

**Final COPY**  
**Torrance County Board of Commissioners**  
**Regular Commission Meeting**  
**October 14, 2020**  
**9:00 AM**

Commissioners Present:

**RYAN SCHWEBACH – CHAIR**  
**JAVIER SANCHEZ – MEMBER**  
**KEVIN MCCALL – MEMBER**

Others Present:

**JANICE BARELA – COUNTY MANAGER**  
**JOHN BUTRICK – COUNTY ATTORNEY**  
**GENELL MORRIS – ADMINISTRATIVE ASSISTANT**

**1. Call Meeting to order**

**Chairman Schwabach:** Calls October 14, 2020 Regular Commission Meeting to order at 9:08 AM

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

**Invocation lead by:** Commissioner McCall

**3. Changes to the Agenda:** Move 12D to after Approval of Payable.

**4. PROCLAMATIONS-** None

**5. CERTIFICATES AND AWARDS-** None

**6. BOARD AND COMMITTEE APPOINTMENTS -** None

**7. PUBLIC COMMENT and COMMUNICATIONS**

**Linda Jaramillo – County Clerk:** As of today, we have received 2545 absentee application have been processed, 383 ballots have been returned. We have had 390 in person early voters. 32 individuals that have decided to vote in person and not use their absentee ballots, in order to do this, they have to sign an affidavit that they will not be voting by absentee ballots, this allows them to vote in person. Early voting in Moriarty at the Civic Center will begin Saturday October 17<sup>th</sup>, 2020 from 10 AM to 6 PM.

Absentee Ballots can be returned to the County Clerk's office during business hours or use the Clerk's drop box at the front of the building, they can also be dropped off at the Civic Center during election hours and election day at all polling sights. We will have runner going to each location, picking up ballots as they come in. We have same day registration at the Clerk's office and Civic Center during election hours. You can request an absentee application up until October 20<sup>th</sup>, 2020. This information is in the newspaper and on the Torrance County website on the quick links of the Clerk's page.

**8. APPROVAL OF MINUTES**

**A. COMMISSION:** Motion to approve the September 10, 2020 Torrance County Board of County Commission Minutes

**Chairman Schwebach:** Motions to approve the September 10, 2020 Torrance County Board of County Commission Minutes.

**Commissioner McCall:** Seconds the motion.

**Roll Call Vote: MOTION CARRIED**

**B. COMMISSION:** Motion to approve the September 23, 2020 Torrance County Board of County Commission Minutes

**Chairman Schwebach:** Motions to approve September 23, 2020 Torrance County Board of County Commission Minutes

**Commissioner McCall:** Seconds the motion.

**Roll Call Vote: MOTION CARRIED**

**9. APPROVAL OF CONSENT AGENDA**

**FINANCE:** Approval of Payables

**Chairman Schwebach:** Motion to approve payables

**Commissioner McCall:** Seconds the motion.

**Roll Call Vote: MOTION CARRIED**

**12.D Clerk:** Motion to approve Ratification of application for COVID-19 Election Response application and grant agreement for \$13,322.75.

**Chairman Schwebach:** Motion to approve Ratification of application for COVID-19 Election Response application and grant agreement for \$13,322.75.

**Commissioner McCall:** Seconds the motion.

**Linda Jaramillo – County Clerk:** When I received this grant information/application from the Secretary of State, I gave it immediately to Cheryl, our Grant Manager, to process. This grant had a short time frame and Cheryl did a great job completing this on time.

**Cheryl Allen – Grant Manager:** This was a simple application. The reason for the ratification was the deadline was before the next commission meeting. We were awarded \$13,322.75 in 2 days. This was from a nonprofit organization The Center for Tech and Civic Life. The Center for Tech and Civic Life will provide grants to local election jurisdictions across the country to help ensure they have the staffing, training, and equipment necessary so that in November every eligible voter can participate in a safe and timely way and have their vote counted. Our county attorney John Butrick reviewed the application and asked for a change in section 8 of the agreement, “The grantee (Torrance County) cannot reduce the budget of the county clerk “election department” or fail to appropriate or provide previously budgeted funds to the election department for the term of this grant. Mr. Butrick thought this was too general and asked for us to add the words, “as a result of the grant”. It was refused because they cannot amend individual grant agreements, they said we can refuse or accept. I consulted with our Finance Director Jeremy Oliver, Linda Jaramillo County Clerk and Janice Barela County Manager and we have all agreed we will be short of funds and there will not be a reason to decrease the election budget at this time. The money has to be spent by December 31<sup>st</sup>, 2020.

**John Butrick – County Attorney:** The reason for my objection is because the County Commission is in charge of the budget for the county and in my opinion, without putting that language in there it would unnecessarily/unlawfully restrict your ability to reduce the amount for the term of this grant.

**Roll Call Vote:** MOTION CARRIED

**10. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE - none**

**11. ADOPTION OF RESOLUTION**

**A. FINANCE:** Motion to approve Budget Increase for Clerk Election Grant.

**Chairman Schwebach:** Motion to approve Budget Increase for Clerk Election Grant.

**Commissioner McCall:** Seconds the motion.

**Roll Call Vote:** MOTION CARRIED

## 12. APPROVALS

- A. **DISPATCH:** Motion to approve funding from the Capital Outlay budget for purchase and installation of an ice shield over the emergency communications shelter on Capilla Peak.

**Chairman Schwebach:** Motion to approve funding from the Capital Outlay budget for purchase and installation of an ice shield over the emergency communications shelter on Capilla Peak.

**Commissioner McCall:** Seconds the motion.

**Ben Daugherty- Torrance County Dispatch:** We are requesting approval for \$24,799.34 out of the capital outlay funds to install a protective ice shield over the emergency communications shelter on Capilla Peak. On September 8<sup>th</sup> and 9<sup>th</sup> 2020 we had an ice storm on the peak damaging the shelter, utility poles, a tower collapsed, and trees were down causing \$8,000 worth of damage, the insurance is covering this. This standing structure ice shield will protect our shelter that has expensive electronics from damage. Ice storms are new to New Mexico and none of our infrastructure is set up for it. Slide Show here to attached.

**Roll Call Vote:** MOTION CARRIED

- B. **9-11 Dispatch:** Motion to approve the Enhanced 911 Act Program: Project No. 21-E-13, Amendment 1 increasing grant amount by \$19,613 to total award of \$207,546.

**Chairman Schwebach:** Motion to approve the Enhanced 911 Act Program: Project No. 21-E-13, Amendment 1 increasing grant amount by \$19,613 to total award of \$207,546.

**Commissioner McCall:** Seconds the motion.

**Christine Snow – Torrance County 911 Director:** I am requesting the additional funds from DFA in addition to our normal allotment annually, in order for us to replace existing recording equipment.

**Roll Call Vote:** MOTION CARRIED

C. **DWI:** Motion to approve bylaws for Torrance County DWI Planning Council.

**Chairman Schwebach:** Motion to approve bylaws for Torrance County DWI Planning Council.

**Commissioner McCall:** Seconds the motion.

**Tracey Master – DWI Prevention Program Coordinator:** DFA requires each community to have a planning counsel, The Partnership for a Healthier Torrance Community has served in that roll. At a previous meeting I came before you to get authorization for a standalone planning counsel, this was granted. This is the next step, the development and creation of the bylaws. After this is approved, the next step is to get official interest from members.

**Roll Call Vote: MOTION CARRIED**

D. **Clerk:** Motion to approve Ratification of application for COVID-19 Election Response application and grant agreement for \$13,322.75.  
**Moved to after agenda item 9.**

E. **FIRE:** Motion to approve Lease Agreement between RGV CASE and Torrance County Fire Department, superseding previous Lease Agreement approved on August 12, 2020.

**Chairman Schwebach:** Motion to approve Lease Agreement between RGV CASE and Torrance County Fire Department, superseding the previous Lease Agreement approved on August 12, 2020.

**Commissioner McCall:** Seconds the motion.

**John Butrick – County Attorney:** This was originally passed on August 12, 2020 and presented it to RGV CASE. The difference in the lease agreement from August 12, 2020 and today are on Page 2 of section 1.2 the original language talked about the agreement shall be for a period of 1-year, August 1<sup>st</sup> through June 30<sup>th</sup>, this is 9 months, this was corrected. After that there will be 3 additional 1-year period renewals. In section 2.1, instead of \$250 per month for rent, \$225 per month. Finally, section 16.1 original agreement stated RGV CASA providing part of the utilities, in the new agreement all the utilities are covered by Torrance County.

**Carlos Padilla – Executive Director Rio Grande Valley CASE:** We are in Torrance, Socorro, and Sierra Counties. I am here if you have any questions.

**Chairman Schwebach:** No questions.

**Roll Call Vote: MOTION CARRIED**

**F. FIRE:** Motion to approve request to apply for EMS Fund Act Grant.

**Chairman Schwebach:** Motion to approve request to apply for EMS Fund Act Grant.

**Commissioner McCall:** Seconds the motion.

**Janice Barela – County Manager:** Chief Propp is unable to attend, he was called to a meeting in Santa Fe. He is requesting to apply for this grant for a new 4-wheel drive rescue vehicle. This rescue will be used to improve services throughout the county. We are also looking at an older fleet, that would need to be upgraded. We are in a good position to get this funding because Torrance County has not requested this funding in the past. According to the grant the state will pay 75% and the county will pay the remaining 25% for the rescue. The cost of the rescue will range for \$150,000 to \$200,000 our portion will be \$40,000/\$50,000. Chief Propp would like to use the ¼ cent tax that is given to the fire departments. He could also use the individual districts money but if he uses that then the rescue can only be used in that district. The deadline is November 20, 2020.

**Commissioner McCall:** Can we use that ¼ cent for salaries?

**Jeremy Oliver – Finance Director:** As of July 1, 2019 we can use that money for salaries.

**Commissioner McCall:** Is concerned about getting the equipment if we do not have staff to use the equipment.

**Janice Barela – County Manager:** Chief Propp has a plan in place to hire more emergency staff and strategically place them in the county. He wants to have the equipment ready for when we do have the staff. We do have appropriations that will come in for an additional rescue. This is just to apply for the grant.

**Roll Call Vote:** MOTION CARRIED

### 13. DISCUSSION

A. **MANGER:** EMWT update, Bobby Ortiz

**Bobby Ortiz – Chairman EMWT:** We lost federal funding for the McIntosh project because we did not get a grant match from any capital outlay. We do plan on reapplying. The association is in the process of applying for a USDA loan to purchase the Sunset Acres Water System, currently the system has 90 users, we have checked it out and everything is in good shape. Once we have assets it opens up the door to apply for state funds.

I have been in negotiations with New Mexico Regional Water. We have signed a 50-year contract with them.

New Mexico Regional Water is bringing a pipeline through the valley, pumping from Pecos to the Rio Grande and possibly to Santa Fe. We are fortunate to be one the first in line to access the water supply. We secured 3500-acre feet for the valley. It will be incremented at 3% increase a year starting with 25% of our current usage. Example: our area used approximately 1900-acre feet of water a year. We would start by purchasing 25% of that 1900-acre feet. I am in the process of negotiating with the municipalities to get them involved as far as purchasing their water from us. New Mexico Regional Water has a proven 100-year supply of water.

**Chairman Schwebach:** Where are they getting their water from and why is it sustainable?

**Bobby Ortiz – Chairman EMWT:** They are buying farms in the Fort Sumner/ North Pecos Basin area. Through the State Engineer if you convert farm water into domestic use, you reduce that rate by about 1 1/2%. This will enhance the basin as well as the Pecos river.

They are building a water treatment facility in Fort Sumner creating full time jobs. They have to prove to the state engineer that this does not affect the area that they are pulling the water from.

#### **14. EXECUTIVE SESSION:**

- A. **MANAGER:** Discuss Deputy County Manager position, close pursuant to NMSA section 10-15-14(H)(2).
- B. **MANAGER:** Purchase of real property for Emergency Management, close pursuant to NMSA section 10-15-1(H)(8).
- C. **MANAGER:** Purchase of the County Fairgrounds, close pursuant to section 10-15-1(H)(8).

**Chairman Schwebach:** Motion to enter into executive session.

**Commissioner McCall:** Seconds the motion.

**Roll Call Vote:** MOTION CARRIED

**Enter into Executive Session: 10:05 AM**

**Chairman Schwebach:** Motion to enter into regular session

**Roll Call Vote:** Commissioner Sanchez, absent: MOTION CARRIED

**Enter into Regular session 10:58 AM**

**Chairman Schwebach:** We are now back in regular session the only items discussed were pertaining to the Deputy County Manager soon to be vacant position, Pursuant to Section 10-15-1(H)(2), Purchase of real property for Emergency Management, close pursuant to NMSA section 10-15-1(H)(8), Purchase of the County Fairgrounds, close pursuant to section 10-15-1(H)(8).

**Chairman Schwebach:** Makes a motion to grant the County Manager authority to sign and enter into a contract, that will later be ratified for the position of the Deputy Manager.

**Commissioner McCall:** Seconds the motion.

**Roll Call Vote:** MOTION CARRIED

**Roll Call Vote:** Commissioner Sanchez, absent but approved in executive session: MOTION CARRIED

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

October 28, 2020 9:00 AM @ the Torrance County Admin Building.

**16. Signing of Official Documents**

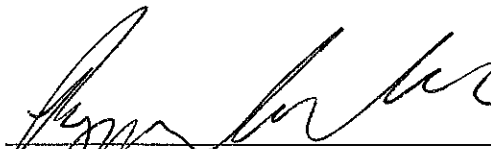
*\*Adjourn*


**Chairman Schwebach:** Motions to adjourn Commission Meeting

**Commissioner Sanchez:** Seconds the motion.

**All in favor:** MOTION CARRIED

Meeting adjourned at 10:59 AM

  
\_\_\_\_\_  
Ryan Schwebach – Chairman

  
\_\_\_\_\_  
Genell Morris – Admin Assistant

10-14-2020  
Date



The Video of this meeting can be viewed in its entirety on the Torrance County NM website. Audio discs of this meeting can be purchased in the Torrance County Clerk's Office and the audio of this meeting will be aired on our local radio station KXNM.