

**FINAL COPY**  
**Torrance County Board of Commissioners**  
**Special Commission Meeting**  
**June 19, 2025**  
**3:00 PM**

Commissioners Present:

**RYAN SCHWEBACH-COUNTY CHAIRMAN**  
**KEVIN MCCALL –COUNTY VICE-CHAIR - Absent**  
**LINDA JARAMILLO – COUNTY COMMISSIONER**

Others Present:

**J. JORDAN BARELA – COUNTY MANAGER**  
**MICHAEL GARCIA – COUNTY ATTORNEY**  
**GENELL MORRIS – ADMINISTRATIVE ASSISTANT III**  
**DONALD GOEN – PLANNING & ZONING DIRECTOR**

**1. Call the Meeting to order.**

**Ryan Schwebach-County Chairman:** Calls the June 19, 2025, Special Commission Meeting to order at 3:07 PM.

**2. Pledge led by: Ryan Schwebach– County Chairman**

**Invocation led by: Linda Jaramillo – County Commissioner**

**3. Changes to the Agenda:**

**Jordan Barela- County Manager:** None

**4. APPROVALS/ACTION ITEM**

**A. MANAGER:** Request Approval of a Standard Form Agreement Between Torrance County and Franken Construction for Construction Management and Construction Services for the Torrance County Fairgrounds Project.

**Jordan Barela- County Manager:** This procurement was to select a contractor to construct the new multi-purpose building at the Torrance County Fairgrounds. April 30 of this year, we went out to RFP. That was RFP FY 25/26-005, for qualified firms. The County received five proposals from qualified firms. We entered the initial evaluation process, where the committee selected the two highest-scoring firms. We proceeded to the interview phase of the process, and following those interviews, Franken Construction was selected by the committee as the contractor for the fairground project. This procurement is a little bit different than anything we've done at Torrance County before. It's called a Construction Manager at Risk. The intent of this is to bring a contractor on board for the project during the design phase. There are a number of reasons for that. One, with all of the appropriations feeding into this project, we know what the project budget is, and the purpose of bringing a Contractor on is to aid the design team in looking at materials. Value engineering and trying to work towards getting that project in budget as part of the procurement. The Contractor with those consulting services would be paid an administrative fee through the consulting portion. Once we hit final design, a guaranteed maximum price would be established, and that would be negotiated between the County and the Contractor. Once that guaranteed maximum price is agreed upon, we will execute an amendment to this contract and move into the construction phase of the project. Part of the reason it's called the Construction Manager at Risk procurement is that the Contractor would be required to build the project for that guaranteed maximum price. As the owner, we know what that price is, and we should not see any escalations through the construction period.

The contract itself is made of multiple parts. The first is the A133. That's the initial contract document. These are all standard contracts for these types of procurements. This initial contract selects a Contractor, establishes the project, and maximum allowable construction costs. For this project, that was \$4,630,000, and that's cumulative, all of the appropriations we have available through the state for construction and the project itself. It also establishes the pre-development fee that Franken Construction would receive, which is \$15,000. They did provide us a quote based on man-hours dedicated to the design team from now to the point of construction. That would be their pre-development fee, and then it establishes the construction fee as a percentage of the allowable construction costs. As part of this agreement, we've negotiated a fee of 5%, which, based on the total allowable construction costs, comes out to about \$231,000. This contract specifically also allows a contractor to build Torrance County 15% of the maximum allowable construction cost to put a deposit down on the metal building. In terms of talking with Franken Construction, there are significant lead times on the materials and the buildings themselves, so 15% for us is going to equate to right about \$615,000, but

that will secure our order on the materials to make sure that we have them in time for construction. In addition, the discussions we had with the state and the DFA are using the last of that \$700,000 appropriation that's expiring at the end of this month for that purpose. As of Monday, they had denied our request to do that. We met with the Bureau Chief and legal counsel, we put a plan and a proposal together, and they agreed not only that we could do that, but that it would be allowable. Which is why we discussed getting the agreement from them. The contract also establishes key milestone dates. There are a number of them listed in there, but the critical one is ensuring that construction is completed before the 2026 County Fair, and then it establishes insurance coverages and other miscellaneous provisions. There's also a number of exhibits to the agreement.

Exhibit A establishes the guaranteed maximum price, as I stated earlier, that's negotiated once we're at 95% to 100% complete for design. Exhibit A in the packet is blank, which will be executed before moving into construction. It will have to come before the Commission.

Exhibit B evaluates insurance and bonding. The A133 has some basic insurance information, but that too would get executed before construction, because the bonding and all those things wouldn't begin until that point in time.

Exhibit C is the general conditions for a construction contract. That's a standard for these types of contracts.

Exhibit D is the procurement that was put out to select this contractor, which provides the details in terms of the scope of the project and what we were going out for in terms of a multi-purpose building.

That's a contract in its entirety. I talked to Brent Franken, who is on Zoom, if there are any questions for him.

**Ryan Schwebach-County Chairman:** To put it in general layman's terms, maximum price. We're going off the preliminary designs and floor plans that we had talked about, and we're not shrinking down any. Is that locked in? Are there details on that?

**Jordan Barela- County Manager:** The design plan is what this Commission has approved, and we are moving forward under that premise. Once the contractor comes on board, that's part of bringing them on the design team. If costs start to inflate and look like we're exceeding budget, then we can have those discussions

about how we might tweak the project itself to get within budget. Right now, based on the initial estimates we see from Studio Southwest and all the available funding, we're within about \$100,000.

**Ryan Schwebach-County Chairman:** We had talked at one time, and bathrooms were added to that building that we originally didn't have. That's all part of it, also correct.

**Jordan Barela- County Manager:** Yes, they did add bathrooms in the facility between the arena space and the other multi-purpose space.

**Ryan Schwebach-County Chairman:** I'm comfortable with it. I think it's a good, solid contract to move forward, especially in the situation we're in, and I feel pretty confident about it. I'm ready to move forward.

**Linda Jaramillo-County Commissioner:** How soon can all of this get going?

**Jordan Barela- County Manager:** We are in the design phase, and now that Franken Construction is on design, we will push forward. We're looking to have the design complete within the next couple of months and be in a position where, based on current timelines, we're looking at breaking ground in October.

**Brent Franken:** We're looking forward to it, and we are committed to having it open and running for you for next year's County Fair.

**Action Taken:**

**Ryan Schwebach-County Chairman:** Motion to approve.

**Linda Jarmillo-County Commissioner:** Seconds the motion.

**Roll Call Vote:** Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent:

**MOTION CARRIED**

**5. DISCUSSION/PRESENTATION**

**A. MANAGER/TAFT:** Presentation and Discussion Regarding an Ordinance Enacting Special Improvement Districts in Torrance County.

**Jordan Barela- County Manager:** We have a presentation for a round table discussion. This meeting was initially supposed to be a workshop. We'd like to bring some people to the table who can provide some insight into the Special Improvement District process. Daniel Opperman with TAFT is here. Albert Thomas with Bohannon Houston is here. TAFT has drafted an ordinance for Special Improvement Districts, but today's meeting is intended to give the Commission some oversight of how that process would work, and also to have an open discussion where there are questions or concerns. We might be able to address those and potentially incorporate some of those things into the ordinance. We wanted to have the Commission at the round table discussion, as well as any experts who could provide some insight into the Special Improvement District.

**Albert M. Thomas - Bohanna Huston:** What you have here is what an ordinance would look like, setting up process steps. The best practices to put the procedure in place. The guidelines that the Commission would follow should it choose the Special Assessment District. What this does, and what we tried to do, is have the ordinance set up to walk through the process. There are five resolutions, two ordinances, and public hearings that have to take place. This ordinance would set up your guidelines and your application procedures. That authority is granted in the County Improvement District Act. There are some definitions that I don't think are out of the ordinary. Those are statutory definitions that we pulled in. If you turn to page four and Section five. The beginning part of the trust and decisions, and that's the two different ways in which a district can be set up, the provisional method or the petition method. What we're talking about today is the provisional, where the Commission makes the decision. That starts with the engineers, who get direction to start the process and feasibility studies that outline the need for what the district is going to be. The engineer will then come in and put together a lengthy and comprehensive plan. The various right drainage, sanitation issues, traffic, roads, and how you want to do that. That process will then go to the engineer and create a report that goes back to the County Manager. You can set up a committee with the County Manager. You can start the preliminary review of the feasibility aspects that the engineer puts together. He prepares that report, brings it back. That report then eventually comes back to this board. That's where the first resolution starts.

Let me backtrack, you should decide on an ordinance. We think this is the best practice to put these in place. You'll have your notice of intent to adopt an ordinance. You'll have your statutory 30-day period to run. The resolution then comes before the board of the Special Improvement District. If that's passed, that gives the direction to the engineer to then proceed with the next items of work and the assessment methods.

In section nine, page nine, are additional guidance and input on the ordinance that the engineer group would see. It talks about assessments for streets, interchanges, paving, water, sanitation, and stormwater. We try to provide as much guidance as we can in the policy and ordinance. Essentially, letting people know, here's what to expect, here's the process that's followed, one of the few processes that doesn't have a timeline attached to it. It shouldn't depend on how soon you can get that information before it's brought back. Let's say that goes back to the committee, the County Manager, and it comes back to the Commission.

Resolution number two. Things start to pick up a little bit in resolution number two, that's where you get the preliminary approval, where the Commission would tentatively approve the plans, the estimates, the assessments. The biggest thing in the assessments that's going to be needed is whether this is feasible. Do you have enough assessments, and are you able to do the project that you want? If you get it to resolution at that point, the Commission will direct the engineer to prepare his report, provide the estimated maximum benefit rule, and the assessment plans. The first public hearing needs to be published for three consecutive weeks, and at least one week before the public hearing. Everything we do just keeps going. They're there for a reason. That's to give the public appropriate notice to give them their voice. The engineer runs the public hearing. He collects the protests, any comments, and puts those things into a group that can be evaluated. Decisions are made.

After that public hearing is resolution three. Resolution three creates the Special Assessment District. That's the tax rule and the benefit rule are put together. You have another 30 days after the limitation period, two challenges once that resolution is adopted. There are several stops, several procedures put in place for the public. They have a chance to come back and challenge and protest various other rights. They have statutory rights when these things are set up. You're probably a few months down the road at this point.

Resolution four, there's another public hearing. Resolution four is prepared. It approves the assessment role. It has the same requirements for publication. Published in the newspaper three times every week, at least one week before the hearing, you say you have a month, then you come back, and you have the resolution in four. After you get through the publication, after the board hears any objections, you then get to a point where you can prepare resolution number five to confirm the assessment again. This whole time, working with the committee, the County Manager, the Commission, and the engineers. The complicated work is

going to come in an assessment and various other things. Much of the other stuff is just process and procedure. We need to make sure we have all of those things locked up. That's why we have our lengthy calendars with our dates set up.

Resolution five directs that it would then get us to ordinance number one. When I talk about ordinance, you're talking about this ordinance, which is your guidelines. Ordinance number one is the assessing ordinance. You have a 30-day notice of intent to adopt an ordinance that has to run. Then you adopt your ordinance. Then you have a publication for your notice of adoption, which then has another 30 days. You're probably four months in at this point. As you're going through it, you're going to have feedback. Those are minimums. It's safe to say they could be longer, depending on how quickly protests are and how complicated those protests might be. Nonetheless, those are the minimum requirements that you're going to have. You get to the assessing ordinance, which is the point where determination has been made that feasible projects, the assessments can cover the costs. The Commission is ready to do it, and you're going to issue bonds to fund improvements. So much of it is gathering information, difficult decisions from the committee and the Commission, and whether it's feasible. What we wanted to do was give you an idea. We've done this a couple of times, and the misconception is, we can create, and we move on. No, it takes time. There's a reason for it.

*Dan Opperman -TAFT; Lenord Lujan – County Road Superintendent, Commissioners Schwebach and Jaramillo, County Manager Barela, County Attorney Garcia, and County residents also joined in the discussion on enacting a Special Improvement District. (Full audio is available upon request.)*

**Ryan Schwebach-County Chairman:** After listening to this information. I want to move forward with the ordinance.

**Jordan Barela- County Manager:** We will fine-tune it and bring it before the Commission.

6. **Announcement of the next Board of County Commissioners Meeting:**  
June 25, 2025, at 9:00 AM.
7. **Signing of Official Documents.**

**8. Adjourn.**

**Action Taken:**

**Ryan Schwebach-County Chairman:** Motion to adjourn.

**Linda Jaramillo-County Commissioner:** Seconds the motion.

**Roll Call Vote:** Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent:

**MOTION CARRIED**

**The meeting adjourned at 4:18 PM.**

  
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Ryan Schwebach – Chairman

  
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Genell Morris – Admin Assistant

  
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Date

  
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Sylvia Chavez – County Clerk

The video and audio of this meeting are available upon request.