

FINAL COPY
Torrance County Board of Commissioners
Regular Commission Meeting
September 10, 2025
9:00 AM

Commissioners Present:

RYAN SCHWABACH-COUNTY CHAIRMAN
KEVIN MCCALL-COUNTY VICE-CHAIR
LINDA JARAMILLO – COUNTY COMMISSIONER

Others Present:

J. JORDAN BARELA – COUNTY MANAGER
MISSY WITT – DEPUTY COUNTY MANAGER
MICHAEL GARCIA – COUNTY ATTORNEY
SYLVIA CHAVEZ – COUNTY CLERK
MACKENZIE CARLSON – ADMINISTRATIVE ASSISTANT I
DON GOEN – COUNTY P & Z DIRECTOR

1. Call to order.

Ryan Schwabach-County Chairman: Calls the September 10, 2025, Regular Commission Meeting to order at 9:08 AM.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Pledge led by: Ryan Schwabach-County Chairman

Invocation lead by: Linda Jaramillo – County Commissioner

3. Changes to the Agenda:

J. Jordan Barela-County Manager: I just wanted to make the board aware that item six A, which was a request to reappoint Bill Larson to the Estancia Valley Water Planning Committee, Mr. Larson is running a few minutes late.

Ryan Schwabach-County Chairman: Is there any other parties of interest?

J. Jordan Barela-County Manager: No, Mr. Chair, just Mr. Larson.

4. PROCLAMATION: None

5. CERTIFICATES AND AWARDS: None

6. BOARD AND COMMITTEE APPOINTMENTS:

A. PLANNING & ZONING: Request the Reappointment of Bill Larson as a Torrance County Agricultural Representative to the Estancia Valley Basin Water Planning Committee.

Ryan Schwabach-County Chairman: We're going to roll forward. Hope for the best if he comes in and he wants to speak later. I guess that's the next item on the agenda. Now that I look at it. Mr. Larson is not here. I'm assuming he's a member of good standing.

Don Goen-County P & Z Director: He is, and he's the Torrance County Agricultural Representative. I spoke with him, and he did send a brief letter of interest in being reappointed. So, I know he had every intention of being here, but he called just a little bit before nine and said he was coming.

Action Taken:

Ryan Schwabach-County Chairman: Motion to approve.
Kevin McCall-County Vice Chair: Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwabach – County Chairman: - Yes: Kevin McCall – County Vice Chairman: - Yes: MOTION CARRIED

7. PUBLIC COMMENT and COMMUNICATIONS:
(Comments limited to two minutes.)

Ryan Schwabach-County Chairman: Manager has made me aware that there are some residents from Melody Ranch who wish to speak and possibly be in the

discussion. We have this as a discussion item, and I would like your input, if your time allows it. It's probably going to be an hour and a half, something like that before we get to it. Does that work for you guys? Then we'll bring it to discussion. That being said, if you signed up for public comment, we'll save it for then, unless you have something else to comment on, you're more than welcome to.

Tiffany Wong Innovation Law Lab: Good morning, Chairman, Commissioners and community members. I'm Tiffany Wong with Innovation Law Lab. I'll read a letter from Ruben, currently detained at TCDF. I'll be reading translation. The showers aren't disinfected, nor are the toilets. They have rust around them. The showers have mold on the upper part, they leave the lights on 24 hours a day inside of the cells, which makes one unable to sleep. The Counselor doesn't help at all, not even to make a copy, even though we say our ability to stay in the Country depends on it. All she says is, I don't have time. The air conditioning is on all day, 24 hours at a very cold temperature. The air comes out has dust and so various companions here have respiratory allergies. 70% of the guards are racist, they cut off the televisions and microwaves during the times that we're using them. The pharmacy, in case of an illness, only prescribed ibuprofen and Tylenol. It's all they did.

The doors of the cells don't function correctly, and they leave us for more than two hours, locked up during count because of the malfunction. Given this malfunction, the guards are delayed in opening the cells, and they're even angry coming to open them. When you send clothing to the laundry, they send it back all damp, thrown in a ball, or very often, the clothing doesn't arrive. We have to go up to a week or more the same clothing to ask for a change of clothes. Since the laundry doesn't arrive, they delay a long time for bringing it. When one sends a message on the tablet to ice or the counselor, they don't answer, and if they do end up answering, they're annoyed. The water jug is 10 liters for 40 people. It's gone. They delay in bringing it, and it comes contaminated and with a bad smell in the food. One companion here even got a razor blade in it, and he mentioned it to the counselor, and they didn't do anything. Recreation should be two hours, of which they give us 30 minutes or even less, and we don't even have a soccer ball to distract us from being locked up. If they give us a ball, it's without air, stuffed with a blanket inside. Thank you.

Ian Philabaum-Innovation Law Lab: Good morning, Chairman, Commissioners and Community members. I'm Ian Philabaum with Innovation Law Lab. This is a recording of somebody currently detained at TCDF describing his ongoing struggle to access the Law Library, irregularities and lack of functionality. My name is Desmond. I'm currently detained in the Torrance County Detention Center, and I'm currently in Immigration Court proceedings and the library issue in Torrance County, it's making it very hard for me to prepare certain things. Like initially, when I came here, there was a law there was a schedule for the Law Library, and unfortunately, the schedule is never followed. It's never followed. I went for almost two months without having access to the library, and I really had to put a lot of pressure before I had access to the library for the first time. Anytime I asked about the library, they asked me to put a request on the tablet, which I did. They said it's going to be forward to the librarian. I was never called out for the library, and I didn't even want it to be like I was called out.

I just wanted it to be like they're following the schedule, because when they call you out, it's like they're doing you a favor. I don't want things to be done in a way that shows that I'm being done a favor. I want just things to function the way they're supposed to be. So, I put a lot of pressure, and I spoke with assistant Warden, and then she made me get access to the library for the first time. Then later on, the librarian was no longer there, and the Law Library was totally closed. But with a lot of pressure, we've been putting on them, now, we get access to library, though not frequently. They are not following the schedule like you really must push for it. Another issue with the library is there's just one computer that prints out, so like the other computers are there, but you won't be able to print out whatever you've typed. It has caused a lot of issues, because everybody knows it's just one computer that prints out, so go to the library, everybody's trying to hop on that computer, and it raises a lot of tension sometimes. So, I wish these issues could be resolved. Thank you.

8. DEPARTMENT UPDATES AND COMMUNICATIONS:

A. TREASURER: Bank Reconciliation Update.

Kathryn Hernandez-County Treasurer: Morning, Mr. Chairman Commissioners, ladies and gentlemen, I'd like to provide a brief update with our bank reconciliation. The main account reconciliation is now fully completed. We are currently working through the tax account, and our goal is to finalize this today and tomorrow. Once this is complete, we will move forward with everything to Justin the auditor. The process is fully closed out. Ryan, after the meeting, if I can have a few minutes of your time, I'd like to discuss a few items with you, if you don't mind, that's all I have. If you guys have any questions.

Linda Jaramillo-County Commissioner: So, the reconciliation is done?

Kathryn Hernandez-County Treasurer: On the main account, it's complete. The tax account, there's a few things that the staff members, Carol, Franchesca and Sharaya are going through right now. That we should probably have completed by tomorrow.

Linda Jaramillo-County Commissioner: So, Misty this one reconciliation stopped the whole process of finalizing our final budget.

Misty Witt-Deputy County Manager: Yes, ma'am, so it did stop the process for our final FY 26 budget, as well as the quarter four FY 25 reporting because both of those require ending cash balances for the fiscal year and then repeating cash balances coming into the new year.

Linda Jaramillo-County Commissioner: So, if we have quarterly reports at the beginning of the fiscal year, why wasn't this ever found out before the end of the fiscal year?

Misty Witt-Deputy County Manager: Yes, ma'am, so I think that the Treasurer's Office was aware that the reconciliations did need to get done, starting after January, I believe they were working on them and ran into several issues. From what I understand, we did have regular check-ins at the Treasurer's Office to get updates, and we weren't really aware of the full issue and the full extent of the problem and how big it was until quarter four.

Linda Jaramillo-County Commissioner: So, in the previous quarters, it didn't come up at all. Did you have findings in your previous quarters?

Ryan Schwebach-County Chairman: Okay, so that's good news. I'm glad to hear that. So now we are sitting in September, almost done with the first quarter of

Kathryn Hernandez-County Treasurer: We will be ready to close everything up out of the system.

Ryan Schwebach-County Chairman: So, back to the report. We have the bank reconciliation done, and then we have approximately a day's worth of work on the Treasury reconciliation. So, you're telling me at the end of the day we will be ready to submit our budget?

Brief Recess
9:20AM-9:35AM

Linda Jaramillo-County Commissioner: Okay, thank you

Misty Witt-Deputy County Manager: So, those are the audit findings that were identified through the audit. So those were, of course, through that audit process. DFA has access to those reports once they are released. So, those are all of the deficiencies that the auditors had found when they did the FY 24 audit process.

Linda Jaramillo-County Commissioner: I'm just trying to figure out this budget process.

Misty Witt-Deputy County Manager: I'm not sure which letter.

Linda Jaramillo-County Commissioner: Other than the reconciliation, because on March 28 there was a letter. There were several inconsistencies in the report that DFA had asked you to take care of. Those are other issues besides reconciliation.

Misty Witt-Deputy County Manager: So, it's not really the best way to explain this for me to know if there's missing transactions or bank reconciliation is not done when I pull the quarterly reports, I don't have an easy way to check and balance those items. I can see totals, I can see fund balances, but it's not really. It's especially for tax accounts. I don't have an easy way to see if there's tax payment missing. So those are processed through Tyler Eagle, which has nothing to do with the quarterly reporting. So, with this tax account issue, there was really no way for me to double check those each quarter.

the new fiscal year, is my math right. Where are we at on that? The first quarter of this fiscal year? Are we up to date on that?

Kathryn Hernandez-County Treasurer: Well, we can't work on the bank rec and the tax or the main account until these are closed out, but everything else is up to date.

Ryan Schwebach-County Chairman: So how long is it going to take to be up to date?

Kathryn Hernandez-County Treasurer: Maybe a few days. If we really work through it. We can get it done. We have all the resources, all the paperwork, all the paper trial this time to check and balance, to follow through with everything.

Linda Jaramillo-County Commissioner: So, after this is done, in the first quarter, we'll be on time.

Kathryn Hernandez-County Treasurer: I've had my staff cross verifying everything that's come through, every bank statement that's come through, to make sure everything is matching up. So, when we do, do bank rec, we're able to just get it done and close everything out. So, July and August, we've been cross verified by Sharaya and Franchesca cross verify things.

Linda Jaramillo-County Commissioner: So, putting all of this behind us, we can start, and everything will be in place, and quarterly reports will be on time.

Kathryn Hernandez-County Treasurer: We'll be giving you guys all the quarterly reports and posting them on the website as well.

Ryan Schwebach-County Chairman: I got to be upfront and honest here when I'm thinking, this has been going on for several months. It started back in late winter last year because we found some issues. We brought an accounting firm in, and I think as of date, we owe them about 60 grand. That accounting firm was brought in to go ahead and do an internal audit to find some issues and to help train and address staff. Four weeks ago, we gave that accounting firm the green light to go in there and fix the problem. As far as reconciliation, in my opinion, the Treasurer's Office has had the opportunity to fix it. There's something else going on, and I don't know what it is. I hear it's going to be done, and it's not done. I hear that we're going to fix it and it's not getting fixed, because what I do see is an accounting firm being paid to fix the problem. So, I don't know what staff is doing.

I don't know if staff is being trained. Unfortunately, it falls on you to be the Elected Official that operates that Treasurer's Office to give the information and checks and balances back to this Commission where we can operate this County. Unfortunately, everything's in jeopardy right now. We're running the risk of everything this Commission has worked on for the last six years to lose funding. I am not confident I have the answers that office is doing what it is. You've told me many times that I can do this. I have yet to see the results. Not only do we have to bring the accounting firm in. I think this is a very delicate situation, because the purpose of the Commission and the other Elected Officials is checks and balances. You're supposed to keep us in line to where we aren't doing fraudulent activity, that we're taking care of our books. In turn, we have to fund your office to do that. But there's very little checks and balances. You can check us. You can call us at any time. You say, look, these Commissioners are going off in left field. You can send it up to the state. We got guys looking at our books and kicking us out. The Treasurer is not the same way. We have nothing other than to throw money at a third-party Accounting Firm, which is unfair to the taxpayers. In my opinion, if you're elected to run an office, you could ditch half of your positions and spend the same money on the accounting firm and have the job done on time. That's up to you to make those decisions, and I can't answer what's going on in that office. All I know is that everything I've worked for is in jeopardy right now, and that does not sit well with me.

Kevin McCall-County Vice Chair: Mr. Chairman, I want to make a comment real quick. I've been made aware that we got a letter from DFA, the Capital Outlay Division, that says they are freezing our \$3.7 million on our new Administration building until things are worked out. It's not just affecting this Commission it's affecting the entire County. That \$3.7 million is under review, and we may lose it.

Linda Jaramillo-County Commissioner: Chairman, may I ask, how much money has been spent so far in the auditing firm.

Misty Witt-Deputy County Manager: So, I do have those amounts for you, Madam Commissioner, up to date. For June and July, we have spent a total of \$37,063.91. We have yet to receive the August invoice. I anticipate that'll be probably between \$20,000 and \$25,000 based on the hours they spent on this project. So, if that estimates accurate, we'd be looking at closer to \$57,000 to \$63,000.

Kevin McCall-County Vice Chair: At which case, I might add that we're running really close to hitting the \$60,000 mark before this has to go to RFP.

introduction, and we do have Rob Burpo online. He's out of state, so unfortunately, **J. Jordan Barela-County Manager:** Thank you, Mr. Chair. I'll do a brief

B. FINANCE: Discussion on the Potential Establishment of a Local Government Permanent Fund Pursuant to 6-6-19 NMSA 1978.

Ryan Schwabach-County Chairman: I heard that two months ago. I'm sorry, I have to be blunt. I admit this is because I have visited with you privately on this, and I will openly say this, I think you're capable of doing this. I think you need to own that position and remove all other outside influences other than getting the job done. You need to stop listening to what ideas go in your head and listen to the competent people that have been in this game for a long time, including that accounting firm. You're going to have to make some tough decisions, but you can, and you will. You need to do that for the residents of this County.

Kevin McCall-County Vice Chair: Not only a plan to move forward, but a plan that this will never happen again.

Ryan Schwabach-County Chairman: So, I can't answer whether you inherited this mess, whether you created this mess. I'm not even going to pretend to go down that road, and I'm not going to listen to this is what I got. This is what we have. This is what we have to deal with, this is what we have to fix. It is up to you to fix it. You have a very competent Manager and Staff. As far as the Commission is concerned, the only thing I can push is finances, ensure that your office is abiding by. Our employee policy to make sure that that production is done, training is done, and that there's actually output that puts extra burden on this staff that has a lot of other stuff they need to do. But all rights and reasons should fall on you, Manager of that office. That's essentially what it is, a manager of that office, it's up to you to come up with the solutions. We've been patient. I've been very patient. After hearing this, I'm not and I don't know what that means, because, by all rights and reasons, the Elected Official has anomie, and very much anomie, you have the ability to fix this. I need a time frame. I need a plan. I'm not willing to even consider jeopardizing the funds that the state has given us. The grants that we have, because an office cannot get their ducks in a row. I need a solid game plan. I need it in a week. Can you do that? Not get it done, a plan to move forward, and it has to look different than what it is now, because this is clearly not working.

Granted, some of this was in the other fiscal year. This fiscal year is coming, but we're running really close to hitting the \$60,000 threshold.

he couldn't be here today, but he will be doing a PowerPoint presentation on the potential establishment of a permanent fund in Torrance County. So, we've had some preliminary discussions about the legalities around this, what establishing a permanent fund would mean for the County, specifically with Special Revenue sources like PILT. So, Mr. Burpo wanted to provide a brief presentation to have a discussion about what that would look like.

Rob Burpo-Financial Advisor: Thank you. Mr. Barela, Good morning,

Commissioners. The state gives local government, Cities and County the ability to do as the state does with the revenues from its natural resources, and some Counties have done that already. Chavez County, the City of Rio Rancho, have taken, the steps that we're going to talk about. You have already taken the first step in creating the reserve fund that you created. But the reality of that is the Reserve Fund was created by a resolution, and it can be undone by a resolution and so the next step, if so desire, is to give that to a permanent fund. Another step towards being available for generations and generations to come in Torrance County, and that's the creation of a permanent fund and the statutes are very easy to work with. They truly are. It's a very simple set of statutes. And basically, Jordan, if you are you going to do that, just go to the next page.

Yes, the statutes are pretty, easy for you guys to work with, but the step basically, is the Commission the County must pass an Ordinance, not a resolution, an Ordinance that creates both the permanent fund and what's called an Income Fund. What you're allowed to do then is take any unappropriated surpluses and put them into the permanent fund. Then the question becomes, there's two questions after that, how do you get money out and what can you do with the money when it's in the permanent fund? So, the next slide will basically say that the earnings from the from the investments each year, the Commission can do basically one of three things. You can take that earnings, the interest, and put them into your general fund. You can reallocate it to the permanent fund and create new principal, or a combination of the two. That's your two options to do. Now, the next question, though, is, and we'll get to it, how do you take principle out of that? I'll get to that in just a minute. But there isn't, there's a methodology to do that too. But the statutes basically say how you're going to invest the money. It is basically this, if it's under \$40 million you're going to do just like you're able to do right now, with your current investment policy, treasuries, agencies, brokered, CDs, things like that, everything that is insured.

Once the pot gets over \$40 million you can do as Class A Counties do, which is, you can get into some corporate security. You can retain the State Investment

Council, for example, to invest in equities, you have some more flexibility once that account gets over \$40 million. The next three slides are going to go through this the process of, if you want to take something other than just the interest out every year, what you have to do and the next step is basically this, the County

would agree that somebody's come to the County, a group of your citizens have come and said, We need a half a million dollars to buy these water rights. That's really critical to us. If you agree with that, you think that's a good reason to spend principle out of your permanent fund, then you have an election. It's got to be within 60 days of when you pass your resolution calling for the election. You have the election. If it passes, then that half a million dollars, for example, can be taken out of the permanent fund, and it must be used for the specific purpose, buying the water rights, as I use for an example. If it doesn't pass, it doesn't pass, then you can't take the money out of the permanent fund, and you can't have another election on, on an issue for at least another year. That's basically the long and short of what a permanent fund is. To an active permanent fund, you would have to, we can stop here. You would basically have to pass an ordinance to create it. You would have to pass a resolution moving money into it, and once it's in there, it's in there, and you would also have to create a separate investment policy.

Now, a lot of it's going to be duplicate from what your current investment policy is. But the big key difference is with this investment policy, this will have a spending component. How are you the Commission going to determine how much of their earnings you are going to spend each year, or every two years or whatever you guys decide to make your spending policy be. That will be the main difference between your current investment policy, which deals with general fund money and everything else that you have in the permanent fund that will have a spending policy all its own. Because remember, you can take the money out and you can put it in your general funds. You can have it, some of it reinvested into the permanent fund and creates new principal. Or you can have it all laid there if you don't need it. Two. Your general fund and have it all created new principal. So that's basically the long and short of what a permanent fund does. It's basically upgrade your current reserve fund to give it more permanence and create this it makes it a lot tougher to be real blunt, makes a lot tougher for future generations or future Commissions, to spend the principal, you always spend the interest, but spending the principle is a different thing, and that's what the state of New Mexico has done with its permanent fund. It allows the County to do the same thing. And I'll stand for questions.

Ryan Schwabach-County Chairman: The first question we have a 3/12 reserve is what our policy says. State statutes say 2/12 is mandatory.

Rob Burpo-Financial Advisor: 3/12 is mandatory.

Ryan Schwabach-County Chairman: So, do we have three or four? Didn't we jump that off?

Misty Witt-Deputy County Manager: We have a separate reserve policy for money, specifically, which is additional reserve.

Ryan Schwabach-County Chairman: So, where my question is, in that reserve fund be the same money as what you're talking about with?

Rob Burpo-Financial Advisor: Well, the 3/12 that is required by the state need to stay segregated, and within the general fund that can't be, put in the permanent fund. So, the money that we're talking about would be the money that's over and above the required 3/12 for your general fund, and your 1/12 for your Road Fund. So, the reserve money that you have now is PILT money. You could use that PILT money that's in there now, plus future PILT money and put it into the permanent, but the 3/12 and 1/12 for the road has to stay outside the permanent fund and would have to stay basically within the general.

Ryan Schwabach-County Chairman: So, we would have two funds, so to speak. If this Commission feels that the permanent fund, and the interest accrued from it will offset. We could change the 5/12 to 3/12 but that we can tap into the 5/12 much easier, right? That's in our existing reserve fund, as long as they repay.

Rob Burpo-Financial Advisor: Yes. The 3/12 is required. Basically, what that's designed to do is give you one quarter of backup revenues in case something happens, where the revenue streams that you normally have within the County don't materialize. That's the purpose of that money. So, it's got to stay. I mean, it would never become part of the permanent fund. Your reserve fund that you've created right now is over and above that 3/12 and you can do whatever your little heart's desire.

Ryan Schwabach-County Chairman: Yeah, and that's more just our reserve fund. Jumping up to the 5/12 is more of a suggestion to the Commission.

Rob Burpo-Financial Advisor: Yes, it's a resolution, and as you know, another subsequent resolution can undo it.

Linda Jaramillo-County Commissioner: So, I have a question about the permanent fund. Do you get more return on your money with a permanent fund?

Rob Burpo-Financial Advisor: That is a very good question. It's hard to say what you could typically do in a reserve fund or a permanent fund, is you can. You're not going to take more risks, but you may extend the maturity of the investment that you buy. For example, your policy right now says your average maturity can't be over three years. With your investment policy, you might be able to say on this we want to take, we want to buy some more government mortgages and extend that to, say, three years to five years. Those government mortgages are going to pay more than, say, a traditional Treasury bill or Treasury bond. So, the answer is probably yes, but when you're buying a lot of depends on what the interest rates are in the marketplace, and your kind of at the mercy of them, because you're not, you're not going to buy 30-year treasury bonds and just sit up. I mean, you just that's not, that's not prudent practice. You're typically going to have shorter things. Then once you hit the \$40 million mark, which I think the County is in a position probably four or five years to do. Then you can change your tactics substantially, and then you can start talking about hiring the State Investment Council to maybe manage a stock portfolio, and that's where you get your bigger return. But for the next three to five years, you're going to be nothing but Treasuries and agencies things like that.

Ryan Schwebach-County Chairman: Well just give me some rough numbers. Let's say we make this fund put a million dollars in. What kind of return? What kind of interest, cash flow would we get off of it?

Rob Burpo-Financial Advisor: In today's markets, you'd get about $4\frac{1}{2}\%$ to 5% , maybe a little bit higher, not much. But let's say $4\frac{1}{2}\%$ to 5% , because you'd have treasuries. You know your 10-year Treasury is right at 4% right now, but your government mortgages, those that have, like, a 10-year duration, are probably in the $5\frac{1}{4}\%$, $5\frac{1}{2}\%$ range. So, you'd have some Treasuries, and you'd have some government securities, government mortgages?

Kevin McCall-County Vice-Chair: This is more of a question, probably for the Clerks, and you could probably answer this, typically, what we have elections twice a year.

Linda Jaramillo-County Commissioner: We've had Special Elections in the past. When they built the judicial complex, we put it to the people they voted for it. I think they thought they were building an Admin Building. Sylvia, do you think if

we do this, and can we put the question on the general ballot and spare having a Special Election?

Rob Burpo-Financial Advisor: The answer is yes, if you'll notice, the statute says that you may call for an election, not that you have to. So, what you can do is you can say, we want to do this, but you call for that election in concert with when your general elections are, so that you don't have to run up the tab, if you will, the cost of a Special Election. I think that's where you're going. You can, time it to match up with an existing either a Primary or General Election.

Linda Jaramillo-County Commissioner: It would have to be General so we could time it for a General Election, and, say, having a Special Election. So, we have to have an election to create this.

Rob Burpo-Financial Advisor: No, Mr. Chairman, the election is to take principle out of the permanent fund.

Ryan Schwebach-County Chairman: I understand. I just want to clarify.

Linda Jaramillo-County Commissioner: It's the people who give us permission to do that.

J. Jordan Barela-County Manager: Mr. Chair, and I think one other point, if I may, and in the initial discussions of Mr. Burpo, one of the things that was also discussed is, specifically with the PILT revenue, it's a great resource to the County, but it's not indefinite. And the election would have to happen in order to pull principle. But if that fund was ever to be dissolved, even though it could be established by this Commission via ordinance, that would also have to go to the voters, so it couldn't be revoked by the Commission without taking this specific issue of dissolving the fund to the Community.

Linda Jaramillo-County Commissioner: The voters don't have a say so in us creating the Permanent Fund.

Rob Burpo-Financial Advisor: Well, I say that it is the Commission's authority by ordinance to create it, but obviously you would have some input in conversations with your constituents prior to that process, right?

Ryan Schwabach-County Chairman: That's where you're following comes in. So, you could create it and not fund it too, right? Yes. So just a ballpark number. Misty. How much extra dollars do we have lying around right now?

Misty Witt-Deputy County Manager: I think in PILTS. What did we calculate about? Was it about \$3 million, I think, right now?

Rob Burpo-Financial Advisor: Have you gotten in the big payment yet, from Pattern, from the last transaction, it's going to be about what \$13 million it will be.

Misty Witt-Deputy County Manager: I do think that's been allocated. (Rest of her statement was inaudible)

Linda Jaramillo-County Commissioner: What we spent?

Ryan Schwabach-County Chairman: Well, no, but it's with Admin Building. Yeah, that's how we're looking at the finance when that comes in, we pay that loan off. So, I think, I'll be honest, I'm a little mixed emotions about and I think for me, I understand the concept of a permanent fund, but I think we need to look at it. Okay, so what? What's the return on the dollar? What kind of interest are we getting paid in our investments?

Misty Witt-Deputy County Manager: That might be a question for Madam Treasurer.

Ryan Schwabach-County Chairman: That's the best we can do. That's the biggest advantage of it.

Linda Jaramillo-County Commissioner: We'd have to have public hearings right

Kevin McCall-County Vice-Chair: Rob, would you suggest and have every other financial person in this County stay at the 3/12 everything north of that? Or would we bump to 4/12 just to have a little more liquidity in some of our cash.

Rob Burpo-Financial Advisor: I don't think you can ever have too much excess cash, but I think at some point in time it, I think it becomes not prudent to look at a certain threshold, or whether it's 4/12 or 5/12 that's an internal issue. The real question there is, how reliable are your revenues that you normally use for your

general fund? And that's a driving force. There's a driving question, right? Are they reliable or not?

Ryan Schwabach-County Chairman: So, when we jump that up, I mean, right now this County is getting a windfall in multiple areas because of the PILT payments, which are going to be here for a while, but also just the gross receipts from the construction on the windmills, right. I think one of the reasons I wanted to look at this is because when you remove that aspect of it, and you look at the economics of this County, we're getting more returns on a property tax thanks to the Assessor's office. But it doesn't necessarily mean there is a lot more, larger growth coming in for income, and it gets really easy to become complacent, thinking we have this money coming in, and it's not going to go away slowly, it's going to go away overnight. And that's why I'm looking at a permanent fund. But I'm also hesitant.

Rob Burpo-Financial Advisor: Mr. Chairman, I think that's a great point. I would never recommend that you put every last dime that you got into the permanent fund. That's just not a prudent thing to do. But I think maybe if you look at what your cash flow is going to be off of all the different PILTS you've got coming in. We've got that study already for you. I think, in fact, we've already sent it to Jordan and Misty. Then the question is, do you want to start budgeting some of that PILT money in the future years to go into the permanent fund and budget a part of it to go into your general fund to make sure that that any shortfalls you might have are covered. And then, if you got plenty of money, then, later on down the road, you can actually move a little bit more into the permanent fund, or not put as much in. Give yourself some planning, but also some leeway.

Ryan Schwabach-County Chairman: I think that's prudent too. I think it doesn't cost a whole lot to actually set it up. The hard decisions come when you fund it. So once it's created, then as a Commission, we could say, hey, I want on the agenda, an action item for a million dollars from the general fund to fund it. And it's that simple, once it's created correct.

Rob Burpo-Financial Advisor: The two things you would have to do from day one is, is have an ordinance creating it, and an investment policy that manages it. But since you already have one investment policy in place, a lot of it's going to be just referencing your existing investment policy. So you don't have to when, statutes change. You don't have to be changing everything all the time. But the biggest change in the Investment Policy for the permanent fund will be how you're

going to spend the money, or how you're going to calculate what you can spend, tightly the spending policy, within the Investment Policy.

Linda Jaramillo-County Commissioner: It's like a security blanket for future use.

Rob Burpo-Financial Advisor: Yep, exactly.

Ryan Schwabach-County Chairman: I'll throw this out. The reason this is coming up is, I was having conversations and thoughts when I term out, you know what Commission, I remember previous Commissions and just the concept of spending habits. I'm sitting here thinking, you know, we have a pitfall coming in this County. What can I do to, prepare for this, and this is one of the options I think it's a good one. Personally, I think I want to move forward and create it, because it's a tool. But I'm not sold on how much or if I want to fund it, because what I envision, I also see a lot of trust funds or permanent funds that have never been funded, have been used. I think it's on a Commission perspective. Also having a different concept of how they want to spend the earnings from them and in whatever future Commissions, but by the same right, I've always said I don't want to tie the hands of future Commissions.

Linda Jaramillo-County Commissioner: I like the fact that the public will get a vote on it.

Ryan Schwabach-County Chairman: I think going through the public just the ordinance part, we're going to get a lot of feedback from the public, even though action is on pulling the funds out.

Linda Jaramillo-County Commissioner: But they have a say so in that too.

Ryan Schwabach-County Chairman: The public has to say so to pull it out, we can fund it, but that can be just as dangerous too. That's the shortfall. I mean, we sit here and we were just told we have \$3 million extra dollars. Next meeting let's put \$3 million to put in this public fund. All of a sudden, \$3 million is tied up, that's the dangerous part.

Kevin McCall-County Vice-Chair: I'm like Chairman. I would like to see the development of it, the creation of it. Let's go down that road funding. It's a little skeptical. There's some icy waters ahead, a little bit in short term. I guess I'd like to make the statement that I hope this Commission left things better for the next

Commission. I think that's what this does, not only for the Commission, but the citizens of Torrance County that we you know, it's just kind of like your parents leaving something for you or being wise with their investments and their money that it's working for them, for the kids. When I say them, I say the kids. So, I look at it from that standpoint, it's wise. I think

Linda Jaramillo-County Commissioner: So, it would be the Commission that decides how much money we put in there, all three of us?

Ryan Schwabach-County Chairman: That's correct,

Rob Burpo-Financial Advisor: That's done by resolution Commissioner.

Ryan Schwabach-County Chairman: To fund it, to create it is an ordinance. So that's about an eight-week process, right? That's public hearings. We would advertise it. So, ordinance has a lot more to it.

Linda Jaramillo-County Commissioner: So, is this a yearly process that we put money in it as we fund it?

Ryan Schwabach-County Chairman: It can be, however we set it up, once this is created. I mean, I envision it would be a budgetary process. You get more comfortable. And this is where I'm so hesitant is because our income is not solidified. And I think going through budget talks, as Commissions constantly be saying, pull the PILT off, separate the PILT. Give us estimated gross receipts when the construction was not going on, because those are the actual numbers. And I want to say we're about \$1.7 million short without them right now. That is my fear, but that's also been the direction for pushing the economic development EMWT to bring in tax dollars that are not PILT related, that's the goal. And so I have for me, before I fund it, I have to see how that fits into that vision and into that goal. Does that make sense? But I do think it's a good tool. I do.

Linda Jaramillo-County Commissioner: I will just see where we're at as the budget rolls around, how much money we can put in there.

Ryan Schwabach-County Chairman: I want you to think, since we are on this topic, think about you coming in as a new Commissioner and learning everything that the previous Commission had already put in place, just like the question with admin Building, that's something you didn't have a decision on. You do now, but we have funds committed. We have a plan. We took out that loan. We have that

PILT payment come in and the intention is to take that, that balloon payment, to pay off that note, so we no longer have that and so just within that little scenario, you as a Commissioner or two Commissioners get in a place. Simply say, I want to spend \$13 million elsewhere. Okay, those are the pitfalls I'm trying to put in place. If we have a Manager's Office that is continuous with the existing plan and a Commission that respects the decisions of the previous Commission, you're all right, but if you don't have that, you can get them trouble.

Linda Jaramillo-County Commissioner: How much is the loan right now?

Misty Witt-Deputy County Manager: \$9.5 million.

Linda Jaramillo-County Commissioner: \$9.5 million alone for the Admin Building.

Ryan Schwebach-County Chairman: Why, when we came to the budget on the Admin Building, that I think those first numbers were in the \$21 million range, It's like, no, that's not going to work. There was a reason we picked the number we did, because of all the things I just talked about. Alright, I think I beat this horse enough. We agree, though, to move forward with creating it and then we can discuss funding it later. Okay, all right, thank you, Rob.

9. APPROVAL OF MINUTES

A. COMMISSION: Request Approval of August 27, 2025, Regular Meeting Minutes of the Board of County Commissioners.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve minutes.

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: - Abstained:

MOTION CARRIED

Discussion:

Linda Jaramillo – County Commissioner: Can I say something about these minutes? I talked to Sylvia about it. In these minutes, I know I spoke. Maybe what

I say may be frivolous, I don't know. But in these minutes, what I said is only in there twice, just two times. I know I spoke a lot. I spoke with Sylvia, and I said, "Sylvia, what can I do to help you?" Maybe I run on too long. So, she suggested that every time I speak, that I ask for your permission, so that they can put a stop to it right there. Then, instead of it all being bunched up. I'll go ahead and approve these minutes, but I think I said a lot more than, just two times in the whole meeting. I don't think we have videos online anymore. People can't see the videos. So, what I'd like to do is maybe get the thumb drive after you're done. So, that maybe I can listen and see how I do when I'm presenting. So, I can fine tune that. But more importantly, what I have to say does mean something.

Sylvia Chavez-County Clerk: Commissioner Jaramillo, to response to that, if you go on to the company share file, the audio from the actual meeting is in the Clerk's Administrative Assistant, I believe, file, and you can listen to the meeting off that file.

Linda Jaramillo – County Commissioner: Okay, you can show me that?

Sylvia Chavez-County Clerk: Of course.

Linda Jaramillo – County Commissioner: Okay, that sounds good.

Sylvia Chavez-County Clerk: Mackenzie told me that it's the video and the audio. Why is it not being put up on the webpage, I don't know.

Ryan Schwabach-County Chairman: Can we do that? I thought it was.

Linda Jaramillo – County Commissioner: No, it's not.

Misty Witt-Deputy County Manager: Historically, it was on the website. We have been working with the web developer. We've reshaped the capacity on how much video we can upload and store on the website itself, and so we're looking into some other options for the Commission meeting recordings and the website as a whole to kind of resolve that problem. But we are at capacity with how many videos we can post on the website.

Linda Jaramillo – County Commissioner: I used to go to look for the audio, and it's not there. It hasn't been there for about a year and a half, has it?

Ryan Schwabach-County Chairman: Just start archiving old videos.

Linda Jaramillo – County Commissioner: It's not law that we have to do videos right for the public. No, okay.

10. CONSENT AGENDA

A. FINANCE: Request Approval of Payables with a date range of August 21, 2025, through September 3, 2025.

Action Taken:

Ryan Schwëbach-County Chairman: Motion to approve payables.

Kevin McCall-County Vice-Chair: Seconds the motion.

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

MOTION CARRIED

11. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE:
None

12. ADOPTION OF RESOLUTION:

A. ASSESSOR: Request Approval of Resolution No. 2025-35, A Resolution Adopting the Certificate of Tax Rates Order for Fiscal Year 2026.

Linda Gallegos-Chief Deputy Assessor: Good morning, Mr. Chairman Commissioners, ladies and gentlemen. My name is Linda Gallegos, I'm the Chief Deputy Assessor. We received the certificate of property tax mill rates for 2025 the last week in August, about August 26. The statute is that they be approved within five days, or by September the fifth. We also received a letter from the DFA that said they realized that may be a hardship on some Counties to do that. So, they let us, without a formal extension, present and approve these no later than September 19 or at the very next Commission Meeting, which is today. As I mentioned, we've received those rates. What I provided to you this morning are three worksheets. The first spreadsheet sets out those mill rates, but in spreadsheet form. So, you'll see what each school district has, how many mills assigned to each of them. For the state levy, County levy, City levy, school levy, and then also any levies for the

Soil and Water Districts that are in those specific School Districts. The second page that I gave you sets out the difference in mill rates from last year to this year.

Then the third sheet that I've given you actually is the valuation differences in each School District from last year to this year, that is taxable value. I'm pleased to report that our valuation, total taxable valuation, increased from \$546,036,065 in 2024, to \$592,975,826 which is an increase of \$46,939,761 from last year to this year. I've also included on the second spreadsheet on the large page, which shows the differences. Those decreases in mill rate are in red numbering, and you'll see significant decreases in 16 in and out for the school levy for residential and non-residential. That was because they paid off House Bill 33 which was a bond issue. The increases that you'll see came out in light green, the one mill and I basically look at those that are close to a mill for differences in either increases or decreases. So, some of the increases are for bonding that's happening. You'll see in the Mountaintainair 13 in and out, they have increases because they have an Educational Technology Bond that went into effect in 2025 and that should finish in 2027.

So that's the increase for that specific School District. The one that was concerning me, but I failed to reach out to school district 16, in Encino was the 1.398 mill decrease maybe because of the increase in value that went into that specific School District. So again, the way that works is like a teeter totter, when the valuation goes up, the mill rate goes down, and when the mill rate or when the valuation goes up, or vice versa. So that's the reasoning for a lot of these differences. I also have the increases, specifically the increases I like to focus on those rather than decreases, of course. In eight in which is the Moriarty area, we have the development of the Villa Encantada subdivision. Which is producing a lot of new revenue into the County. Also, in eight out, we have the Woodland Hills, Alta Dena and Estancia Del Norte Subdivisions that are producing revenue. There's building going on, there's folks coming into the Community, and those are upper value properties anywhere from \$250,000 on up to \$300,000 to \$400,000 in some cases.

Ryan Schwabach-County Chairman: That's decreasing the mill rate?

Linda Gallegos-Chief Deputy Assessor: Yes, that would decrease because of the value that's coming in.

Linda Jaramillo-County Commissioner: Do the wind farms increase value?

Linda Gallegos- Chief Deputy Assessor: More than likely, those are the valuation, also evaluation. So, all of those factors that you mentioned all factor into

Ryan Schwabach- County Chairman: It's almost always bonding. That's what I thought City levies. Why do those change?

Linda Gallegos- Chief Deputy Assessor: It's generally the bonding issue's.

Ryan Schwabach- County Chairman: I just want to understand that. I want to understand how that works. So then, when you move over here and you get to the school levy, why does that change? It's generally the bonding issue. It's almost always bonding, that's what I thought City levies. Why do those change?

Linda Gallegos- Chief Deputy Assessor: Yes sir.

Ryan Schwabach- County Chairman: Not correct, so it's down point five, right? That particular one changes, based on valuation budget, money in and money out, right? So, is it more on evaluation, or is it symbiotic with evaluation of the property and what the County is setting as a budget. Does that make sense? So, if we inflated our budget, it would force property taxes to go up. Theoretically,

Linda Gallegos- Chief Deputy Assessor: That's a non-residential area.

Ryan Schwabach- County Chairman: Quick question, when we're looking at this, let's just look at seven in non-residential. So, the state levy is just set as a levy, 1.36 right. Doesn't change relative to anything other than what the state says. County levy 11.49.

Linda Gallegos- Chief Deputy Assessor: I'll get to that one. I only got to the residential part of it. So, on the non-residential part in seven in, you'll see an increase. That's partly due to the new RV park on Alan Ayers Road. You'll see a decrease, of course, as I'm going down the line on seven out. That significant decrease was due to reappraisal and maintenance of the Torreon Land Grant. When we did the flyover and we did reappraisal. We're able to adjust the market on that one, and then also the cannabis farms that were closed down that created a decrease in valuation. Moving on to eight out, which is the outside of Moriarty. Of course, we have a new RV park, etc, that's gone on in around the Clines Corners areas, we've had many permits and sales. There's a Field Distribution Center out there, and then also the state assess properties for the transmission lines out there that have created that \$14 million increase to that specific area.

everything but just depending on the area and what's going on in that area. As we mentioned in that \$14 million increase that came from Blatner energy. So, they may see a decrease in their mill rates simply because there's more valuation going into that area.

Ryan Schwabach-County Chairman: So, when you're looking at these changes that are coming out now, they are based on last year's budget evaluations.

Linda Gallegos-Chief Deputy Assessor: It's the certification numbers from last year and also including revenue through June 1st. So, we do certification on June 1st of each year. So, those numbers are what is included based on last year's revenues or valuation, and then partial 2025.

Ryan Schwabach-County Chairman: So, is it facing this mill rates for going in 2025-2026? So, it's what our residents are going to see? This is based off last year's budget, money spent and mill rates from last year.

Linda Gallegos-Chief Deputy Assessor: The budget part comes from DFA. So, you turn in your budgets to DFA. We turn in our valuation. They do the computations that produces the mill rates to fund the budgets. So, when we turn in valuation, they take the budget, they do their computations, and that's where we get our mill rates from. Also keeping in mind that the bonds that the school have put out there, they have to work that in as well. Then, as we see, the Soil and Water Conservation Districts always are asking for one mill of the total valuation for that School District.

Ryan Schwabach-County Chairman: Is that permanent now the soil water conservation districts, or do they have to renew it every year?

Linda Gallegos-Chief Deputy Assessor: They have to renew it every year. I ask for a resolution from them every year.

Ryan Schwabach-County Chairman: They don't have to go to the election board anymore?

Linda Gallegos-Chief Deputy Assessor: I'm not sure about that. There's a meeting at Claunch Pinto later this month that I'm going to attend and I'll talk to Dee Tar.

Linda Jaramillo-County Commissioner: The Encino meeting?

Linda Gallegos- Chief Deputy Assessor: It's the Manzano Apple showing on the 25th.

Linda Jaramillo- County Commissioner: There's one in Encino too, right?

Linda Gallegos- Chief Deputy Assessor: We should spend some more time out there in the Encino area.

Linda Jaramillo- County Commissioner: I think they're having a meeting Claunch Pinto and Encino.

Linda Gallegos- Chief Deputy Assessor: Let me know, and I'll tag along.

Ryan Schwabach-County Chairman: I have some more questions, but I didn't get off track on your presentation. So go ahead and then I'll come back to it.

Linda Gallegos- Chief Deputy Assessor: I think I've worked my way down on the valuation side. We've gotten to the eight out area and then, and of course, as I mentioned, 16 in and out. Non-residential is Blatner Energy, bringing in all their equipment and different things that are state assessed that also go into these numbers.

Ryan Schwabach-County Chairman: So just looking at Commissioner McCall kind of pointed this out a little bit, using Willard as an example, they have the highest tax levies. So, you go back to the City levy of 5.22. That levy is produced by the City or is it.

Linda Gallegos- Chief Deputy Assessor: They City turns their budget into DFA, and then the valuation that we have for Willard, because that valuation is going to be lower than the rest of the County. That's why their mill rate is higher.

Ryan Schwabach-County Chairman: So, they're under the same parameters. This is not a council decision. This is just valuation.

Linda Gallegos- Chief Deputy Assessor: It's the Willard budget, and the budget, they turn into DFA versus what the money, the valuation that we have for that area determines the mill rate, and that's why their mill rate is higher. Now, if their valuation was higher, their bill rate would go lower, but because they don't have

the high-end properties out there, that's why you're saying they could drop their budget one of the two.

Ryan Schwabach-County Chairman: So, when you're looking at, Estancia seven in seven out explain seven in seven out to me.

Linda Gallegos-Chief Deputy Assessor: Residential or non-residential?

Ryan Schwabach-County Chairman: What's the difference between them?

Linda Gallegos-Chief Deputy Assessor: In is within the municipality and out is outside of the municipality. But you have both residential and non-residential properties. So, let's just say, for example, for example, you have both residential and non-residential assessments for seven out. It's a residential property in seven out, you're outside of municipality, but so you'll have both residential and non-residential assessments for seven out.

Linda Jaramillo-County Commissioner: We have the same concept in elections, the people can vote within the City limits or outside the City limits.

Ryan Schwabach-County Chairman: So, people not within the City limits, but still in the same area because they're affected by the City, like that, are not annex property right next to City annex. They're getting the tax benefits, without paying City tax.

Linda Gallegos-Chief Deputy Assessor: It's like voting on a bond issue. Not everybody votes for it, but if the majority of the voters vote for it, then everybody else is responsible.

Kevin McCall-County Vice-Chair: Not only that, but it affects your GRT as well, right where the business lies.

Ryan Schwabach-County Chairman: As in, within City limits. So, it's more City Limits is not an arbitrary line. If there's gray area going outside, it's good to know.

Linda Gallegos-Chief Deputy Assessor: How do you feel about the increase from last year to this year in rev in taxable value?

Ryan Schwabach-County Chairman: Think my question to answer that, how many complaints have you got?

Linda Gallegos- Chief Deputy Assessor: We have a total of 137 protests, and we're probably down to about 10 to 15.

Ryan Schwebach- County Chairman: So, is that above average?

Linda Gallegos- Chief Deputy Assessor: What we get are not necessarily the values too high or too low. Probably 50% of those are when we show them our justification versus based on our sales ratio studies at market analysis, most of the time they're agreeable. The ones that aren't go to formal and the next time we have a Commission meeting, I can let you know exactly how many are going to formal. Formal means that if the protestant doesn't agree with our values, we can't come to an agreement, then it goes before the board. The protest board is made up of two County residents and a property tax person. Then they also have their recorder there. So, you have basically three people that are neutral, that are going to be hearing both sides of the justification for their desire for decrease in taxes on the participant side. For example, I had a circumstance where a participant gave a very good reason for dividing the assessment in half. We had all of our numbers. The board was empathetic to the protestant, and they divided the assessment in half. Which was not the market value, but they just said, "Well, to be fair to both parties, we'll just divide it in half". It can go south that far, but most of the time it's based on educated, knowledgeable decisions.

Ryan Schwebach-County Chairman: Most of them are resolved simply. The residents saw a change in the value. He protested it to get everything cleared up, and a resolution comes up.

Linda Gallegos- Chief Deputy Assessor: Right exactly. A lot of our protests are agricultural protesting the vacant land value that was assessed to the property because of non-rendition of their livestock, or failing to prove that they're using their property for agricultural reasons, and getting that special method evaluation, which is very reasonable, and if they bring in the justification and the evidence and if they have livestock board reports that we've overlooked, we'll certainly make that adjustment. But that's what a lot of our protests are like. We've also been in that 137 Since leading there, sorry to be a little windy, we've also opened protests for those folks that have filed for head of family exemption and veterans exemption, because it's occurred after we've submitted our numbers to the state. So, it's a change in value, which will produce a tax roll change outside of the protest process, so we can make those valuation adjustments during that 30-day window after they file the protest. So, the extra numbers aren't necessarily about

not liking the value of their property. It's changing the value based on applying for exemptions and things of that nature.

Linda Jaramillo-County Commissioner: There's a formula for how much livestock you can have on piece of property to increase your value.

Linda Gallegos-Chief Deputy Assessor: The state sends out an order at the beginning of each year that states how many livestock per acre are suitable and acceptable for the special method evaluation in this County. It's 58.11 acres per animal unit. And of course, you have different animal units based on the livestock. Five goats is one Animal Unit, for example, and there's a whole list of livestock that would qualify somewhat.

Linda Jaramillo-County Commissioner: So, when a rancher fails to do that report, then their value goes up.

Linda Gallegos-Chief Deputy Assessor: My livestock person does a very diligent effort in trying to contact these people. In addition to sending out a letter and a reminder letter, she'll make phone calls, she'll do emails. She tries her best, really to get that property owner in compliance before we remove that \$4.95 cent an acre value up to whatever the market value is for that area, sometimes up to between \$500 and \$1,000 an acre. So, she really tries. That's why we encourage folks to render it, and it's the blue forms. So, it's on them to do that, they have responsibility.

Ryan Schwabach-County Chairman: I'll make this comment now that I think, becoming a Commissioner, we get the little education in grade school and how government is supposed to work. You guys remember that on the PBS? It's a little shallow on what really happens, because I think this is a prime example on what the Commission says with the budget versus what the Assessor's Office does with their assessment. Treasurer, Sheriff, all of the Clerks, all of the elected and how they work together. It's more than checks and balances, and the communication has got to be there. I guess I'm saying this for any future individuals that are going to be I keep thinking about this because I'm termed. Keep that in mind because it's critically important for a functioning clinic. So, if we didn't have a lot of complaints, I agree with the assessment. Because what I'm seeing is even if it's not a higher assessments in one area. I think it's no secret that one area is higher value than others. It's the way it is. You see that in sales. So, it's the way it is. So, I'm good with it. It would be nice if we could just do away with all taxes, but

everybody keeps complaining about roads, so we have got to have something there. With every decision comes a cost.

Linda Gallegos- Chief Deputy Assessor: In the field, money only goes so far.

Action Taken:

Kevin McCall- County Vice-Chair: Motion to approve Resolution No. 2025-35

Ryan Schwabach-County Chairman: Seconds the motion.

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

MOTION CARRIED

B. FIRE: Request Approval of Resolution No. 2025-36, A Resolution

Adopting the Torrance County Employee Volunteer Firefighter Pilot

Program.

J. Jordan Barela- County Manager: Mr. Chair, I'll go ahead and take this. Chief Smith, unfortunately, had a meeting in Albuquerque today, so he couldn't be here. But this is the employee volunteer firefighting program that was brought up for discussion during the last meeting. This resolution would essentially enact that Pilot Program. So, the way that it's been formulated is that a County employee can sign up to be a supportive service volunteer under a few conditions. One is that they are County employees. Two is that they're non probationary. Three is that they're in good standing with their department. Four is that they do reside in Torrance County. That's an ultimate factor in being able to get deployed into the district. The Fire Department, Chief Smith and Chief Fixler are currently developing a 20-hour training program for supportive services for these employees. So that would be pump ops, truck operations, basic equipment, things that would aid individuals fighting a fire in the field to get water and resources and other critical apparatus to a fire scene. The resolution would also authorize myself to provide up to 20-hours of administrative leave so participants in the program can get through the entire training program. That administrative leave would be capped at five hours a week to manage disruptions to the department's operations. Then, following the completion of the training program, participants who successfully complete that program would be assigned to their applicable volunteer districts. Employees enrolled in the program, if they do get called out, would be functioning in a volunteer capacity and would have to work in compliance with the volunteer SOPs and SOGs. They would not get paid at their standard pay rate. They wouldn't earn overtime. They wouldn't accrue leave.

There would be a distinct separation between their work as an employee and their work as a volunteer through the program, so there were not those accrued costs to the County. Because this is a pilot program, and we wanted to see what type of impact this would have. The resolution also dictates that the Chief and I will report back to the Commission to provide an update about three months following the completion of the training program, just to give an update in terms of how many employees participated in the program. Are those employees participating in their districts? Have we seen, or can we estimate if it's had an impact on response times or emergency services in those districts? I think if this is something that can be successful, it may be something that can be deployed in the long term. But given the numbers of volunteers right now, this seemed like a shot in the right direction. Given the fact that we have a significant number of employees and a significant number of employees that reside in these districts. So, if this resolution is approved, we will be sending out notifications to all County employees, giving them the parameters. Then we will get that training schedule established and see how much participation we do receive.

Linda Jaramillo-County Commissioner: Does the training need to be in during regular business hours?

J. Jordan Barela-County Manager: Mr. Chair, Commissioner Jaramillo, I mean, it does not have to be during regular business hours. I will say, probably the biggest barrier to volunteers coming into the program, specifically those that have full time jobs. There's not a lot of opportunities for them to get training during the week, especially if you're working 40 or 50 hours a week. So, any training in addition to the 20-hours would be required for the employees to do that on their own time, they do training in the districts on the weekends. I know Chief Fixler has done quite a bit of work in the districts on the weekends and has put up a training plan together. But we did want to make sure that at a baseline level, people that participated in their program had the minimum training required to drive an emergency vehicle and to operate a pump. Which is why we included the 20-hours of administrative leave that would get them to a point where they're deployable. But then again, there would be additional training opportunities beyond that, that would be on their own time. I mean, if somebody wanted to become a full-fledged volunteer firefighter and remain on the roster, not just in supportive services, that's about 240 hours a year of training that they would have to undertake.

Linda Jaramillo-County Commissioner: Every year?

J. Jordan Barela-County Manager: It's a lot.

Ryan Schwebach-County Chairman: I thought it was a one-time deal. I didn't think it was every year.

J. Jordan Barela-County Manager: I think that's the biggest hurdle that they're finding right now and again, with the State Fire Marshal's office, in order to claim somebody as a full-time volunteer for response to fires. They do have to meet those mandatory training requirements, and that's a difficult part in terms of keeping people on your roster. You may have people that sign up as a volunteer, but you know, if they're only doing 40 or 50 training hours a week, they're not necessarily meeting the ISO requirements as a full-time responder in that district.

Linda Jaramillo-County Commissioner: They spend all their time training.

J. Jordan Barela-County Manager: It's quite a bit. I've gone through that process myself, since I moved into this position. I've been taken off a volunteer firefighter roster because I can't allocate that level of time to training. So that is a hurdle that you run into. I think with this program, again, the employees, I don't think there's an expectation that they would get that level of training. But specifically, when we talk about some of the fire districts in the southern part of the County where we have no response. Bringing resources to a scene may not benefit ISO to a certain degree, but it certainly helps our ability to adequately respond to a fire situation and some of the more remote parts of the County.

Kevin McCall-County Vice Chair: I can appreciate the changes and thank you for clarifying those changes. Because I was concerned about the training and the amount the hardship it would put on some of the departments. I'm still a little skeptical, but I'm willing to give it a shot to see where this Pilot Program will help, especially in the southern end of County.

Action Taken:

Kevin McCall-County Vice Chair: Motion to approve Resolution No. 2025-36
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: - Yes:

MOTION CARRIED

C. MANAGER: Request Approval of Resolution No. 2025-37, A Resolution Delegating Signature Authority to the County Manager for Items Related to Opioid Settlement Litigation.

J. Jordan Barela-County Manager: Thank you, Mr. Chair, Commission. So, this particular resolution would delegate signature authority to myself as it pertains to opioid settlement litigation in the County has been a part in the past to several class action lawsuits with, specifically pharmaceutical opioid manufacturers, marketers, distributors and retailers. After discussion, having some discussions with the County Attorney and getting some information, there are a couple of class action suits that are currently pending, and a lot of those do take a relatively quick turnaround time to identify that the County wants to participate. We do have to execute letters to that effect information that may need to be provided throughout the Sue or the acceptance of settlement funds. All of that takes written response from the County to the law firm that's overseeing the class action suits. I know the one recently is Purdue Pharma is the one that I've seen, which is probably one of the bigger producers of synthetic opioids for on the pharmaceutical side. So just for the sense of timeliness and making sure that we respond to that appropriately, this resolution is requesting a delegation of that authority.

Linda Jaramillo-County Commissioner: Do we have any money in that Opioid fund right now?

J. Jordan Barela-County Manager: We do and I don't know if Misty has the exact number of what's been in there so far, but essentially, that funding states and local governments that become a party to these suits, that money can be, come in and be used for treatment or prevention programs at the County level.

Linda Jaramillo-County Commissioner: Is it specific for that?

J. Jordan Barela-County Manager: It is, and we've used it previously for some trainings, specifically in the schools, we brought in some consultants that talked about drug abuse and prevention. I know there's actually a few Counties right now that have kind of teamed up and put their money together to roll out a bigger set of programming in a region, because, capacity issues at a smaller County level and resources in individual Counties. There are discussions about combining regionally to use some of these funds in a bigger way, but that is essentially how the money would come in and what its intended use is.

Linda Jaramillo-County Commissioner: When's the first time we got this fund?

Misty Witt-Deputy County Manager: Several years Mike probably has a better idea.

Michael I. Garcia-County Attorney: It's been since I've gotten here three years, more than three years ago. I know we've gotten some and I'm not sure what the exact amount is on the ones that are coming up. But I think part of the issue is that there are a couple of critical dates coming up, September 19, being one of them. So, I wanted to make sure that those guys were able to move with agility and participate in the settlements if you wanted to. Because if we wait for a Commission meeting that might run out of time.

Action Taken:

Kevin McCall -County Vice Chair: Motion to approve Resolution No. 2025-37

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: - Yes:

MOTION CARRIED

13. APPROVAL/ACTION ITEMS

A. CLERK: Request Ratification of a Memorandum of Understanding Between Torrance County and the New Mexico Office of the Secretary of State Allocating \$53,270.60 for the Eligible Expenditures for the 2025 Regular Local Election.

Sylvia Chavez-County Clerk: Morning Commissioner, Sylvia Chavez, County Clerk, I have before you an MOU that we have received for the last four years. We receive an MOU with the Secretary of State's Office to help cover the cost of the election. This was the MOU that I received. I had to sign it prior because it was due September 5, so I had Mike and myself sign it. I do have a fully executed copy back with the Secretary of States signature and their attorney as well. I am just asking for a ratification so that I can have this funding to cover the Regular Local Election. I stand for any questions, if you have any.

Kevin McCall-County Vice-Chair: I'm curious, how did that number look from last year's General Election?

Sylvia Chavez-County Clerk: So obviously, we received a little bit less, just because of the type of election that it is. I think what they did is they did the matrix from the previous RLE that we ran, which was two years ago. So, it's a slight increase from the last Regular Local Election that we put on, but it is a decrease from what we received for the General Election is probably about \$6,000 less.

Linda Jaramillo-County Commissioner: I think it was \$50,000 last time. I remember for the RLE it was \$50,000.

Kevin McCall-County Vice-Chair: Have you found that you can run an election at what they want to reimburse you?

Sylvia Chavez-County Clerk: Yes, if you follow the budgetary guidelines, I will say that they are getting a little bit stricter on what they will cover as far as reimbursement. So, let's say you get an allotted amount. You know I'm going to work within the parameters of the allotted amount. If I happen to go over for any reason, I do send all of my reimbursements to the Secretary of State's Office. If they feel that the overage is something that they would cover because it did encumber running the election, they will reimburse you the full amount. But if for whatever reason, they are really nipping, and they go through line item by item to see if it is something they feel isn't, then we have to reimburse the state. I will say that from the General Election last year, I had to reimburse the state about \$10,000.

Linda Jaramillo-County Commissioner: I think it was for items that we thought were covered, and they weren't after all, because we went through every single line and they changed the rules a little bit.

Sylvia Chavez-County Clerk: Well, I think what's happening is you're finding that Counties are just throwing everything in numbers. So, they got a little bit more into the fine details of everything, so they are kind of kicking back a few things here and there. I mean, I can sit and try to justify all I want, but the bottom line is, they're going to make that final decision. But I just ask for ratification of my MOU so I can move forward with the RLE.

Action Taken:

Linda Jaramillo-County Commissioner: Motion to approve.
Kevin McCall-County Vice-Chair: Seconds the motion.

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

B. MANAGER: Discussion and Potential Approval of a Memorandum of Agreement Between Torrance County and Presbyterians Medical Services Allocating \$10,000.00 for Janitorial Services and \$30,000.00 for Food Services Funding for FY26.

Misty Witt-Deputy County Manager: Thank you. Commission, Chair, Commissioners, this is back before you, after the discussions and feedback from the last Commission meetings. There were some edits made to the MOU per the Commission's request. I would like to draw your attention to page two of the agreement, items four and five. Verbiage was added there that we would pay out the sum of money to Presbyterian Medical Services monthly, and that if services were not rendered. Then the County would not be invoiced, and therefore not pay for that month's service. We did ask Mr. Greg Smith to come back in case the Commission have further questions or discussion items for PMS specifically, but those are the changes to that we agreed.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve.
Kevin McCall-County Vice Chair: Seconds the motion.

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

C. MANAGER: Request Approval of an Intergovernmental Agreement Between Torrance County and the New Mexico Department of Health Providing Up to \$202,248.00 in Grant Funding to Provide Health Care Services in Health Care Underserved Areas from the Date of Execution through June 30, 2027.

J. Jordan Barela- County Manager: Thank you, Mr. Chair. So, this agreement is between the County and the Department of Health for the rural Primary Health Care Act, also known as Ritka. We do receive an annual allocation of Ritka funding each year, those have been one-year grants. This year, the Department of Health sent us a two-year grant, which is why the dates have been extended. This

grant would provide \$202,248 and that's about on par with what we received. We received about \$101,000 for a single year, so we were seeing that billable for the two-year grant. But this funding is provided to our health centers, which are operated by PMS. The funding supports the provision of primary health care services to individuals that are considered medically indigent in underserved healthcare areas. It ensures that no person's denied access to health care services because of their inability to pay. This funding source requires regular reporting to the state. Attachment to the agreement really outlines what that reporting is. Mr. Smith is here as well to answer program specific questions, but we would request that the Commission consider this for approval.

Linda Jaramillo-County Commissioner: Who does all the invoices or all the reports?

Misty Witt-Deputy County Manager: It's a combination, so PMS handle some of the reporting requirements, and then we handle some of the invoices.

Ryan Schwabach-County Chairman: So, what exactly is this money used for? Give me an example.

Greg Smith-Presbyterian Medical Services: Chair, Commissioners, Greg Smith, Presbyterian Medical Services. The money is for primary care services. It's in clinical services. It covers anything. The report covers clinical care, as far as behavioral health, dental and medical claims.

Ryan Schwabach-County Chairman: Does it go to an individual patient, like somebody who comes in who's uninsured, can't pay, then it covers them?

Greg Smith-Presbyterian Medical Services: Mr. Chair, it does not, it goes

directly back to the clinic itself. It goes back into that budget. What it does is, as Deputy Manager, mentioned part of the report managed level operations on a monthly basis. It requires detailed how many clients we're seeing on a monthly basis in each category, behavioral health, medical or dental. But it also asks for those individuals that may be on a sliding scale fee and those that are met within a certain percentage of federal poverty guidelines. So, it asks for the details on that, but it doesn't pay for any one individual. This goes back to the clinic.

Ryan Schwabach-County Chairman: It's pretty much just like a general fund for the clinic, right?

Greg Smith-Presbyterian Medical Services: Well, it's not considered part of the general fund. It is a grant that comes back to the clinic under the revenues.

Kevin McCall-County Vice Chair: Are there certain clinics that will take this, or are there certain clinics that say, no, we don't want any part of this grant?

Greg Smith-Presbyterian Medical Services: No, because it's a good amount of revenue. So, the primary emphasis on this is for rural counties. This one here in particular is for Mountainair. It doesn't even cover Esperanza. Mountainair is on a separate one altogether. That's a separate contract that is directly through department of health and essentially it is the same thing. So, this contract here, specifically for the Mountainair clinic, the full amount, \$101,000 and whatever per year. So that is put into our budget as revenue coming in for the year.

Linda Jaramillo-County Commissioner: That's for people who can't afford that, don't have insurance, Medicaid, any of that. That's what this is for?

Greg Smith-Presbyterian Medical Services: Mr. Chair Commissioner the emphasis behind it, because, like I said, they asked for specifics in the reports. We must provide details in the report that talks about how many people fall within the federal poverty guidelines and how many fall within our sliding scale fee as well.

Kevin McCall-County Vice Chair: One more question, this is claim based, so you don't allocate the money to the clinic until the service has been provided.

Greg Smith-Presbyterian Medical Services: Again, it's not a specific claim based, so it's not any different Commissioner. If there's 300 people that came in for the month, if there's 400 that came in for the month, it's the same monthly dollar amount. So, as the Deputy Manager was explaining the reimbursable on this the contract is from the Department of Health and the County, then we ourselves submitted invoice to the County. The County, in turn, takes the MLO and the state invoice and forwards that onto the state. So again, the County must do their due diligence. They receive the money back based on our invoice, then they reimburse us for services. The same dollar amount is set aside every single month.

Kevin McCall-County Vice Chair: That answered my next question, would someone be denied? The answer to that is no, because it's all encompassed.

Greg Smith-Presbyterian Medical Services: Mr. Chair, Commissioner, that's correct, because there are specific guidelines within the contract at every clinic

Misty Witt-Deputy County Manager: Mr. Chair, this is the formal agreement for the Payroll Company. We discussed this at the last Commission meeting as a discussion item for them to take over as our full-service payroll provider. I did a request that Mr. Nestor Romero from the payroll company, attend via zoom. If the

D. FINANCE: Request Approval of a Client Services Agreement Between Torrance County and the Payroll Company, Inc. in the Amount of \$30,356.50 for Comprehensive Payroll Processing and Reporting Services.

MOTION CARRIED

Kevin McCall-County Vice Chair: Motion to approve.
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: - Yes:

Action Taken:

Greg Smith-Presbyterian Medical Services: There's no way that that's going to happen. But yes, I'm happy to see, as I was saying, as manager stated that this is going to be a two-year period. They're allocating the money now for two years now it will have to come back, you know, to renew it. But the fact that we're doing this for two years, the \$202,000 in my opinion, is a good thing.

Linda Jaramillo-County Commissioner: There's no chance of this money being taken in the future. I mean, because of all the cuts being made.

Greg Smith-Presbyterian Medical Services: Chair Commissioner, I have been around between state and County Governments for quite a while, and to answer your question. Simple answers, yes, it's been around for quite some time.

Linda Jaramillo-County Commissioner: This has been available for a long time. I mean, it's always been there?

must meet. So, there are responsibilities at the beginning of the contract that everybody must attest to and give to the Department of Health to say that we're going to meet within these guidelines on an annual basis. As the manager stated, this would be year three of a four-year total contract. But as County Manager did address for different reasons, and I'm not opposed to it, they're doing it for a two-year block for the last two years, instead of every individual year. So, this has come to you in prior years as well.

Commission had specific questions for him, we are just looking for approval of the agreement at this point. Which does include locking in that price.

Kevin McCall-County Vice Chair: For us internally. Where's that extra \$30,000 going to be pulled out from the budget?

Misty Witt-Deputy County Manager: The County will have to fund about \$12,000 for this. We will have some savings from the Tyler payroll module that we won't pay for as well as our current time clock software. So, the net effect will be about \$12,000.

Kevin McCall-County Vice Chair: Where's that 12,000 going to be pulled from right now.

Misty Witt-Deputy County Manager: We're going to probably just pull it from our professional services budget for this year. Going forward, we'll build that into the finance budget.

Linda Jaramillo-County Commissioner: The Finance department's ready to implement this?

Misty Witt-Deputy County Manager: Yes, Ma'am.

Linda Jaramillo-County Commissioner: I spoke to Joanna, and She said, "Do I have a choice?" But she said she would work with it, and she's willing to try it, because it was Joanna that we always deal with for payroll.

Ryan Schwebach-County Chairman: That was going to be my question then. So, I've had many employees call me up asking questions, and especially at budget time. So, when those issues come up, is it still our finance department, or do they go directly to this company? What does that look like?

Misty Witt-Deputy County Manager: We will have the support of the Payroll Company. I mean, if Mr. Romero could direct that with more specific details on what kind of support is provided on the employee level, that would be great.

Nestor Romero-Payroll Company: Mr. Chair and Commissioners, thank you for the opportunity to serve Torrance County. We provide payroll services for several governmental entities, including Cibola and Catron and Guadalupe County. Every employee will have access to all their pay stubs via an app that they can have on

Misty Witt-Deputy County Manager: So, it'll be a similar type of app that they log into, and they can clock in and out like they do now. We still go through those approval processes. Nothing kicks up to the payroll company until it's gone through the account. The County approval process first. So, we're basically validating those files before we send them up to the payroll company. Once they're validated, the Federal company will take it from there and process the paychecks.

Linda Jaramillo-County Commissioner: So, employees will directly report to them instead of what we used to do, which is to report to Joanna.

Nestor Romero-Payroll Company: The one good thing, sir, is that timekeeping will be integrated within our payroll system. So, instead of having two separate systems now, the timekeeping and the paychecks and everything else the payroll processing will be within one system. So, the employees will be able to within their app see their timecard. They can also see their pay history. They can also see their W-2s as well. So, everything is within one place, they'll be able to view it.

Misty Witt-Deputy County Manager: So, employees right now currently have the opportunity to review and approve their time, and then their supervisor can review and approve their time that will stay at the same process. They'll still have that credibility.

Ryan Schwabach-County Chairman: So, talk to me about the time clock portion, versus what we have now. So, how does that work, and how is the time authorized? How do supervisors sign off on it? What does that look?

Estancia and meet face to face with the employees.

I'm always happy, I'm a hands-on person. I'm a native New Mexican, lifelong New Mexican, except for a few years in Denver, and I'm always happy to drive down to employees to make sure that it's in accordance with the current law in place. But differences, but we'll try to make up for those in getting additional w4s from the because they've been with the County for so long. So, we may see some slight same. However, some folks are probably still on the pre-2020, w4 form, just there may be. We'll make sure in the first few processes that the net pay is the always be the same. It usually will be. But as we change from Tyler to our system, discuss tax withholdings and things. I know employees like to see their net pay questions, I'm happy to come down to Estancia and meet with any employees and their phone. They can view on their computer any questions, if there are global

Linda Jaramillo-County Commissioner: So, finance will still be in there a little bit, calling departments and saying you haven't approved your time. They still prepare it for them.

Misty Witt- Deputy County Manager: Yes Ma'am.

Action Taken:

Ryan Schwabach-County Chairman: Motion to approve.

Linda Jaramillo-County Commissioner: Seconds the motion.

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

MOTION CARRIED

E. MANAGER: Discussion and Potential Action on Providing Resources to Aid in the Melody Ranch Water Situation.

Ryan Schwabach-County Chairman: So, I would invite the residents of Melody Ranch to come on up to the front podium. You can come to the front bench, so we can hear you better. We're going to rely on our minutes. I'm not going to make these guys come up to the podium every time, unless they desire to. But I do want them in an interactive conversation. Then also, EMWT, we have one member here. I would like to start with what we have on the agenda, which is consideration of the water tank, and then update any discussions the manager's Office has had. So, we're going to start there, and we're going to kind of open the floor.

J. Jordan Barela-County Manager: Thank you, Mr. Chair. So, the

Commission's aware, we've given a few updates on the Melody Ranch situation over the last couple meetings, based off a quick recap of previous discussions. There was a meeting held between the County, the Melody Ranch Water Company and EMWT a few weeks back to have a discussion regarding EMWT potentially taking over the water system. At that point in time, I felt as though there was a willingness from the company to provide the infrastructure and the water rights to EMWT to take over that system. Also, my understanding from the EMWT is that there was a discussion at the board level that would allow them to move forward with that process, though that would take some time. The real impetus for bringing this before the Commission today was related to the Albuquerque Water Authority. The Water Authority had been deployed to that site for a period of time. They were pulled from that site based on discussions with the owner. But subsequent to that, the County was able to have some discussions with the Albuquerque Water

Authority, and they were able to deploy additional tankers to the development. That being said, I've had several conversations with the Albuquerque Water Authority, and the tanker that they deployed last Wednesday is going to be the last tanker that they will be able to deploy, which would remove that resource from the development. So, that was really the linchpin that caused us to put this on the agenda and have this discussion in front of the Commission today. One of the things that we had discussed and had been sort of brought up in previous meetings, is what would it look like in terms of the County providing potentially water in a water tanker at the development?

So, we have provided the Commission with some quotes. I actually received those yesterday afternoon, Samantha O'Dell, our Emergency Manager, had reached out to quite a few companies. I think that's the only solidified quote we've gotten to this point. We've also explored other governments, both at the state level, the federal level and the local level. It doesn't seem as though we've been able to identify resources that can aid this process. So, essentially, in order to keep that same emergency service in place, we would need a water tank, as well as incur the cost of hauling water to fill those tanks and make that accessible to residents. As for the quotes that you're looking at, there's going to be one initial one that really looks at the rental of two 3000-gallon tanks that would be placed at the site for a period of two months. That number of two 3000-gallon tanks was really based on the fact that they had a 6000-gallon tanker out there right now.

That would last roughly 10 days at least from what the Albuquerque Water Company had told me. That came in a little over \$16,000 just for the rental for that two-month period. Because that cost was so high, the company actually provided quotes on what it would look like to purchase a tank. Which is a little more cost effective, but we're still somewhere in the \$8,000 range for the purchase of a tank for the site. In addition to that, the last quote that you'll see was the cost associated with actually hauling 6000 gallons of water to fill those tanks at the development, and that was just under \$3,800 per tank. So, at current consumption rates, that would be about \$3,800 every 10 days, if consumption patterns stay the same. So, we did want to provide that information to the Commission. We've had discussions with several residents. I know there was information they wanted to provide, but that's essentially the update from the manager's Office at this time in terms of the information that we have and where we stand in the situation.

Linda Jaramillo-County Commissioner: Was there a storage tank now for the residents to fill?

J. Jordan Barela-County Manager: Yeah, there's a tanker there. The tanker is actually property of the Albuquerque Water Authority they've deployed at the County line feed site. When that tanker has gotten diminished, they go and refill it. But that tanker, in of itself, will be pulled. The Albuquerque Water Authority doesn't sell water outside of their basin. That's not their business model. They are a part of a state program that allows them to deploy water in emergency situations like this. However, even in terms of what they've deployed to Melody Ranch so far that's more of a technically allowable pursuant to the program.

Linda Jaramillo-County Commissioner: What I'm asking is if there's a storage tank at all. Like the storage tank here.

J. Jordan Barela-County Manager: No, the only storage tank at the site right now is the one that feeds into the system, and that is privately owned right now by the Melodey Water Company.

Ryan Schwebach-County Chairman: The storage tank is their problem. The problem is, we want to be able to put potable water in there. Until the tanks are cleaned out, until they're sanitized, it can't. There's too many issues. It's not an option. Everybody has those numbers in front of us. I want to hear from the residents. Now go ahead, whoever wants to start up to the podium, or you can stay sitting, whatever you're more comfortable with.

Alan Manning-Resident of Melody Ranch: So just let me tell you how my day started. No coffee in the morning. Can not flush the toilet. I can't take a shower or brush my teeth. You have got a 14-year-old sitting in school without a shower, imagine that. 30-year-old fruit trees that have been providing for this house as long as they've been planted and they're dying. Can't use the washing machine. I don't get any ice out of my freezer. I can't use the dishwasher. There's kids in the subdivision. There's elderly people, and there's elderly people trying to move a five-gallon bucket of water that weighs 40 pounds up the stretch of their place. They have got to do five or six at a time. So, load it all in the back of your truck, run down, get some water out of the tanker. Well, it's potable water but, now we put it into five-gallon buckets in the back of pickups. What we work against is almost child abuse, almost elder abuse with the situation.

What we need is help. What we need is an emergency declaration. We need somebody to go tell the governor, make an emergency declaration, get us situated. We need people, extra people on the EPA. I think that's probably the one entity that helps solve this. What they're doing, I want to call it illegal, but it is immoral for us

to have to go through this. Imagine every one of you waking up this morning and yesterday morning and last month and fourth of July and Memorial Day, waking up with no water, that's what we've been going through, hell. We need somebody, somewhere to take us into consideration. Thank you.

Laura Rushing- Resident of Melody Ranch: Good morning, Commissioners. My name is Laura Rushing, and I live at 27 Tom Mix in Melody Ranch subdivision, there is still a dire water situation, it is a crisis. It's not something that has gone away. It has been consistently for the past few months, the hottest months of the summertime, and sporadically for years. This is not something new. People have known about this. The water company has known about these problems for 10 years, 15 years. Possibly the entire time that this Community has been there. They know that their well is going dry. They've known that they've needed to upgrade. But nothing has happened. Nothing's been done. We've paid our bill every month. Some people pay more. Some people pay less. There doesn't seem to be any regulation in the way that they calculate our water usage. We're still paying a bill for water we don't have. Some people are still paying \$75 some people are paying \$175 how does this equate? How does this work? We don't know, because we don't have any answers to that question. These are the hottest months of the summertime. Most people in the neighborhood rely on evaporative cooling systems, those do not work without water. It's a public health crisis. As stated, our children are unable to bathe before they go to school because the water that we do get is sporadic and not at regulated times.

One day we will have no water. The next day, it will be on from ten o'clock in the morning till eleven o'clock in the morning. The next day, it will be on from six o'clock at night to seven o'clock at night. How is this reliable? How is this accessible for everyone? Water is a fundamental necessity for life, for dignity and for Community health. I've worked in ranching, and I've worked in the New Mexico prison system, for over 18 years. I can tell you right now that our cattle are given 24/7 access to water, and our inmates in our prison system are given 24/7 access to water. But yet here we are tax paying citizens of a subdivision, and we don't have access to water. We have elderly people who have not had access to water for months, who have not had cooling in their homes in 100-degree weather and can't even get a drink of water. Their infrastructure is failing. They've known that their infrastructure is failing and nothing has been done. So, we're forced to buy water, and we're forced to pay a water bill for services that we don't have.

How is a person to keep their household running and clean their children, themselves, their animals that are in dire need of water. We have horses in our

Community. We have chickens that provide us with food. We have fruit trees. We have gardens. All of these things have gone to nothing this summer. We couldn't get any vegetables from our garden. Our chickens are now low producing because they don't have the right conditions. Residents are left in the dark by the water company because recorded updates that are provided by them are vague and unhelpful. So, we're literally left by our faucets, not knowing when or if we will have water that day. So, I'm asking you directly, what would you do if this was your family? Shouldn't we have the same privileges as a herd of cattle or convicted felons? We're asking for your help. We need oversight, accountability and immediate action to ensure that the current company either corrects these failures and restores reliable service or is forced to turn over water service to a reputable, reliable company. Our Community is still in dire distress without intervention over the winter, this will grow worse. Thank you.

Bruce Sanchez- Resident of Melody Ranch: I was hoping I was going to be able to say opening statements and keep everything under two minutes. I'm a resident of Melody Ranch for 30 years. I'm sure you're aware that our Community consists of around 77 homes. I'm also sure that you are aware that the ages of our residents are from infants to 95 I'm also sure that you're aware that come the 19th of this month, our Community will be at our fifth month with no water service. I want to thank County Manager Barela for all his help in getting our supplemental water and the Albuquerque Water Authority. He was appalled when I came and spoke to him, in the middle to last part of June, wasn't it? I had a 40-minute meeting off the cuff with County Manager Barela at that time, he was very instrumental in getting that water tanker to us. Unfortunately, because of bureaucracy, it's going away. The residents of our Community use that water day in and day out. It's hard to fathom the fact that the residents of our Community have been so resilient. The question is our day-to-day activities are based around one of the three phone calls each week to see when we're going to be privileged to get water service to our homes.

But sometimes we must make that call two or three times to understand the message, because you can't understand the person making the messages half the time he sounds like he's intoxicated. But we hear what we get water service, and we hear what the water company is selling as machine, fill your buckets, flush your toilets and take a shower. That's what we get to live with. Conditions like this are unimaginable, granted right now, we are getting help from the PRC. With that help it is having to do everything now by a hearing officer, and eventually a final decision will be made in district court that's taking longer than some of our residents want. Our Community needs help. Unfortunately, we're talking about a

private entity for profit that is actually a public utility. A public utility is a company that serves more than 25 homes. We have 77, I realize your hands are tied to a point, because they are a private entity, but we deserve more. Our residents of our Community have been able to make it to today's meeting, have put a lot of faith in a lot of people, the residents that are here and those that aren't need answers, we have come here in good faith, not to fight with you, but to assist You. Remember, worth was worthless, living a nightmare for the entire month of August, our Community has received water from Millard Ranch Water Company for a little less than 30 hours total time. Our Community is not a third world country.

We are US citizens. We live in America. I have to hand it to our Community. There is frustration, there's anger, but with the undue pressures that each and every one in our Community has had to deal with, we are still standing tall. We support each other. I realize that today that there's a lot of things that are going to be said, not only from finance but also in the Emergency Management Department, but I have a question. As the Emergency Management Department or the County Fire Department, have they notified the State Fire Marshal's office that our Community of 77 homes, which is supposed to have fire suppression along with water, have they been notified of our situation, and if there was an emergency in our neighborhood, how that emergency management would be handled. There's 13 to 14 fire hydrants throughout our Community. Residents were interviewed by local news stations before the Fourth of July and everyone was concerned, actually afraid, especially seeing after all the devastation that happened with the fires in Los Angeles, has the health department been notified our Community has to hold water to their homes to flush toilets. Our residents can't wash clothes, can't use dishwashers, no air conditioning. You have to wait until we're privileged to get water to take a shower.

We're susceptible to diseases like cholera, dysentery and others. What about the kids that are going to school, aside from being forced to pay a high water bill for services that are really nonexistent, the additional cost by residents to wash clothes for the average family size of four at a local laundromat is costly, or the steps that happen to be taken by parents for the personal hygiene of their kids in school. Teachers today are supposed to notify CYFID if they notice irregularities within students. We're lucky right now. So far, none of our parents have had any problems. My hat's off to them. I have a bus stop right outside of my house. I see these kids. Kids are not supposed to be going through this. Your childhood years are supposed to be pleasant, not living in torture. And what about the residents of bad health, or those that have just had surgeries that need their wounds clean to

prevent infections? I have a neighbor that had back surgery that has to rent a hotel room twice a week to take a shower. My daughter in February had a brain tumor removed, and trying to keep that wound clean to prevent any infections with no water is a lot of fun. Water is a basic right. We need your help. As a Commission, I do believe you have the power to help our Community. There is supposed to be some discussion as far as the emergency measures, and hopefully they can be taken care of, or something can be done to help us.

As I said, we're here to help we're not here to fight you. We're here to assist you in any way that we can different entities that are involved in all of this mess, the USEPA, they're appalled. State environmental department. I talk to them at least three times a week. They're appalled. I deal with the PRC. I'm dealing with the head of the legal division, because he's turning into our greatest asset. Now, I talked to Mr. Burpo? at least three to four times a week. When I was here last, I showed you the recommendations from the PRC. On August 21 I testified in front of the PRC Commissioners, they passed a resolution. Well, they passed an order to show cause and in order for a hearing officer, which means now that Melody Ranch Water is kind of under their gun right now. Yesterday morning, there was a hearing as far as conditions that were being made, according to Mr. Burpo. Things are in the works, but it's going to take time after the meeting that happened on July the 24th between Melody Ranch Water, DRC and EMWT. There were about 20 trucks from EMWT at the pump house that were evaluating the system. I know right now that if I was to walk into EMWT, there would be a notebook that is full of all the recommendations that they want to make.

When I testified before the PRC, I asked for the PRC to do a receivership as far as the removal of Melody Ranch Water Company and the receivership going to EMWT. Melody Ranch Water Company has already said it to PRC, they have no money. They think that it's going to cost \$20,000 to drill a well. They're not thinking about the engineering that has to be done. They're not thinking about the infrastructure that has to be done and who's paying for, we are. It's a lot of fun not knowing when you can take a shower next when you can boil water to make a boiled egg. I wouldn't trust the water coming out of their tap to make spaghetti. You put that water into a bowl, and after an hour, you see things floating around in it. Yet environmental experts says that all of their water tests are passing. We need help. It's a complicated situation. The people of our Community are your constituents. I was taught a long time ago that an elected official in your capacity not only creates flaws and ordinances for the safety of everyone, but they are there to protect the citizens that they represent. Thank you.

Ryan Schwebach-County Chairman: I understand the EMT had a meeting to discuss this. Can you give us a brief update.

Amy May-EMWT: EMT met last night, and it was discussed about Melody Ranch. Our chairman sat down with the owner of the water system.

Bruce Sanchez-Resident of Melody Ranch: Was it the owner or the General Manager?

Amy May-EMWT: Sat down with Tracy, the General Manager. Tracy was telling him there was issues with the way they want to give the water rights. EMT does not have a problem coming in and taking over the system if the water rights are given and all of that we discussed. If you have no problem, we welcome helping out with that. We just don't know where we can go yet because Tracy is saying the water rights are an issue. They want to try to throw in the Echo Ridge one, and they want to make us pay for the Echo Ridge one. The PRC is saying that Echo Ridge and Melody Ranch are listed as one system. So, she can't branch off just the one without the other. So, if she does sell the one to us, she has to sell them both. That's where the holdup is really. She doesn't want to get rid of the Echo Ridge because that one's making the money. I've only been on the board for a couple months now. So, I'm coming in late to the game on this, from what I'm hearing, that's the biggest issue right there. The water rights and who owns what, and what is actually going to be up for discussion.

Bruce Sanchez-Resident of Melody Ranch: It's speaking with Environmental and knowing that that water system was purchased from Tim Oden. When Tim Oden owned the water system. There was 35-acre feet of water available to that system. When he sold system to CE Smith, which is Cathleen Smith's, I think, departed husband, it was sold at 22.5-acre feet of water. So now, where all of that other water go to?

Ryan Schwebach-County Chairman: We need to put some things in perspective. Okay? Because one, I don't think all the information that is there is entirely accurate. I believe it's what you've been given the same care. To answer your question, what would I do if I was living in the same shoes as you, I would go drill another well. Majority of the residents in Torrance County are not on water system. They have the ability to apply for a permit and take matters into their own hands.

Laura Rushing-Resident of Melody Ranch: We can do that?

Ryan Schwabach-County Chairman: We can ask the question, and I don't know what the State Engineers do, I do not know the answer to that, because they did take water rights to form the system. That's why the PRC comes up. So, my next question comes into where was the role of the PRC? Because you are correct in saying this is a utility, just like the power company, the power company is obligated to keep power flowing to us, setting a price that pays the bills, paying \$3 per 1000 is not paying the bills. What is the point of the PRC overlooking these when they allow it to go this far, this long? I think that's a question for the attorney, and I don't expect you to answer. I'm talking out loud, though. Also, please don't take this the wrong way, as if it's important we put this in perspective. I understand where you're coming from. It's miserable. You need to know that there's 100 200 residents in the McIntosh area that have been living the same thing that you guys have been without water. The difference is they were never promised a water system. They're not paying the water bill. They have put things into place to haul water, to set up a system to where they can get water hauled to them, what they like of a pipeline in there to where they can have their garden, they can have their yard, absolute. Unfortunately, you guys, and this is where I think the problem lies. You have no direction.

If they came in and said, the water where rice dissolves, you guys are on your own. Each and every one of you can take matters into your own. Whether it's drilling a well or hauling water, I don't know how to force a hand, or if it can be for that decision to be made. I am not convinced that those two water systems are tied together. I don't know how to get to the bottom of that. This is no insider information. This is simply me observing from the information I've been given. So, I'm talking this through to try to go in the right direction, to push the envelope. You're correct in saying that. I mean realistically, the can of worms comes in. We can't just drill a well the County, it would be a violation of private donations. So, ownership is critical. Unfortunately, private property is also critical. This is a private company. They do have rights, and so it has to abide by it. There can be only so much pressure. I think that's where a class action lawsuit has potential. That's up to you and the residents to look into that.

That's not the role of the County and I don't want to speak of that right now, because I don't want that intertwined with any decision that the County makes. Okay? So, with our role as a County, I can tell you this Commission is prepared to have funds immediately available to drill. Well, if ownership is taken care of, that's where EMWT comes in. EMWT may not be the answer. There may be another avenue out there. I don't know what it is, but it's not a given. The money will be available, but it will be on a payback, and probably a long-term payback. We have

the capability to do that. We're prepared to do that. Am I wrong in saying that Commissioners? Because that is not my decision. Yes. So, when the time comes, money can be readily available, and then the problem be fixed. I think there are some questions on whether or not we put a tanker up there, whether that falls on the line.

Michael I. Garcia-County Attorney: Mr. Chair, Commissioners and folks from Melody Ranch. I'm Torrance County's Attorney my name is Mike Garcia. I've been trying to find some solutions. I have some ideas. I'm not sure if they'd really work or not, but there are some possibilities. So, everything that I'm going to tell you is tentative, please don't think of it as yes or no or right or wrong, one way or the other. One of the well, really, the biggest obstacle that we have is a provision in the New Mexico constitution. It's commonly known as the anti-donation clause. What does it prohibit the State, Cities and Counties, School Districts, even from donating to private people or private enterprises. So, there are exceptions to that. One of them is a water utility or number of utilities, but it's something that only, at least by the plain terms of the constitutional provision, is something that only the State can do, not necessarily Cities or Counties. The other there are, and then there's another provision that allows for emergency water for the public from the State, not necessarily from Counties.

But I think that may have been the provision that the water authority, the Bernalillo County Water Authority, was operating under, and I've been trying to reach them so far, no luck, probably kind of busy. One solution that comes to mind is to avoid a problem with the anti-donation clause is this. If Torrance County could buy water, sell it, either to you, the residents, or to the Melody Ranch Water Association, which would pass the cost, I guess, would pay Torrance County for the water. That might be a solution around the anti-donation problem. The difficulty with that is, I don't know how you would administer it, keep up with, you know, invoicing whoever owns what or but it's just something that's a possibility and something that could at least keep us out of legal problems. So maybe folks that are more familiar with the water system or the logistics of actually doing it could chime in on that. But just from a legal standpoint, that is probably the simplest way around it. From a logistical standpoint, I don't know if it works at all.

Ryan Schwebach-County Chairman: It's my understanding, PRC is now fining this company daily. Is that correct?

J. Jordan Barela-County Manager: Mr. Chair, that was my understanding. There was a provision in the order to show cause for potentially implicate

monetary fines. I don't believe that was daily. I believe that was over periods of time for non-compliance. But that was a recommendation from the PRC legal department.

Bruce Sanchez-Resident of Melody Ranch: The fines that the PRC has asked for are still part of the class of the order to show cause, and it's still up to the hearing officer to implement that portion of \$100,000 per day, since the problem happened, also Melody Ranch Water is supposed to provide the PRC a day-by-day timeline, since the problem started too. In the middle of May, and to my knowledge, after talking with Mr. Burpo this morning with legal, they still haven't given anything up.

Linda Jaramillo-County Commissioner: So, Michael, are you saying that this \$16,000 that you mentioned would be passed on to these people, to the people in Melody Ranch.

Michael I. Garcia-County Attorney: Ultimately, yes, in some form, or to the water company. I'm not saying that's the only way I'm saying that's a possibility.

Ryan Schwabach-County Chairman: Let me ask this question. Let's go back to these holding tanks, which is a mandate at best. It's more like a cotton swallow. If we were to implement that, what would it take to turn around and bill the water company with teeth for reimbursement? Is that possible?

Michael I. Garcia-County Attorney: Contract with the water company?

Ryan Schwabach-County Chairman: I got to sign it.

Michael I. Garcia-County Attorney: Yes.

Ryan Schwabach-County Chairman: You know whole thing. I mean, if they had the money or the will, they would have been fixing the problem to begin with. That's where the issue lies. This was any one resident you guys would be fixed on the problem.

Bruce Sanchez-Resident of Melody Ranch: Let's see, then, to remember on July the 18th, environmental suggested to Melody Ranch Water to have the residents boil water. It was only a suggestion, and the reason being is because the pump system that they're using is capable of 40 gallons of water per minute, but because their pump is only producing four gallons of water per minute, number one, that

Alan Manning-Resident of Melody Ranch: What about eminent domain? So, is there a way to take over based on that? You know, bit of the people, it's like taking the roadway or something. The other thing is, emergency services, where can I point fingers to everybody in this whole deal? You know, I wish I had known that there's no water when I bought my house. Now I'm thinking that something's probably even hopefully not telling you that. How can you find a solution to get it.

Ryan Schwabach-County Chairman: The Office of State Engineering has nothing to do with beyond the wealth, and they have nothing to do with the system that's a rural water authority and that's environmental. If you start, and I'll sit here and say that State Departments that regulate this are not up to date, you can look at the town of Estancia. If you go there, Town of Estancia has a capability of about 600 gallons a minute, according to their website. That's nowhere close to that, because they haven't kept it up to date. So, when I started looking at this problem, there are multiple parties to you as residents, because you are under a water system that is regulated by the PRC, that is under the Rural Utilities, theoretically, that gives you the confidence that your government is making sure you're taken care of. They are not. They aren't regulating anything. So, I'm simply stating that for people to mull it over.

Bruce Sanchez-Resident of Melody Ranch: PRC is only on the regulation side. That would be the state office of the State Engineering.

Ryan Schwabach-County Chairman: So, if that's the case, one, how come it wasn't enforced 10 years ago by PRC, if they have to have two months? I think that's a valid question, because I think there may be more responsible parties than just the owners if they fall under PRC. How come PRC hasn't been doing their job throughout the years?

a second well

case of an emergency. Well, guess what? We're in an emergency and we don't have days, that a secondary well always needed to be in place for that Community in It's always been my understanding, from the old PUC days to the present PRC question, is if they had a permit for 10 years, why didn't they do anything with it? waving around was 10 years old. So, my question, and it's been a standing with that was after I spoke to environmental as well. The permit that they were Ranch Water started waving around. We have a permit to drill a well. Problem room for contaminants to get into the water system. At that same time, Melody pump is going to burn out. Number two, because of the low volume, there's more

You know winter's coming, and you know winter without water, and it is a whole lot different to bear than summer without water.

Michael I. Garcia-County Attorney: To answer your first question, sir, the question about eminent domain. The short story is, it's complicated and expensive and takes a long time, very possible. I guess the other aspect of that too is, I don't think Torrance County would want to be doing that at the same time as EMWT is maybe going to acquire it. So, there are kinds of mutually exclusive solutions there. Then the other question, I mean, I can maybe defer to our Emergency Manager about what options they have. Samantha O'Dell, she can try to answer your question.

Samantha O'Dell-County Emergency Manager: So, to address a few things that were brought up, as far as the State knows and the State is aware. I have had, I couldn't even tell you how many phone calls at this point with the State Department of Homeland Security and Emergency Management, and the State Fire Marshal's Office falls under them as well. The State has advised me that they're unable to assist with any of this because anything it comes back to the private ownership. So, what they've advised is that they are not able to assist with any of these things, anything that's done would kind of be the County choosing to take the liability and cost on their own. Department of Health, Rural Water Authority, Environmental Department, Drinking Water Bureau, all the agencies is really we've all been in contact with each other, and it always comes back to the same thing.

Working with the state, the Emergency Operations Department for all of this now, reach out to them. It's that it's a public entity, so we're not able to, you know, they're not able to provide the resources I did. I spent numerous hours making phone calls and doing research to see what could be done. We've not been able to find any resources as far as tankers and water and such. Other than this one quote that's provided, what I've mostly found is companies who can haul water, but they don't have the ability to leave the tanker like the water authority does, or to have a storage tank that's, you know, something separate that would have to be purchased. They fall under Department of Homeland Security and Emergency Management, so they would not be able to assist with this either.

J. Jordan Barela-County Manager: Mr. Chair, just to make a quick point, to the declaration of emergency, a term that was brought up a couple times was public health emergency. Even though this body has the ability to invoke a local emergency declaration when it comes to a public health emergency that can only

happen in consultation with public health officials, which would be the Department of Health, they would have to be in concurrence that this is a public health emergency. in talking to the State and the Department of Health, we've been notified that they haven't viewed this as such.

Samantha O'Dell-County Emergency Manager: If this Commission chose to declare an emergency over this, it would still have to go to the State. It would be up to the State Director if she actually accepted this as an emergency.

Ryan Schwabach-County Chairman: Public health or state of emergency?

Samantha O'Dell-County Emergency Manager: Either one, it would have to go through her, she's kind of a step below the governor's office at that point.

Ryan Schwabach-County Chairman: What good would that do?

Samantha O'Dell-County Emergency Manager: It really wouldn't. Because she said that she would not accept it as an emergency.

Ryan Schwabach-County Chairman: But even if she did, what would that do?

Linda Jaramillo-County Commissioner: Would they give us funds?

Samantha O'Dell-County Emergency Manager: Then it would go to the Governor's Office for the governor to determine if it met the requirements and was appropriate. But every time that we have these conversations, it comes back to, it's a privately owned entity that is supplying the water.

Ryan Schwabach-County Chairman: so that every time it goes back to that singular problem.

Linda Jaramillo-County Commissioner: It's a privately owned subdivision but the citizens are not owned by those. I mean, they're the ones that are suffering.

Ryan Schwabach-County Chairman: Well in many people in this County. I

mean, this is not, sadly enough, it's not a unique problem. You go apply for a permit, I'm going to say Yes, and I can't guarantee water. But you go to the State Engineer's Office, and unless somewhere in there, because the way I read the law, and I have a lot of irrigation rights, I have a lot of residents, the way I read the law, if you have deeded property resident of the state of New Mexico, you have the

ability to search for water. It doesn't guarantee you will get it, but you have the ability to provide water for your family

Linda Jaramillo-County Commissioner: So, the issue at this place it's not that they don't have the water underground, it's just that the system that's in place is not working well.

Ryan Schwabach-County Chairman: So that's a million-dollar question.

Bruce Sanchez-Resident of Melody Ranch: Another thing, Commissioner, is that when we all bought into the subdivision, there was list of covenants. One of those things, one of the rules in the covenants, says that you cannot drill a well.

Ryan Schwabach-County Chairman: Talk to me about how you change covenants.

Michael I. Garcia-County Attorney: You probably would have to get the residents, or at least a good majority of the residents of the area, to vote on it.

Ryan Schwabach-County Chairman: How hard would that be to change that one thing in the covenants, to allow you to drill a well, See my point?

Michael I. Garcia-County Attorney: That's part of it. I don't think I've got the whole thing. Sometimes the developers have to be involved around but you can do, I mean, it's possible, it's doable. You can change covenants. Sometimes, well, and another rule about covenants is, if they've been violated periodically over time and nobody's enforced it, it pretty much becomes unenforceable. Yes, not that I'm encouraging you.

Ryan Schwabach-County Chairman: Covenants is not law. And correct me if I'm wrong, to uphold covenants, it takes civil suit Exactly.

Michael I. Garcia-County Attorney: You'd have to go to court to uphold it to enforce.

Ryan Schwabach-County Chairman: I don't know if the State Engineer looks at covenants.

Linda Jaramillo-County Commissioner: The owners have already failed in keeping up with their covenants anyway. I mean, they haven't upheld their part of the Covenant.

Ryan Schwabach-County Chairman: The Covenant says you are not able to drill a well because there's a water system. You don't have a water system, and I got to be honest, why are you paying a bill? I have no clue if anybody's writing that check. I would not, but that's just me.

Alan Manning-Resident of Melody Ranch: If you don't pay your bill, if they do fund that online, they want \$500.

Kevin McCall-County Vice Chair: But add that up over time and what you're paying with no water, it may be better.

Ryan Schwabach-County Chairman: I'll go back again to when you asked me if you're going, what would I do if I was in that situation? The last thing I'd be doing is relying on what the owner of that system is telling me I can or can't do. That's the last thing I'd be doing. Next thing I'd be doing is taking matters into my own hands, along with my neighbors, in every avenue possible, which involves, I mean, you guys have done a lot of it, but again, now we're going to the PRC, and I'll tell you this too, when it comes to private property rights, whether it's a business, whether it's you, I put that above getting water. I put that above everything else. So, this company, even though they are not ethical, still has that protection of private property but you have rights as a private property owner also. You need to exercise them. You need to push the envelope. You need to talk to some Water Attorneys and take matters into your own hands. I don't think PRC is doing everything they can, but again, because of state statute, state law, they are limited on what they can do and help us. They can do it.

Same with the County, re-drill a well. You can get a replacement permit, I'll almost guarantee that. You could have a well driller within there, if you got the money within a couple of weeks, whether or not you get water, that's up in the air. Last question, but none of that can happen until ownership of that is taken care of. You can't get around there's no way to get around that. PRC, as far as I know, is the only mechanism they can put solid pressure. But now here's the flip side. Let's say PRC invokes these fines and this company files bankruptcy. I mean, that's the American way tied up with attorneys for a long time, so I would no longer wait. I would exercise every ability I have as individuals to take care of water within deal. I would pull up everything you signed with those covenants when you purchase

Bruce Sanchez- Resident of Melody Ranch: I think basically what we're waiting on right now is for the final hearings to be done with the PRC, so that the findings can go to District Court for the change of receivership. The Commissioners are in favor of it, but they didn't want to do anything as of yet, leaving that door open for the Commissioners to create receivership at a later date. Because of the mess that

Ryan Schwebach-County Chairman: So, let me ask you a question. Somebody said, I have no idea if it's true, that if you have a water utility, you have your primary well, and you have a backup. A well, that to remain in compliance to be a public utility authority or is that just how it should be? No, there's no hand forced. I don't think anybody can answer that question, but that is a relative question. Because in my mind, if you the residents gave up some of your personal rights to what you thought would have water delivered to your place. In turn, you're given the insurance, quote, that it is a regulated utility that is going to abide by whatever is out there. I think that's key to look into. Because if that's true, some regulatory authorities never did their job. I'll sit here and tell you, \$31,000 is ridiculously cheap. That will not cover the cost of any upkeep. Barely cover the cost of delivery. Where was the regulatory authority within there? You see what I mean. Those are the details that focus on, again, I go back to an attorney. All I can tell you, from the County's perspective, if we can clean up ownership, if it can go to EMWT, we can act very quickly. We can't do anything until that happens, I don't think anybody can.

Bruce Sanchez- Resident of Melody Ranch: At one point we had two wells. The main well at that point was on Cottonwood Road and it went dry everything's collapsed on that one. So now there's a secondary well that they've been using, but they never did anything.

Linda Jaramillo- County Commissioner: One well for all of you is that what you have right now?

Bruce Sanchez- Resident of Melody Ranch: Generally, about an acre. There's some lots that are three quarter acres, but a lot of people have combined to an acre and a half, as far as that's concerned.

Linda Jaramillo- County Commissioner: How big are your lots?

that property. Where are their exclusions? You need a good attorney to be reviewing that and advising that knows water law within the state of New Mexico. I don't know if it's going to get you anywhere. I don't know what else to tell you.

this whole thing has created, and everything has to be done in steps. Unfortunately, their baby steps. Unfortunately, the residents want to see something going on instead of just hearing words. I realize, as well as our residents realize that the County doesn't have total power to take over that system. But we feel that the County does have the power to help us in any way that they can. With the fact that the tanker is going to be removed, probably by the end of this week, we're going to need something. We are going to need something because we can't live with a toilet that's full for a week.

Ryan Schwabach-County Chairman: I got to put this in perspective again. I hear what you're saying, but now, as a County, are we obligated to deliver water to everybody whose well that's dried up within the County. I'm not saying I'm not looking at, but you need to be able to look at our perspective, okay? There are some details that has to be worked out before I commit to that. The reason that tanker was there before is because it was in a specific fund, specifically for that situation. There's a reason it's going away because that fund dried up. So, as a County, if we sit here and start spending this much money. Without it being compensated somehow, that creates a major issue, both legally on public and on private donation causes. But also, with the other hundreds of residents that are in the same situation. Here, what makes your situation unique is that it hits 70 residents rather than 10 out of the 70. You're in a situation where you aren't sure what direction you can go to fix the problem. I go back to the individual landowner would have drilled another well, or said, I don't have money to drill a well. I'm going to get a system to haul water, and I'm going to live accordingly. You guys are in limbo. That's where the issue lies, because nobody's giving you answers. There's no deadline, and it's going to get changed, it's going to get fixed. That's what needs to be addressed. So, I get it, and I'm not saying we're not going to do anything or do anything. I'm just saying there's a lot of unintended consequences for whatever decision we make.

Alan Manning-Resident of Melody Ranch: So, do you consider this an emergency?

Ryan Schwabach-County Chairman: So, what good does an emergency do? It doesn't do any good. So, what I consider emergency is saying it's a state of an emergency for us to formally say this is a public health emergency, it does no good to the matter at hand. It doesn't change it.

Alan Manning-Resident of Melody Ranch: Okay, but if you did, we'd send that up to the governor's office, and then they can say if it's an emergency or not, and then we'll bring the public pressure to bear there.

Ryan Schwabach-County Chairman: So, I think that was answered, that that scenario was talked about, and they do not consider this a state of emergency.

Alan Manning-Resident of Melody Ranch: That's because they have not gotten a request from this Commission. They need to rule on that up there.

Ryan Schwabach-County Chairman: Is that how that works?

J. Jordan Barala-County Manager: Mr. Chair, so, the Commission can declare an emergency at any time. But essentially, the purpose and intent of the declaration of emergency is to free up financial resources that can be deployed to aid in the situation. Most of the time, those financial resources come from the state. To get to the point where a County declares an emergency and sends it up to the state. We would not only have to do that but validate that we've exhausted all internal resources before we get to that point. If the state provides information that they do not consider this an emergency, then then those financial resources at the state level will not be deployed to address the situation.

Alan Manning-Resident of Melody Ranch: It's not going to do anything other than declare an emergency. Why not? Because you've exhausted your resources, and so you want to send it up to the state through this emergency.

Samantha O'Dell-County Emergency Manager: The State Director, who's already said that she will not declare this as an emergency. But if the State Director declared it as an emergency, it still falls into the state. The state is not going to give that money because it's a private entity.

Ryan Schwabach-County Chairman: It would be no different if it was an individual homeowner. It just would be different. I mean, I think the Town of

Estancia, you guys went down that road, and the answer was, you have not exhausted all of your resources. However, had you exhausted your resources, you potentially could have had some state funding. Is that correct?

Amy May-EMWT: That's why we didn't go all the way forward with the state of emergency. We just were on the verge of one because the state wasn't going to

Linda Jaramillo-County Commissioner: That will make a statement from the Commission that we do consider this a state of emergency, even if nothing comes

emergency.

Ryan Schwebach-County Chairman: I agree. Let's answer that question, what harm does it do declaring a state of emergency? Where's the harm in that? Because I guess I haven't thought about it, though, you know, because I can't argue that with the potential public pressure, where's the harm? And decline the state of

J. Jordan Barela-County Manager: Mr. Chair, just a quick variable here. I mean, you brought up the example of the Town of Estancia, and as we talk about exhausting financial resources. Another factor in play here is because it's a private organization. I don't even know that we have the ability to exhaust financial resources, right? If it was the Town and their water system, and they're a government organization and they had put more money in. They had put assets and resources in. They needed help at that point in time. I think that's a different scenario. legally, we can't necessarily exhaust any financial resources in terms of helping a privately owned water system. So, I don't know if at a fundamental level, we're going to meet that criteria.

Alan Manning-Resident of Melody Ranch: That's declaring an emergency in this place. It doesn't hurt anybody here. It could help us.

Ryan Schwebach-County Chairman: You know, hang on you. We get public pressure all the time, and I get it, but it doesn't change statute

Alan Manning-Resident of Melody Ranch: But you know, let the public pressure come upon them.

Ryan Schwebach-County Chairman: That's what we're getting at. so, we look at this, declare a state of emergency. But again, it's a full circle. Again, I have to go back to the heat.

Amy May-EMWT: No, that was on our part to find them.

Alan Manning-Resident of Melody Ranch: Well, did the state identify those other options to you?

and other options we could go. release the money for it, because there was other trust board money, grant money,

of it. But we have made a statement. We feel that it's an emergency, even if they don't agree. We know, because these are our citizens, that we feel it's a state of emergency for the citizens.

J. Jordan Barela-County Manager: Mr. Chair Commissioner to that point and Samantha, you can correct me if she feels differently, but, but I don't see that there's harm or ramifications in it outside of knowing that, if the intent of it is to make a statement of the Commissioners of this County. Knowing that, that's likely not going to go anywhere. I mean, I don't see negative ramifications in terms of doing it.

Ryan Schwabach-County Chairman: The reason I say that is because, when you start having Counties exercising state of emergency, and there's other avenues. Well, when you know declaring, we've declared this County as a sanctuary County. So same thing, when you start looking at memorials at the stadium. We're making a statement that this is where we stand, when we believe, and where the potential consequence comes 10 or 20 years down the road is they start looking at that in a set, setting precedence or new laws, and so I'm not against it, okay?

J. Jordan Barela-County Manager: I'm talking out loud. Another factor there, Mr. Chair, and I do agree with that statement, is I don't necessarily know that the state, given all the information that we have been provided, would necessarily look at that in a good light. I don't necessarily know that has direct implications, but it certainly could.

Linda Jaramillo-County Commissioner: But it is kind of a state of emergency, because after this tanker runs out of money, they have no option. **Ryan Schwabach-County Chairman:** But then why don't we declare a state of emergency for everybody else that doesn't have water, the well's dried up. That's my argument.

Linda Jaramillo-County Commissioner: Because this is kind of a unique situation. Don't you think?

Ryan Schwabach-County Chairman: 70 residents in one system versus 70 with their own well, what's the difference?

Linda Jaramillo-County Commissioner: Because they don't have any other option, but these tankers that they can't get any more water after we've exhausted what we were able to help them with.

Ryan Schwebach-County Chairman: But they can haul water, but they can have their own system they might be able to draw. I'm not saying one way or another. Please understand that my way of getting through information is to bring all sides out. So, I'm not saying one way or another, I am trying to think through the art.

Michael I. Garcia-County Attorney: Mr. Chair, if I may, yes. Yet another, maybe not a great idea, but just something to put out. There's nothing that would stop you, all you folks, from contracting directly with the company that hauls the water that we would be contracting with. You could do that without Torrance County being in the middle. You could even form your own LLC or corporation, if you wanted to, and have officers to manage it and manage the distribution of the water. So, nothing stops you from doing that. If you all are so inclined to get a lot of people together to do it.

Kevin McCall-County Vice Chair: I've got an idea that I want to see if we can shoot some hole into Okay, City of Moriarty has the Tillery tank just down the road, because it's the City of Moriarty, Torrance County, and I'm talking about a band aid. Can the County not pay the City of Moriarty set up a temporary filling station, but it's potable water. It's a mile and a half, two miles down the road from that tanker, but it's a government agreement. Michael, thank you, but I think they would be willing.

Michael I. Garcia-County Attorney: Commissioner McCall, I don't see any problem with that. Again, I'm not trying to get up on this. But if there's consideration, if there's payment for it, that the people who are getting the water paying for it in some fashion, I don't think that that's a problem. Of course, the City of Moriarty would have to agree to it.

Kevin McCall-County Vice Chair: It's temporary fix, I know, and I understand, but I'm trying to look economical than these quotes.

Bruce Sanchez-Resident of Melody Ranch: In a lot of the conversations that I've had with NMED, they've been saying that a lot of the wells and a lot of the small water systems that are privately owned in the area have been going dry. We all know that. They also said that State Engineer's office has basically put a hold on

drilling. But in an emergency situation, they think that the State Engineer will approve of something.

Ryan Schwebach-County Chairman: Let me expand on that. So, this basin has been a closed basin to new water permits since the early 90s, so no new appropriations have been given out. There was probably about 250,000-acre foot of permits that were never developed. Later in the 90s, the state said we're not going to allow these, these permits are called paper permits. These permits are going to expire. They will not be renewed. So now you get into the water, do you have water right? So, residents do not have a water right? A resident has the right to drill a well for a quarter acre foot of water, okay? That's where I say you can drill a well. You have to get around the covenants. I'm not convinced the State Engineer is even going to ask that question, but I do not know. Okay, so, to answer your question about drilling the new wells, you're not allowed to appropriate more water, but you are allowed to drill replacement wells. So, these wells are going dry. I mean, I think you're the first of many of these small water systems that are going to come into play. I think everybody needs to be aware that there is a push from outside of country and companies that are buying up these systems, which is all different topics. You have the right to replace that? Well, you don't have the right to divert more water than what you are licensed to do. That's what they're referring to on closing the base. So, because your existing well within your system has been established. It's a slam dunk. You can move in there and drill another well, but it costs money, and that's where the issue is.

Bruce Sanchez-Resident of Melody Ranch: One thing that I did propose at one time to NMED, knowing that you got Environmental Office of the State Engineer and the PRC involved at that time. Why couldn't everybody get under the same roof at the same desk, at a conference table whatever, and discuss ways to get this going. But I would like to add another group right now, which would be our Commissioners to get involved in that same type of dealing with all the different entities that are involved. So, we can hopefully come up with some sort of a plan.

Ryan Schwebach-County Chairman: We have a plan in place and the duty this Commission, and then if we can get an agreement with the private system, we can implement that plan. That's the issue again. You go back to that is the issue for all of us. You can't force their hand. You know, that's the sad part. You can't force your hand, and you have got to go back. I think people need to be looking at buyer beware type of thing, because this happens quite a bit when you purchase that property. It was you who had covenants, what you thought was secure water. This is the consequences when it's in somebody else's hands and this is this is playing

out in multiple areas and multiple residents within the state of New Mexico to get all the State Engineer does not care about a system an individual. They care about the Administration of the water once it's diverted. That's where your other players come in. They're never going to be on the same page, and they shouldn't be okay. The only time you see an engineer comes into effect is when somebody's looking to drill a new well, or deep in a well, or sending water reading of how many acre foot they pumped.

That's their only role, and that's how it should be, because they're administering the water, the safety of the water, the charging of the water, the delivery of the water, those are those other entities as a Commission. We're not a part of any of that. We can simply put pressure where we can and provide finances once, the ownership and paperwork is right. That is our only role, I mean, I hate to keep saying this I'm not against declaring emergency. I'm just again talking now you might be sitting here, if it's not going to hurt anything, I don't have a problem doing it. If it can help put pressure somewhere, I don't have a problem. All right now, because we're not on the agenda. You guys get frustrated. I mean, I've also seen the other side of it, where elected officials and government entities go rogue, and it causes more damage than not. I will tell you this, put it on the agenda for action at the next meeting, in which case we can get the pros and cons and make a decision. Also, specifically to define the state of emergency, I want to consolidate it to this one place. I do not want a blanket because I don't want to open that can of worms everywhere else within the County, look at a duration and tell the problem solved. Can we tie it to the PRC, speeding things up? Can we put things in there to where we could potentially look at, I don't know what we can do.

Linda Jaramillo-County Commissioner: What about a well-share agreement if they get out from under this.

Ryan Schwabach-County Chairman: On one acre lots. Let's talk about the scenario through to one acre loss, one well would supply those five in as a well sharing, and it's considered, it's not considered domestic, mutual. You have to get over your covenants again. You need advice from an attorney, an attorney that is well versed within water law.

Bruce Sanchez-Resident of Melody Ranch: I wish there was a simple answer to all of this. Unfortunately, there's not.

Ryan Schwabach-County Chairman: So, that's the other, Mr. McCall came up. I think that's an excellent idea. So, since how we do have this on the agenda for the tanks, the existing water tanker is there for how long?

Bruce Sanchez- Resident of Melody Ranch: The end of this week.

Ryan Schwabach-County Chairman: Personally, I don't think this is an option I want to exercise at the moment, because I think there's other directions. I do want the option with Moriarty voted. Mr. McCall, reach out.

Kevin McCall-County Vice Chair: I'll the call Mayor I'll first start with Mayor Webb, go there, but I probably need direction from Council and or maybe council may be involved, and I don't need to be.

Michael I. Garcia-County Attorney: It can be the two of us together.

Ryan Schwabach-County Chairman: I don't know the logistics of that. I do believe that you can justify that as long as there's an exchange of money. I think that's a very good possibility, regardless of what decisions are made. I'm telling you guys, do not wait for the government. I cannot stress that enough. I wish we could act fast.

Bruce Sanchez- Resident of Melody Ranch: I know since the beginning of June, with all the different entities, myself, and then dealing with everybody and talking to everybody, and at the same time relaying the messages back to the Community.

Ryan Schwabach-County Chairman: The Community needs to take matters into their own hands. They need to exhaust every possibility. They need to understand their covenants. They need to understand what the State Engineer will and will not allow. they need to understand cost of getting their own pumping system within their household, because the state of New Mexico says you have the right to go after water. You do not have the right to infringe on somebody else's law, and you're not guaranteed water. That's what you need to remember. So, you need to take those 30,000-foot view parameters, and you need to apply them individually or as a group, without outside of that water system to put things into place. You talk about pressures on emergency management. That's the same type of pressure when the residents come up with a solution on their own that puts same type of pressure on them. I mean, that's just the reality. It's just the way it is.

Linda Jaramillo-County Commissioner: So, since this has been an ongoing situation, do all of you have these? I've seen them on the road, the plastic tanks that you fill and you bring water. A lot of you have that.

Bruce Sanchez-Resident of Melody Ranch Not everybody. But some, I would say that over a third of the Community has gotten tanks and have hooked them up to their main inlet going into the house, but then they got a disconnect and go off somewhere by the water, come back over, re-hook up. It's not that big of a deal.

Ryan Schwebach-County Chairman: So, there are systems out there. You can go to Tractor Supply, you can look at why they manufacturing, talk to most well drillers and get a little trailer. I mean, my father-in-law has been hauling water off 217 ever since I started dating his daughter. Point is there are systems out there. They're relatively economical. Question is, where are you getting the water from? Are you getting potable water? Are you getting non potable water? I mean, the City of Moriarty is a prime example. I think EMWT, are we closed on that one system? EMWT is operating system. Could they sell water out of that system? It goes back. So, this is where the State Engineer comes in. If they have, let's say they have water rights in this one system for 100 homes, but they only have 50 homes. They have the ability to sell extra water. Okay, because they've already converted it to consumptive use.

Your situation is based on the acre foot of herd, they don't have any extra excess water, and it's filled up with the 70 residents that are there Moriarty. They worry about their well consumption, or their well draw down, or going into the winter months, which means their wells will pump more in better shape. I mean, there's a lot of avenues, I mean, residents need to get educated on water. Because you guys have heard me preaching from this up here for a long, long time. I've been in the business for a long, long time, and that's the only reason I'm versed in it. If I was a resident working somewhere else and not involved, I don't know my ability. All right, do you need to move on? I wish I could wave my magic wand. You can ask Mr. Barela. I mean weekly, biweekly, I'm on an update if there's anything new. This Commission is acutely aware of the situation and we're ready to act on the opportunity. So, directions for the next meeting. We're going to get an answer on declaring a state of emergency, and then we're going to look into Moriarty water situation.

Kevin McCall-County Vice Chair: I've already sent a text to the Mayor to call me, and we got some discussion.

Ryan Schwabach-County Chairman: Okay, meantime, keep Mr. Barela informed if you guys get outside information on whatever direction you go.

Kevin McCall-County Vice Chair: Chairman, I just want to commend you on today in the meeting, I think you've done a fabulous job coming up with solutions. Hearing things, getting things done. But I think these citizens at least listen to us. You don't have a chairman very often that has that kind of insight and that kind of knowledge, and I think you showed it today, and I'm very proud to serve next to you.

Action Taken:

Ryan Schwabach-County Chairman: Motion to approve.
Kevin McCall-County Vice Chair: Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwabach – County Chairman: - Yes: Kevin McCall – County Vice Chairman: - Yes: MOTION CARRIED

F. HUMAN RESOURCES: Request Approval of an Unauthorized Purchase to Robert Caswell Investigations in the Amount of \$5,572.16 Due to a Purchase Order Not Being Reopened in FY26.

Heidi Vermaak - HR Director: Good afternoon my name is Heidi I'm the HR director. I'd like approval for this amount of these.

Ryan Schwabach-County Chairman: So, what was the oversight? I'm confused about why this is before us.

Heidi Vermaak - HR Director: There wasn't oversight. I didn't know that we didn't have a contract with them.

Ryan Schwabach-County Chairman: We paid them, and we didn't have a contract?

Heidi Vermaak - HR Director: We paid them last year, and I thought we were under contract, but we were not.

Ryan Schwabach-County Chairman: We under contract now? I'm confused.

Sylvia Chavez-County Clerk: It puts a lot of added work into an already complicated process. The Clerk's Affiliates, we have an ongoing conversation via email. There were actually within the whole state, 41 people that filed for write ins. Which is unusual, and of course, Torrance lead the bunch with six. So, in the municipalities for the Village of Willard, I had two people do write in for Council positions, which was Franchesca Baca and Ricardo Garcia. For Mayor in the Village of Willard was Herminio Garcia. For Estancia for a Trustee position, I had Timothy Gerald Roberts declare. For Mayor for the Town of Estancia, Boyd Vardy. Then in the Mountmainair School District, which this one I can understand, because they did have two positions available, but only one person had actually declared for candidacy, so they did have an actual vacancy. So, Charmen Padilla

Ryan Schwabach-County Chairman: Is that complicated?

Sylvia Chavez-County Clerk: Good afternoon, Commissioners. I just wanted to give you an update. I did have write in candidate day last Tuesday. I had six people come in and file for write in.

A. CLERK'S REPORT:

14. DISCUSSION/PRESENTATION

MOTION CARRIED

Ryan Schwabach-County Chairman: Motion to approve.
Linda Jaramillo-County Commissioner: Seconds the motion.
Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwabach – County Chairman: - Yes: Kevin McCall – County Vice Chairman: - Abstain:

Action Taken:

Ryan Schwabach-County Chairman: Oh, now I understand you thought we had a contract, but you needed a quote because we didn't have a contract. Now we understand.

Misty Witt-Deputy County Manager: I can give you some clarification. Mr. Chair, Commissioners, generally looking for peaceful investigations, and we get a quote for each one of the services that they provide. You don't have a professional services contract. In this instance, I think HR assumed, because we usually use them, that we had a contract. Instead of getting a quote, she went ahead and approved the purchase.

did come in and did a write in for that position. I did have one candidate withdraw from a race, and that was for the Estancia Municipal School District Randol Riley withdrew his candidacy. So, he's no longer on the race at this point. What we're doing is getting in touch with all of our precinct workers to see if they are willing to work. So, I'm asking anybody present if they know of anybody in the Encino area that would like to be a precinct worker. I am short two people, so if anybody would like to be a precinct worker and would like to go to the Village of Encino on November 4.

Ryan Schwebach-County Chairman: So, they don't have to be from Encino, that is just where you need them?

Sylvia Chavez-County Clerk: Because we are what we consider the voting convenience center. Anybody throughout the County can go to any polling location because of voting convenience centers. I had that conversation with the Secretary of State's Office, and we looked over the numbers. I'm just letting you know that it's probably going to be something in the near future, obviously not with your terms. But in the new future, it's something for the Commission to consider that Duran and Encino, most likely, is going to have to go to an all-mail ballot. Just because of not being able to find people to work on election day. Then, of course, the amount of people that actually go out to vote. So, you got to look at the cost versus what is actually being out there. Of course, it'll never infringe on anybody's right to vote. They're just going to automatically receive their ballots in the mail instead of having an actual polling location.

Linda Jaramillo-County Commissioner: Do you know, off the top of your head, how many people vote in Duran and Encino?

Sylvia Chavez-County Clerk: There are 20 voters in Duran and 30 voters in Encino. Your overhead cost of having your precinct workers, delivery and having the actual election equipment out at those two polling locations doesn't out compensate your voter amount. So, I'm just letting you guys know in the future, and it may not even be during my term. But it could be a possibility that those two precincts at some point go to all mail ballots. So, I just want to let the Commission know that September 25th and 26th are my projected dates for certifying my tabulators. So, that is open to the public. If anybody would like to witness us certifying the tabulators for election, you're more than welcome to come and view that. People can start requesting absentee applications for the upcoming election. You can either call our office, or you can go to NMVote.org and request your absentee application. So that's all I have for now.

Linda Jaramillo-County Commissioner: It's very rare that write in candidates can win an election. But in a small election, like Willard, you have maybe 80 people, it's a possibility. So, I think in our RLE elections, they think, hey, we have a good chance at this.

Sylvia Chavez-County Clerk: So, I asked these candidates, just for my curiosity, as to why they waited or did declare as a write in. Pretty much the resounding answer was, I didn't like who declared.

B. MANAGER REPORTS

J. Jordan Barela-County Manager: Thank you, Mr. Chair. I just wanted to give the Commission a quick update. I think it was just a few days ago. The governor did post her well, she called for a Special Legislative Session starting October 1. She did post the agenda item specific to that session. A lot of stuff on there related to rural health, and some public safety items. The one item that was not included on that was the ice contract and House Bill 9. So, I don't know the background in terms of why that didn't get on the agenda. It's not something we're going to have to address right now, but I fully anticipate that the session will come in January, that's going to be another topic of discussion at the legislature. So that was one item on an update the Commission.

The other one is related to the fire district consolidation, and so Chief Smith wasn't here today. The resolution essentially disbanding our current fire districts and reconsolidating them into an order and southern region that's been completed. We had it on the agenda today until Chief Smith had to get pulled to Albuquerque, so we went ahead and took it off, which is probably in the best in regards to the State Fire Marshal's office having to review that anyway, so we sent it to him in the interim, because we didn't want to present something if the State Fire Marshal's office had some requested changes. But that process is almost finished, and so at the next meeting, there will be a formal presentation from the Chief regarding what that looks like, what the map is, what that means for the districts as, it's structured. Right now, there will be a Northern and Southern District. But as far as mapping concerns, it's the Chief's intent to keep the district boundaries what they are with districts one, three and five making up the northern region, and two, four and six making up the southern region. Then the last item I wanted to update the Commission on, we are working on an economic development project right now with a number of parties, and in all honesty, Deputy Manager has been the one

really spearheading this effort and putting this together. So, I'd really defer to her to put some specifics together.

Misty Witt-Deputy County Manager: Thank you, County Managers
Commission. So, we've had independent conversations with both Commissioner McCall and Commissioner Schwebach. So, we have a little bit of background. I don't think this will probably be the news for you, not a Commissioner, but we are currently working on a concept for a center for rural entrepreneurship. Basically, it would focus on some ag tech, potentially renewable energy, those sorts of things that would be specifically applicable to our area. We are working with a partner right now who is an entrepreneur himself, but he has also successfully ran a business incubator, co-working spaces and provided programming for startup companies. The other partner that we're kind of talking with at the moment is NMSU to provide some ag specific education in the area, as well as potentially CNMEC to provide some trade specific training. So really the focus of this would be, it's not something that we've ever heard of before, so I think it's kind of an out there new concept, new program, or to see if we can make it work. But it would be kind of blending those business incubation services.

Whether that's bookkeeping, legal services, that sort of thing, training people the basics of that, but then going a step beyond that and providing training that would be really applicable to the industries in our area. Part of the reason we wanted to take this particular approach and see if it's viable for us is we know that infrastructure is an issue here to bring in new businesses and manufacturing plants, things like that. We don't quite have the infrastructure up and going yet, but what we do have is a lot of current ag businesses, and we have wind farms, and we have solar farms, and we have these other industries that are here, and we have workforce. So, this program could train, potentially, train the residents here to fill that need in those current industries, in that workforce, and so hopefully, through this program, we can identify some of those things.

We do have a brainstorming session coming up on Friday, County Manager and I will be meeting with a partner that runs the business incubator to kind of formalize this concept. We will have another meeting coming up in two weeks from Friday, and that will be a brainstorming session. We would really like to get together as a County with this partner for the business incubation. We would like to get input from the industries in the area. So, the farms, the ranchers, from the wind farms, from the solar farms, to really pinpoint those needs for our area specifically, it's going to be a lot different than what Albuquerque needs or Santa Fe needs. So, we really want specific feedback from those who operate those businesses here, and

what would be advantageous for you. So, that's what the second brainstorming session is all about.

Ryan Schwebach-County Chairman: Did you set a date or no?

Misty Witt-Deputy County Manager: So, the 19th will be the brainstorming session. So, after we have these brainstorming sessions, we plan to have formal discussions with the State Economic Development Department. They are aware of this idea and the program that we have. They seem pretty interested in it, but we wanted to have this concept built before we went to them as a formal presentation. So, we'll be doing that. And then, you know, following that economic development presentation, we'll be doing more formal presentations. Then, as you see and AC, they're also already in the conversation and aware that we are looking at this, but that's where we're at.

Linda Jaramillo-County Commissioner: So, is this training for people to work for these entities?

Misty Witt-Deputy County Manager: Yeah, so part of it could be getting somebody certified to work on the wind turbines. It could be getting somebody certified to be a drone operator, to do different operations for ranches or farming or even the wind turbine. So, you have to use drones for that. The other thing in some of the feedback we've gotten in our preliminary discussions is that there's even a need for equipment operators and welders and electricians, some of those trades that can really service wind farms and solar companies, potentially farms and ranches, depending on the technology they have. So, it's a broad area that could be covered by this program, and it could service our current ag industry.

Linda Jaramillo-County Commissioner: So, all these entities right now do not have those options. I mean, there are scrambling to get people to work for them, or how are they doing that?

Misty Witt-Deputy County Manager: Now, I think that, from our conversations, there is definitely a struggle to find the local talent to do this. I think that we have potential. We have residents that live here that just may do the certification. I know specifically, like for the wind farms, there's only, I think, two organizations around the state that will certify the wind farm tech. So, we need to bring that accessible to the residents here. This is where they live. This is where the wind farms are. So, if we can get them certified to work here, that's really the goal. So that's one example of that.

Linda Jaramillo-County Commissioner: So, they're using outside people outside the County to do this work, and you're wanting to have County residents do the work?

Misty Witt-Deputy County Manager: Right now, about 80% of the wind farm labor is coming from out of state. So, if we can bring that 80% or even a small portion of the County, that would have a huge impact.

J. Jordan Barela-County Manager: Commissioner, it's also a huge win for the wind farms, right? One of the difficulties is, especially in Torrance County, housing is also, so when you're bringing in labor from the outside, it is very difficult to find a place to stay. pretty significant travel times to get to and from work. Because of that, there's this high level of turnover within the organization, because people do get burned out. so you sort of satisfy the need of employing County residents, but also likely get a labor force that's relatively stable for these businesses, because they live locally, and so it's a pilot program, certainly, but the hopes are to get some type of a footprint of business incubation and entrepreneurship training locally, because that's something that has not been in this area, ever as Far as I as far as I know.

Linda Jaramillo-County Commissioner: What is this term business incubation?

Misty Witt-Deputy County Manager: It's going to teach you the skills that you need to run a business to their own business. Maybe I never have business things like that, and so it's just really going to give you the skill set and the resources that you need to be successful in running a business. I mean, it's there's a lot to it. We talked about this a lot with Commissioner, but it's hard to be the one on the tractor and keep your books and go out there doing the marketing. So, the business incubation kind of helps pile that in and give you the skills or resources for those other items, like your business success.

Ryan Schwebach-County Chairman: So, when you look at business the purpose of that. So, when you start looking at new businesses, in the first two years you're most successful. That's where you're going to fit. So, you look at the failures on that the vast majority of them, if they had good work ethics, a good idea, good market, that's what gets you to do it. The failure comes in because they don't have the behind the scenes, resources, knowledge and or time, and so that comes in. I'll give an example my own shop. I can grow the grain, I can make good malt and go talk to a brewer, but I don't have a clue, on the social media side, that's my weak

link. Business incubation helps those weak links. So, she was referring to bookkeeping, how do I pay employees? How do I deduct those? That is the purpose of it to where it gives just a little bit of knowledgeable feedback, and for a guide tomorrow, inclined to take a risk and say, I want to do this.

C. COMMISSIONERS' REPORTS:

1) Commissioner McCall, District 1

Kevin McCall-County Vice Chair: I asked County Manager to throw out on his affiliate with other County Managers to address this beauty issue that we're having with NMDOT. Mayor Dean, and it does look like it is becoming more of a widespread issue across the state, not district, not with just district five, who we've been dealing with, but it is starting to show up statewide. So, I wanted to report back to you on that. Also want to report on the fairgrounds. We got some bit of bad news this last week, as we're getting closer to bidding the fairgrounds, the current drawing, as we had it, came in at \$7 million we've kind of asked the architect and the contractor to take off the entire office building for the extension and that whole wing that runs east and west.

Linda Jaramillo-County Commissioner: What is that leaving?

Kevin McCall-County Vice Chair: Arena, washing station, and bathrooms.

Ryan Schwebach-County Chairman: Take of which one?

Kevin McCall-County Vice Chair: Take off east and west.

Ryan Schwebach-County Chairman: So, we're just looking at North and South.

Kevin McCall-County Vice Chair: With the bathroom sitting off to the east side there. That was the proposal. We have got to shave \$2 million off this project with the current budget proposals that he's got right now. So, stay tuned. They're going to get back to us. But it was a bit of bad news that we went down this road and got excited and realized we couldn't afford it.

Linda Jaramillo-County Commissioner: The arena is that part of the fairgrounds that they show the animals in that's open now.

Kevin McCall-County Vice Chair: It'd be close to that area.

Linda Jaramillo-County Commissioner: How big is that arena? I'm sorry right now that we're closing a lot bigger than what we have.

Kevin McCall-County Vice Chair: It's enclosed and it's fully heated and aired.

J. Jordan Barela- County Manager: Think it was just under 11,000 to say 12,000 square feet.

Linda Jaramillo-County Commissioner: So, it's basically the arena we have now, just enclosed.

Ryan Schwebach-County Chairman: No, it's bigger. So, I'm thinking, right, we're no longer doing the site that's going by the sheep barn.

Kevin McCall-County Vice Chair: I hope that's wrong, but right now, that's what we asked him to possibly shave off.

J. Jordan Barela- County Manager: Mr. Chair, Commission. If I could add to that, one of the things that was a big talking point, and why we had that discussion so early and made the determination to move forward with putting at least the arena space out right now, is because we do run into some timing issues. So, they have to get the metal building, the pre-engineered metal building, secured. I think the determination was to at least right now, get that component done. Get the arena done, get the materials ordered, and then evaluate the budget once they get some better estimates in. But honestly, when we asked them, how much square footage would we need to cut off to get in at the current price per square foot estimate that they had, and it was 8000 feet, which essentially doesn't leave you much play. So, you may get to a point where it's like, yes, you can do that building, but you're going to have a 10th of the square footage that you initially anticipated.

Linda Jaramillo-County Commissioner: So, when we get the initial amount that we need for this. Then after you actually go out there and get the actual cost, that's when it increased that much.

Kevin McCall-County Vice Chair: There was a bust somewhere. Whether it be in the architects and the price of construction right now. I'm not going to speculate as to where the bust was. But obviously, the fact we're ready to

order a prefab metal building and the cost come in, we're pretty close to knowing where the costs needs to be. They're drilling them down.

Linda Jaramillo-County Commissioner: Well, an enclosed arena is nice compared to what we have right now.

Kevin McCall-County Vice Chair: Sure, it's nice. I mean, it should be \$4.9 million but I was hoping we'd get the whole project for that, if not just a tad bit over that. But it's not looking that way. I'll report back to you after our next meeting and just throw this out there. This could happen very easily with the administration building. There's your first bust in one project I see. I foresee another one could.

Linda Jaramillo-County Commissioner: I know it could. I know that might happen.

2) Commissioner Schwebach, District 2

Ryan Schwebach-County Chairman: I don't have much, but I am going to go back to, I mean, I'm soon after, after the discussion with the Treasurer's Office. So, I've been sitting here, and I've been thinking throughout this meeting, and I'm not going to beat a dead horse. But I am going to direct the Managers, because this is what the Commission can do within this situation. I want to know exactly all the job descriptions within that office. I want to know their salary, I want to know the hours that this accounting firm is putting in, get estimated hours to get it up and to see what they're going to charge. See if we actually have individuals within that office that are capable of doing what's required, and how we can test, I can't manage that office. I can't control it, but I can pull for strings, and I'm ready to do so until I get some answers. So, I would like you guys to prepare this Commission to move forward to where we don't jeopardize everything else ahead. That's all I have.

3) Commissioner Jaramillo, District 3

Linda Jaramillo-County Commissioner: So, after our last Commission meeting, I went out to look at some more roads in Torreon and drove the roads with them. The roads are pretty bad, but I talked to Leonard about it, and he's working on it. I

also have been talking to Chad Hamilton about the wall in Moriarty. I know that the County is giving \$8,000, right? Moriarty \$4,000, correct?

Kevin McCall-County Vice Chair: We put the first \$8,000.

Linda Jaramillo-County Commissioner: Then they stayed at four. Then, in Estancia?

Ryan Schwebach-County Chairman: That brings us to \$12,000.

Kevin McCall-County Vice Chair: I don't have word that Estancia gave four.

Ryan Schwebach-County Chairman: They gave \$4,000, so now we're at \$16,000. Is that right?

Linda Jaramillo-County Commissioner: Yeah, and I contacted CoreCivic, but they required that these people send them a letter. They never did, but they went ahead and gave them \$1500. So, I'm going to the next meeting with Chad and the VFW people to Mountainair. So that leaves us \$2500 short. So, I think Mountainair might be able to cover that \$2500 but we have to present it to them. So that gives us \$20,000 but then there's still repairs and things to do to that wall.

Kevin McCall-County Vice Chair: So, can you clarify Moriarty did give four, \$4000.

Linda Jaramillo-County Commissioner: Yes, weren't you there when they did?

Kevin McCall-County Vice Chair: We proposed, they didn't make a motion.

Linda Jaramillo-County Commissioner: Oh, they didn't make the motion.

Kevin McCall-County Vice Chair: Yeah, we just gave them what we did.

J. Jordan Barela-County Manager: Mr. Chair, Commissioners, in terms of talking to Luke, my understanding is that they did formally approve that, because I know he did go twice, but I can verify with him.

Kevin McCall-County Vice Chair: We were just under discussion, when Luke and I went.

Linda Jaramillo-County Commissioner: Then Chad and them are having a car show, for the bean festival, to raise some money for that. But if Mountaintair gives \$2500 then we have \$20,000.

Kevin McCall-County Vice Chair: Estacia already voted on it. So, we're good. Thank you.

Linda Jaramillo-County Commissioner: So, I got a call from someone in the Duran on area on Negra trail, and they said it was impossible. I had gotten other calls in that area, so I said, "you know what? I'll just come out and see it." So, I went out there, and it was I took my little truck that I just got, but I barely made it through, and I couldn't backtrack, because I would have been stuck out there. It's a County road. It's totally washed out. Did you talk to Leonard about it? Yes, I did. So, they said that they go to work on it. But I didn't notice that there's the windmills, the wind towers are all out there. There's trucks coming through. So, this particular road goes from the Cedarville area, and if you follow through, you end up on the other highway, highway 54, and I saw trucks from the windmill. So, I think this is one road that we could put on that list and march to make it a nicer road so that the wind towers and everybody can have great access out there. But I don't know how this works. How what roads get put on this funding from the state? Can you fill me in on that?

Kevin McCall-County Vice Chair: That usually comes in the direction of our department at Leonard? They have a handle on travel, but my question to that is, I thought the wind turbine developers were keeping those roads while they're out there.

Linda Jaramillo-County Commissioner: No, because when I got out of Cedarville, there's this nice road, beautiful road, but it only goes a mile, because that's where theirs ends. So, it's this beautiful road, but then you go into our County side of it, and it was not good.

Kevin McCall-County Vice Chair: My question is, when the wind development is done, who's going to use that road that you're wanting to get state appropriations. **Linda Jaramillo-County Commissioner:** But didn't we just talk about that, they need people working out there and doing all of these things.

Ryan Schwabach-County Chairman: They don't need to go on the road to get to the wind now, what is the road useful for? So, when you start talking about where we get the funds, we're looking at what does the road service look like.

Linda Jaramillo-County Commissioner: I decided it would serve the wind towers and the different people that work out there and the ranchers, of course, first and foremost are the people who live on the road.

Ryan Schwabach-County Chairman: I think I'd be willing to bet Leonard could probably answer that question. Okay, he's got a pretty good handle on the one, but that's kind of how to answer your question. That's how it's looked at is on the use of and quite honestly, it boils down to how much traffic's on the road, how many residents does it serve, and how many complaints are made on the road. You got a bad road, and a lot of people are done, and get more complaints, which kind of gives an indication.

Linda Jaramillo-County Commissioner: So, all these roads that I get calls, and I should start documenting.

Ryan Schwabach-County Chairman: Just start putting two and two together. You know how many homes are up?

Linda Jaramillo-County Commissioner: There you go, and it is a washout, because they must have had a terrible rainstorm because it washed out. And how often do you get that? But it seems like if it washes out once, it's going to keep washing out, even if it's once a year.

Ryan Schwabach-County Chairman: That might be it as a road to farm. And they, they can go, it's just, I mean, it's just one of those deals where we, unless we go back to my question on the bonds, you can go down that road, we know what that number is. That might answer your question.

Linda Jaramillo-County Commissioner: Then that would pick out certain roads that would be paved, which have more high traffic on them, right? I get a lot of County roads, and I'm just trying to pass it on to Leonard and try to figure out how we can make everybody happy with the roads. That's not going to happen, right?

Ryan Schwabach-County Chairman: I mean, you know people complaining about I 40 as soon as it's repaved, like the day they remove the equipment. That's, just nature of the beast.

15. EXECUTIVE SESSION: NONE

16. Announcement of the next Board of County Commissioner's Meeting:

September 24, 2025 at 9:00AM

17. SIGNING OF OFFICIAL DOCUMENTS

18. ADJOURNED.

Action Taken:

Ryan Schwabach-County Chairman: Motion to adjourn.

Kevin McCall-County Vice Chair: Seconds the motion.

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

MOTION CARRIED

The meeting adjourned at 1:26PM

Ryan Schwabach – Chairman

Mackenzie Carlson – Admin Assistant

Sylvia Chavez – County Clerk

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

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

MOTION CARRIED

The meeting adjourned at 1:26PM

Ryan Schwabach for Schwabach
Ryan Schwabach – Chairman
Date 9/24/2025

Mackenzie Carlson
Mackenzie Carlson – Admin Assistant
Sylvia Chavez
Sylvia Chavez – County Clerk

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