's radio system is ready for Torrance County, it will be soon. FirstNet is already here. FirstNet is nationwide. It's a public safety protocol that is very much like the state's new 7/800 system. The cost would be like a cell phone bill on this radio if that's something you're going to use. I know the Estancia Police Department is getting ready to jump on board with that, they already have this radio in their possession. Chief Downing is waiting on me to give him information so that he can use that LTE module for his department.

Ryan Schwebach – County Chairman: We use the LTE now, have a monthly fee. Is that something our department could utilize? Would it make it better?

Lieutenant Ballard – Torrance County Sheriff's Office: I've never used it but digital in general would help as far as coverage. It would be more like cell phone coverage and currently we get good cell phone coverage here. There are areas where we can use our cell phones, where we cannot use our radios. Assuming that that coverage would be the same that would increase our radio capabilities.

Ryan Schwebach – County Chairman: Does that blend into our dispatch center, does it all interconnect?

Martin Trujillo – Advanced Communications: Yes, If FirstNet is not at dispatch already, it will be there soon.

Kevin McCall – County Vice Chairman: Explain the LTE. We have the LTE do we make a phone call with that radio?

Martin Trujillo – Advanced Communications: It's kind of like a phone call within the AT&T's network. It is strictly public safety.

Kevin McCall – County Vice Chairman: Why would you ever need LTE if you have good service with the VHF or the P25?

Martin Trujillo – Advanced Communications: You may never need it. If your system was performing the way it should.

Kevin McCall – County Vice Chairman: All deputies are carrying a cell phone at this point?

Lieutenant Ballard – Torrance County Sheriff's Office: That's correct. We have FirstNet capability, and we have two SIM cards in our cell phones. For both FirstNet and the AT&T network.

Noah Sedillo-County Finance Director: There's one SIM card but capable to have two SIM cards if needed. You can put your private and public phone in one

phone for personnel. They kept that separate from admin. All county cell phones are FirstNet.

Martin Trujillo – Advanced Communications: You are already paying for FirstNet. It's just adding the SIM card to these radios if you guys choose to use it. It's for interoperability within other departments that are on the FirstNet system. For example, we have wildfires going all over. When these departments from other parts of the country congregate on one area, that's where FirstNet would shine. They can all be on one radio system, instead of having the chaos of all these different radio systems talking and nobody communicating.

Ryan Schwebach – County Chairman: The ability to communicate with our Fire Department and potentially the Road Department, is that correct?

Janice Barela-Madam County Manager: Yes, the way FirstNet works is in the event that a cell tower is overloaded, or if there's some kind of issue that causes service to go down, priority would be those that are on FirstNet.

Martin Trujillo – Advanced Communications: FirstNet was developed specifically for public safety. This is not a public band the only ones that can be allowed on it are public servants. If a cell tower does go down, the priority to get back up in operation, would prioritize FirstNet first.

Kevin McCall – County Vice Chairman: You stated, Torrance County is not ready for the P25, but soon. What do you mean by soon?

Martin Trujillo – Advanced Communications: Torrance County is not ready for the state's P25 system. They don't have the infrastructure. There's not enough infrastructure towers. We built that tower at dispatch many years ago and it's overloaded today. The state is slowly trying to find sites suitable to give agencies coverage on their radio system. Dona Ana County, Las Cruces, New Mexico is barely getting their infrastructure in place for the state system.

Ryan Schwebach – County Chairman: We do need VHF in case LTE goes down.

Martin Trujillo – Advanced Communications: VHF is the system you own and maintain. If you abandon it, which I don't think you should, then you're at the mercy of the State. Monday through Friday, eight to four service. If you're lucky, it's got to be scheduled. Service providers like us are available 24/7.

Ryan Schwebach – County Chairman: I'm not inclined to ever let the VHF system go. For the reasons you've just stated. I don't see putting the P25 in at this time, if we can't use it, and we don't know when the state is going to be here. I don't see the point in spending the money, but the radio is capable of upgrading later. Correct?

Martin Trujillo – Advanced Communications: The radio is 100% capable.

Lieutenant Ballard – Torrance County Sheriff's Office: The price quote is for a charging station for each deputy so they can charge anywhere, and the shoulder

mic. Everyone should have radios on now. Some deputies have taken the antennas off of their radios and running a wire that will move the antenna to a different spot, the radio may not be visible. Every deputy should absolutely be carrying a radio. We make sure that patrol is a priority.

Kevin McCall – County Vice Chairman: Every deputy carries a cell phone in which case they can call dispatch and dispatch can relay back to the VHF.

Ryan Schwebach – County Chairman: With the LTE, let's say Leonard's on maintainer and a deputy on the road. They could be talking to the Fire Chief indirectly with Leonard. Is that true?

Martin Trujillo – Advanced Communications: That is absolutely true.

Ryan Schwebach – County Chairman: Are you smart enough to do that, Leonard?

Martin Trujillo – Advanced Communications: I'm not smart enough to do it, but it can happen.

Ryan Schwebach – County Chairman: If we have to bounce everything through dispatch. Is it a direct line or is it a third-party relaying information?

Martin Trujillo – Advanced Communications: Yes, to both. It's a direct line. The officers in the field today can bypass dispatch all together.

Ryan Schwebach – County Chairman: Explain the monthly fee, you said we already have FirstNet. Do we have the monthly fee with these radios like another cell phone or existing fees cover it?

Martin Trujillo – Advanced Communications: No, your existing fees would stay in place, and they would add the other SIM card. I don't want to speak on behalf of FirstNet because I don't know what their fees are.

Lieutenant Ballard – Torrance County Sheriff's Office: A cell phone can absolutely be utilized in the non-emergency situation. If I'm on a call and I just need to get a hold of dispatch and can't reach them on the radio. I can get somewhere and make a cell phone call, where that's not feasible is in an emergency situation, sometimes with pursuits, foot pursuits especially. Deputy can't have a cell phone on speaker up to their head so the radio, the way it's set up, meant for communication where they can focus on what they need to.

Martin Trujillo – Advanced Communications: Another thing that radio does have that cell phones and other devices do not have is an audio playback. It records the last five conversations, and GPS. Dispatchers know where your officers are at and ping them at any time.

Ryan Schwebach – County Chairman: Lieutenant, your guys haven't used enough LTE to really know if it's more beneficial for what you guys are doing.

Lieutenant Ballard – Torrance County Sheriff's Office: Other than what's been described, it sounds in theory to be beneficial. What I don't know because we've

never used it with a radio system is whether that would increase coverage area which would be beneficial.

Ryan Schwebach – County Chairman: The LTE is the direction things are going but the VHF system is a backup and LTE fails.

Martin Trujillo – Advanced Communications: Another thing that can be done is put another SIM card you already paid for it in this radio.

Kevin McCall – County Vice Chairman: If we remove the P25 and LTE it drops to around \$80,000.

Ryan Schwebach – County Chairman: If we upgrade to LTE, it is an easy process?

Martin Trujillo – Advanced Communications: Definitely, we can add all of these features later.

Kevin McCall – County Vice Chairman: A question for the Sheriff's Department will be if the LTE service will come out of your budget. Are you ready for that extra expense. Approving the radio purchase is one thing and then the monthly charges is another conversation we need to have. We need to try it and does it increase the coverage and do some test calls.

Ryan Schwebach – County Chairman: This radio its more instantaneous.

Kevin McCall – County Vice Chairman: LTE system is like a phone if you're on a phone and they're on a radio.

Martin Trujillo – Advanced Communications: You can select who you will talk to, one or all.

Kevin McCall – County Vice Chairman: It has to be programmed for who you want to be hearing it. I'm not sure Law Enforcement wants everyone to be hearing everything.

Martin Trujillo – Advanced Communications: It's programmable by the user. The user will go through the menu and select who he wants to participate in that conversation, and then push to talk.

Kevin McCall – County Vice Chairman: How long does that take?

Lieutenant Ballard – Torrance County Sheriff's Office: Where I envision that being used is a natural disaster, where we have a command post. These are things that would have to be done at that point to communicate with these different entities. The day-to-day stuff where we're just communicating with dispatch, that we want to keep private.

Action Taken:

Ryan Schwebach – County Chairman: Motion to move forward with this quote minus what is highlighted. (See quote in Packet)

Kevin McCall – County Vice Chairman: Seconds the motion.

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

12. DISCUSSION

- A. **MANAGER:** Discussion regarding Superior Ambulance’s request for a Torrance County-funded subsidy for Emergency Medical Services in the County.

Janice Barela – Madam County Manager: Appearing on Zoom, Superior Ambulance owner Chris Archuleta. I'd like to thank him for being here. He did approach me, letting me know that he is requesting that Torrance County provide a subsidy from county funds in the amount of \$25,000 a month. The reasoning is the billing that they do is currently insufficient to cover the cost that Superior Ambulance to be operating in Torrance County. We did preliminarily discuss some options. I did ask him if he would be willing to negotiate, possibly look at redrawing of the maps to provide more area for him. We didn't have the opportunity to look at the maps yet and what the difference in the call volume would be, just a basic overview. We also discussed salaries. We provide additional funding and then he raises his salaries and now we're competing for the same individuals. We had a transparent conversation when it came to salaries and will continue to communicate and not try to compete against each other but also being in a position where we provide adequate funding for these positions.

Chris Archuleta -Superior Ambulance: I'd like to thank you for this opportunity to speak. We are looking at trying to get ourselves from the red into the black for our operations. We are having a difficult situation, just dealing with salaries that have increased substantially since the start of COVID. Our salaries went up quite a bit. We're looking at in many cases 40% to 50% increases, it's very difficult to find people to work at a lower rate. Salaries have gone up substantially as has the County's and as I told the County Manager, we're not doing this to compete in any way with the County. We want to make sure that our salaries are equal to yours and that we're not going back and forth and bidding higher to try to attract an employee from one service to the other. The main thing is that we want to make sure that we're in the black so that we stay operational. Our collectibles have gone down quite a bit. We are at about 46% collection rate right now About two thirds of our operation is Medicaid patients, and Medicaid is the lowest paying payer, we are only getting around 35% of what we bill Medicaid. Medicare is a little bit better when we add the Medicare in, we are at about 80% of our volume. When

you look at those two combined, we are at about a 40% collection rate of what we bill. What we are trying to do is stay in an area to where we are able to support ourselves and able to provide for the community as we've done since 2004. We want to continue to be in the community and be a part of the community.

Janice Barela – Madam County Manager: Looking at \$25,000 a month that translates to \$300,000 a year. I spoke with our Chief Procurement Officer; Toni Lowery and our Finance Director; Noah Sedillo. It would require the county to go out to an RFP process because they are not a sole source. We appreciate all the service they provide since 2004, but we have to follow the state procurement.

Chris Archuleta -Superior Ambulance: So you understand to provide one ALS ambulance for a community costs an annual budget of about \$650,000 to \$700,000 per ambulance.

Ryan Schwebach-County Chairman: Now I'm becoming more acutely aware of the cost of this. You made the comment on your billing. You're married to what Medicaid and Medicare pays. Has anybody had that conversation with them?

Chris Archuleta -Superior Ambulance: You can't. Those are set rates. New Mexico Medicaid has not raised our rates since 2003. The Medicare rates are set by the Federal Government and those are nationwide. You can't balance a bill once you've accepted Medicare or Medicaid. You can't bill a patient for the remaining balance and besides that, those are the two groups that can't pay the balance.

Ryan Schwebach-County Chairman: You have been working out here for a long time, you kind of know the calls and where they comes from. Looking at the boundary maps, different types of services, timing, MOUs or transportation, whatever fits to make this back into black. Have you gone down that road? Have you talked with our manager on expanding? I'll sit here and say my business is suffering also and I would love to go out there and ask for a \$25,000 a month subsidy to put it back into black. I'm not saying we shouldn't but I'm saying I can't until I understand everything else has been exhausted.

Chris Archuleta -Superior Ambulance: Those are things we're looking at now to lower the subsidy. I think the subsidy is still going to have to be there. We are no longer the only ambulance provider for the community as we were in the past. When we were the single operation, we were still in the red. We weren't heavily in the red, at that time we weren't dealing with what we're dealing with today, which are higher operational costs, and higher wages. Everything is just so much higher than where was four years ago. We were losing money still but not much. I was able to cover that with my Albuquerque operation because we used the Torrance County operation to recruit paramedics into our system. It was a positive for us even though it was losing money. Today it is getting more and more difficult to do what we were doing then. We can't continue to pull from Albuquerque to support this operation. So we're trying to get to where it is self-supportive. We're not

dealing with what we were dealing with four years ago. It's a whole different situation today. If we cut up the boundaries a little bit more, and just adding more volume, I don't think it'll be enough to get us into the black. It may cut a few dollars off of the requested subsidy. I am willing to look at all options and work with the county in any way we can to reduce it as much as possible.

Ryan Schwebach-County Chairman: Fair enough. Everybody has to make some tough decisions. Thank you.

B. MANAGER'S REPORT

Janice Barela – Madam County Manager: Yesterday, our legal counsel Mike Garcia and I traveled to Las Cruces. I spoke as a panelist before the Courts Corrections and Justice Interim Committee. The topic was Senate Bill 172 introduced in 2023, with the intention of shutting down our contract with ICE and in turn, if that would have occurred, it would have shut down CoreCivic, the prison here. So I wanted to read into record what I said on the panel. I was allowed to speak on behalf of Tarrant County. So I introduced myself: My name is Janice Barela. I am the Tarrant County Manager, I previously served as the Deputy County Manager, County Treasurer and Chief Deputy Treasurer, in total 15 years of public service with Tarrant County, I was a resident of Tarrant County, specifically in the Town of Estancia, for 36 years. I remember when CoreCivic first opened its doors. At that time, I was a young mother with three small children. I was extremely concerned about a private prison operating in our community. I remember the unnerving drills when the Town of Estancia personnel activated a blaring siren intended to notify the residents should a jail break occurred so that we could all go inside our homes and lock the doors and windows. Over the years, fears and concerns that residents felt turned into appreciation for CoreCivic's employment opportunities and their benevolence in our community. Many residents take pride in their work at CoreCivic. CoreCivic continues to be a positive, active community partner, financially supporting school events, community events, County Fair, as well as providing college scholarships and job opportunities for our graduating seniors. Sometimes, a business enters a community and becomes a staple. CoreCivic accomplished that in Estancia. The community could count on them to provide jobs, to help and support year after year. It was easy to take CoreCivic for granted. And we all did, until July 24, 2017, when CoreCivic met with then County Manager, Belinda Garland, to brief the County on the closing of the facility. That morning, CoreCivic, in one big meeting, gave their employees a 60-day notice, effectively laying off over 200 employees, most of whom resided in the community. CoreCivic ceased operations due to U.S.

Marshal reducing the number of inmates housed in the Torrance County Detention Facility. Many of these employees strategically chose to work at CoreCivic in Estancia so they could live close to family so that their kids would benefit from multi-generational relationships, just as they did when they grew up in our small, rural community and county. The community, school district, Town of Estancia and Torrance County felt the immediate impact of CoreCivic's closure. As laid-off individuals found jobs outside the County, many at other CoreCivic facilities in other states, they relocated their families, removing their children from our local school districts and from their deep roots and culture. In May of 2019, Torrance County entered into an Intergovernmental Service Agreement (IGSA) with the U.S. Department of Homeland Security for the detention and care of detainees, specifically to provide these services at the Torrance County Detention Facility in Estancia. Again, CoreCivic became a community partner in the same capacity as in the past. In 2021 and 2023, state legislation was introduced to end county contracts with the federal government to house ICE detainees in private detention facilities. These bills put our local community in a tailspin by making employees unsure about their jobs and families unsure about their futures, as memories of the last closing were all too vivid in everyone's minds. It was disappointing to see the Fiscal Impact Report (FIR) for SB172. The analyst only took into consideration the "Estimated Additional Operating Budget Impact" to the State, For the FIR to state that there is no fiscal impact for FY23, FY24, and FY25, is, in my opinion, misleading, especially since this legislation required counties to terminate their IGSA no later than January 1, 2024. If the analyst included the fiscal impact to the communities and counties that would be affected by the closures, the Legislators and the public would have received a more accurate report. I received short notice for this Committee Meeting today, so I was not able to gather current figures for you; however, I will present the fiscal impact from when CoreCivic shut down in 2017. Please note, these figures are prior to the current rising inflation and cost of living increases that Torrance County, NM, and the nation are experiencing. Each figure is for one year. 1. In 2017, CoreCivic employed 203 individuals with a starting salary of \$15.32 and an average salary of \$20.00/hour. 2. Total gross wages was \$8,444,800.00. 3. Using an employment multiplier of 3.03 (taken from an Estancia Valley Economic Development Study), due to the large number of indirect jobs that also support this industry, that brought the total wage impact to \$25,587,744.00, translating to 818 jobs lost. 4, Total loss of money spent in the County - \$12,793,881,00 3 5. Total Gross Receipts Tax (GRT) loss to the County - \$767,632.00 6, Total loss of revenues collected for utilities - \$561,540.00 7. Total loss of Utilities Gross Receipts Taxes - \$35,590,00 8, Overall increase in Torrance County Sheriff's Budget - \$2.5M 9, Although individuals met to discuss repurposing the facility, no viable repurposing options were identified. 10. Wells

Fargo Bank and other local businesses in Estancia, such as restaurants, subsequently closed. Currently, CoreCivic employs 205 staff at the Torrance County Detention Facility, making them one of the largest employers in the area. The school districts, combined, may come close. Torrance County Detention Facility, run by CoreCivic, has been under continual attack, as opponents attempt to undermine CoreCivic's ability to adequately fulfill their obligations under their contract to house, protect and serve as they take care of detainees. The Torrance County Detention Facility continues to meet the required Department of Justice Federal Performance Based Detention Standards and ICE Performance Based National Detention Standards when it comes to daily standards of care to their population. All expectations of these standards are met with sound medical, sanitation, recreation, and meal services in a facility that is maintained for the safety and well-being of all, they are monitored by a diligent grievance and investigation process of all staff and inmates or detainees, along with the continued rigorous oversight and audit process. I would venture to say that no other detention facility in the United States has undergone as many audits and oversights in one year as the Torrance County Detention Facility did in 2022, for a total of 18. I hear they are currently going through one as I speak. 4 CoreCivic facility in Torrance County has been deemed an Expedited Credible Fear Location by the Enforcement and Removal Operations (ERO) ICE Headquarters out of Washington, D.C. Because of the capability of their facility and equipment, they are able to facilitate the required hearings and interviews necessary for the detainees to continue in their asylum process, seeking a positive outcome while detained in the United States. In the FIR for SB172, the New Mexico Attorney General called attention to Section 287(g) of the Immigration and Nationality Act (INA), which authorized the U. S. Department of Homeland Security to enter into agreements with state or local law enforcement agencies. As a result, the NMAG warned that the bill may implicate the Supremacy Clause. This legislation, if passed, could have subjected New Mexico to a lawsuit as the Supremacy Clause precludes states from dictating to the federal government who can perform federal work. Because the bill sought to limit a state or local government or law enforcement from performing federal work by prohibiting their ability to enter into a contract to house federal immigration detainees, it could have been a violation of the Supremacy Clause. Torrance County is requesting for the Supremacy Clause to be taken into consideration, and respectfully requests that the County's IGSA with U.S Department of Homeland Security be unhindered in its execution. Regarding Torrance County's oversight of the Torrance County Detention Facility, all three Torrance County Commissioners each showed up at different times, unannounced, to inspect the facility and have not found any issues. Commissioner Samuel Schropp continues to conduct surprise inspections at odd times, unannounced. He, the other Commissioners, and I have

been given unfettered access to inspect the facility any time, unannounced. Any member of our Congressional Delegation may also inspect the facility unannounced. I will close with this, I invite each of you individually, or even all of you together, to inspect the facility with me at any time, unannounced, just stop by my office, unannounced, and we will go straight to the detention facility. Torrance County cares about its inmates and the detainees. As allegations of misconduct have come forward, we at the County are responding with more inspections and with more meetings to ensure the highest level of medical, dental, mental health, translation, communication with family, hearings, food, shelter, and protection are all adequately provided to the County inmates and to detainees, with dignity and respect.

We were part of a panel, consisting of a Representative from New Mexico Immigration Law Center, a Representative from Community Organizer that was housed in Chaparral, and the New Mexico Dream Team. A Representative from Anticarceral Legal Organizing Program Innovation Law Lab housed out of Portland, Oregon, have taken an interest in New Mexico. In particular, that individual stood in a committee hearing. He supposedly has been going door to door and has spoken with at least 100 residents from Torrance County and all of them are in opposition to our detention facility being open. I would like to talk to all of our campaign people that go out and try to walk door to door with residents in Torrance County. I can tell you from being on a campaign, that is not an easy thing to go door to door and talk to any of our residents. We have a lot of residents that have fences up, gates up, dogs, there's a lot of issues in our county that would prevent people to go door to door plus a working population that are out during the day. I don't agree with what he had said in regard to that.

Ryan Schwebach-County Chairman: Did they provide signatures?

Janice Barela-Madam County Manager: They were not able to provide any.

Ryan Schwebach-County Chairman: They essentially lied.

Janice Barela-Madam County Manager: In my opinion, yes. They did ask him "what proof he had" and he just stated, "they just went out and talked to residents". They said that they don't have confidence in CoreCivic to stay open. That could be the case because we have experienced a shutdown in 2017. How do you move forward and say that we have complete confidence that the state will not interfere with our contract with the Federal Government and the result may be that it shuts down. Torrance County will fight on behalf of our contract. For the first time, we were able to voice our stand on this issue. Usually it's introduced at the legislature, if we are not on the panel you are given at the most two minutes. I thank Senator Cervantes, the Chairman, for stating in this committee, we like to hear both sides. Sometimes we discover things that we didn't know. I also appreciate his last comments that he made, which were not for private prisons in this whole situation,

we also know that if we close this down in New Mexico, CoreCivic could go to another state, the detainees would be moved over there. Are we better off to keep them here? We have the care and oversight for them. We are close to the border. There's a lot of things that we could take care of, until the Federal Government changes things. The vote in the Senate for this bill in the 2023 Legislative Session was 18 in favor and 20 opposed with one Senator not making it to the floor in time for the vote, who would have voted in favor of the bill. If it would have remained it would have been 19 for the bill shutting down this contract, and 20 against. We don't have that guarantee that it will occur the same way in the next legislative session where it's introduced. This could come up in the 2024. It is a 30-day Legislation Session, at 30-day session bills that are introduced would have to do with a budget. According to what the FIR said there's nothing that would impact their budget whatsoever at the state level. It would require a call of the Governor to get this bill introduced and that would not be impossible. Otero County and Cibola County were there, Otero County issues are different. They own their facility and have a G.O. Bond tied to it. They are using the money from their agreement with the Federal Government to pay for the G.O. Bond. That's what they use to build the facility specifically designed to house detainees. Cibola County is in the same situation, they are in contract with CoreCivic, same as what we have, and it would impact them greatly. The same way it has impacted us. The question that was asked, what is Torrance County doing to wean ourselves from being so dependent on CoreCivic, and what other economic development are we bringing or attempting to bring into the county? I explained our challenges in the county such as a closed basin, how we have wells that are already going dry, we have residents that are having to haul water. Businesses that are looking at that are saying if you can't support your residents, how can you provide water for us as a business, if it's a big manufacturing company. CoreCivic is in the Town of Estancia, the Town of Estancia is in a floodplain zone. That's something that they've been trying to get changed with FEMA, but as we have economic development, different investors looking at the Town of Estancia find out and don't want to build in a floodplain zone. I did say we have the wind farms in our area, but I wish I would have stated those are not bringing in 203 jobs. So we're still looking not just at Torrance County but also at what's happening with our residents. I was trying to get my point across, I felt like for the first time that they were listening. Senator Ivey-Soto brought up some interesting questions. The same company that I talked about are a nonprofit out of Portland, Oregon, and provided them with a study. They were bashing private prisons that specifically house detainees and stating that that's an awful place to work, everything is bad. Senator Ivey-Soto went on record and said, "You're saying the for this detainees being held here, you are saying this about this facility," and went through the whole list and the representative from the nonprofit

said, yes. Then he asked, "Why is it that you're stating it for this but you're not attacking other private detention facilities that aren't housing detainees? Why aren't you saying that this is for all of them, not just this if it's the same facility, the same people running it." They didn't have an answer for that. Another thing that he asked was, this is a contract between the Federal Government for immigration purposes with local government, why are you involving the state? Why is this a state issue? Which is reflected whenever you have the FIR that says this has no impact to the state and there really was not an answer for that either. One Senator did express that she may come out and have an unannounced visit. They handled it professionally and I appreciated it. This Committee was Courts, Corrections and Justice chaired by Senator Joseph Cervantes, which would translate into Senate Judicial Committee. This was made up of Representatives and Senators. Between the standing committee members and the advisory members there are a total of 29 members on that committee. Yesterday, we counted 15 members that showed up. I also wanted to let the Commissioners and the public know that when a standing committee meets for the summer, they get together, make a decision on what they want to accomplish during their interim meetings. They put out a work plan for the things that they are going to discuss. I did review the work plan prior to this committee meeting, and this subject was not on that work plan.

Michael I. Garcia-County Attorney: One of the observations that I would make is that a lot of it seems the position of the people who want to ban private immigration detention is based on false assumptions. They said 99% of these people that are incarcerated are asylum seekers. I just don't know how that can be. I would have liked to have seen the definition of an asylum seeker. Anybody can claim that they're seeking asylum and try to get a different kind of treatment. There was no distinction between legal immigration and illegal immigration. That seems to me to have a vast abyss between the two. There are lots of people who immigrate legally in the country, and they don't wind up in detention centers. From the standpoint of trying to present the county's position, I think Janice and all the other folks did a good job. The other part of it was that people who have a particular point of view about how it should go about without trying to put an end to private detention, immigration. I think they realize that there is another point of view out there, and there are good reasons for taking the position. The detention center is doing a good job. Claims of mistreatment or abuse almost always seem to come up dry and seem to be routinely disproven. When you have that level of claims being proved to be false, at some point, you start to question the validity of the people that are making the claims. Senator Cervantes did a really good job of getting a balanced presentation and balanced picture of what the issues are.

Kevin McCall-County Vice Chair: I feel Torrance County is very blessed to have the prison and having the jobs and more specially being able to house our county inmates there has been so powerful for this County and so important for this County. We need to kick and scream as much as we can. As a Commissioner speaking to our constituents and our public, we need to get vocal on this. We need this facility out here. If you have any concerns, please visit me. I think we've been very open about what we have seen and dealt with and experienced from CoreCivic.

Janice Barela – Madam County Manager: There was a question from Minority Leader on the Senate floor, Baca, he asked those that were wanting to end the contract. They asked us if this agreement required Commission approval. The answer was yes. It's for us to enter into that agreement with CoreCivic and with the Department of Homeland Security. Then the question went to the other panel and asked them if this was something that the Commissioners approved, have they been hearing anything from their constituents saying that they don't like it? Are you communicating at all with the Commissioners? Miss Genovese from immigration did reference communicating with Commissioner Schropp. That dialogue has been going on since we first toured, and they were a part of our tour, along with the ICE personnel from the Department of Homeland Security. They have access to Commissioner Schropp, being able to tell their concerns to him. He in turn is making regular visits to the prison, unannounced, at all hours, even holidays. He is trying to find a time where he might be able to catch something. If something is wrong, he will identify it and tell them. I'll give you an example. When we were in the middle of our heat, everybody was having problems even in our building. He thought to check out CoreCivic and see how they're doing with their HVAC system and how are the detainees and our inmates being handled with the temperature and he found that there was one unit that was not operating, it was on the detainee side. He brought it to the attention of the Warden; they moved that individual to another cell and put it in a work order to get that fixed immediately. Those issues were addressed immediately. That's what we're finding with the audits. I know that the Warden has said anytime they find out that there's an issue, they immediately remedy it. I appreciate that.

Ryan Schwebach-County Chairman: I routinely get phone calls that the prison is bad, I have yet to receive a phone call that that prison is bad from any resident within New Mexico. I think it's proven that the public understands these phone

calls are from nonprofit entities that don't know our community. Don't know what's going on here. Have no qualms bending the ears of our elected officials to make our communities suffer? Our legislators answer the phone calls from the taxpayers, from the voters, from the individuals on a signed document they need to hear directly from them, because that makes a difference. No longer sit here and be quiet, just say it will run its course. Obviously there is a huge push from outside of the US state borders to essentially run our lives. This is a prime example. We've stated the impacts and you can still see it within this community from their prison closing. I urge you to talk to your fellow residents. If you think it's a good deal. Make sure your representatives know it. Make sure they know your name. Make sure they know who it's coming from and not just some robo calls.

Janice Barela – Madam County Manager: The following is a list of job openings with Torrance County. We have a Human Resources Director position closing on the 28th of August. We received a letter of resignation from our Finance Director Noah Sedillo, he is going to work with the State. I have advertised that position and it closes September 5. We have our Fire Chief position it closes September 5, Dispatcher positions available they are open until filled. We have two EMS Lieutenants open until filled. Three Equipment Operator positions, open until filled. A Labor position opens until filled; three Sheriff's Deputy positions open until filled. We also have a Sheriff's Sergeant position open until filled. We have three Torrance County Intern positions. These are work studies, one from each School District. The deadline to apply for that is September 8. We have upcoming positions that will be advertising soon.

C. COMMISSIONERS' REPORTS

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

Kevin McCall-County Vice Chair: None

- 2) Commissioner Schwebach, District

Ryan Schwebach-County Chairman: None

- 3) Samuel Schropp – County Commissioner, District 3

Samuel Schropp-County Commissioner: Absent

13. EXECUTIVE SESSION:

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

Regular Commission Meeting September 13, 2023, 9:00 AM, Torrance County Admin Building.

15. Signing of Official Documents

16. Adjourn.

Action Taken:

Ryan Schwebach – County Chairman: Motion to adjourn.

Kevin McCall – County Vice Chairman: Seconds the motion.

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

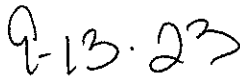
Meeting adjourned at 10:48 AM



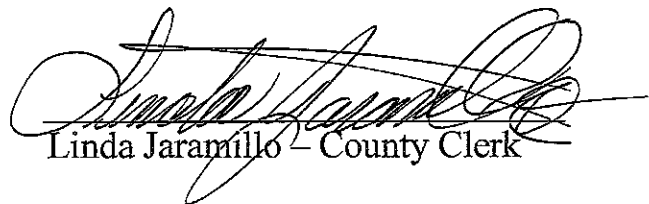
Ryan Schwebach - Chairman



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. (torrancecountynm.org)