

**FINAL COPY
TORRANCE COUNTY BOARD OF COMMISSIONERS
COMMISSION MEETING
JULY 8, 2020**

COMMISSIONERS PRESENT: RYAN SCHWEBACH –CHAIRMAN
KEVIN MCCALL- DISTRICT 1
JAVIER SANCHEZ –DISTRICT 3

OTHERS PRESENT: WAYNE JOHNSON-COUNTY MANGER
JANICE BARELA-DEPUTY COUNTY MANAGER
JOHN BUTRICK-COUNTY ATTORNEY
SYLVIA CHAVEZ-ADMIN. ASST.

1.) CALL MEETING TO ORDER

Chairman Schwebach calls the April 8, 2020 Commission Meeting to order at 9:00 A.M.

2.) INVOCATION AND PLEDGE

Pledge led by Chairman Schwebach

Invocation led by Commissioner McCall

3.) CHANGES TO THE AGENDA

County Manager Johnson is asking that item no. 13-A be moved up on the agenda right before 6-A.

4.) PROCLAMATIONS

There were no items presented

5.) CERTIFICATES AND AWARDS

There were no items presented

13.) DISCUSSION

A.) MANAGER/GRANT COORDINATOR: Report on activities of the Estancia Valley Youth and Family Council.

Rebecca Armstrong, Juvenile Justice Continuum Coordinator gives the Commission the quarterly report from the Youth and Family Council. Ms. Armstrong is new so she will give an update from January till now, there has been attendance at the regular meetings as well as the state and federal meetings. Continuing with work for Partnership for a Healthy Torrance County, working on budget adjustments, working on the girl's circle and boy's council. Looking at data to expand and looking into grants and applications. Ms. Armstrong mentions that she is working on attendance, often they do not have a quorum. She is also working on the MOU's.

Ms. Armstrong states that she is in support of Debbie Ortiz's appointment and Stephanie Reynolds will be her alternate when she cannot attend a meeting. Ms. Ortiz at one time was Vice Chair of the Council and does a lot of volunteer work in the Community. Ms. Ortiz is a

great advocate for the County and is currently the Coordinator and Manager of the OSAP (office of Substance Abuse Prevention) Grant as well as DOH & PHS grants.

Commissioner McCall asks who is currently on the Council.

Ms. Armstrong replies that there is a representative from the County, each of the School districts and the Estancia and Mountainair Police Department.

Cheryl Allen, Grant Coordinator explains that it is mandated there must be 7 members, from the local government, school districts. Law enforcement, District Attorney's office and from the public defender's office. Ms. Allen explains that a lot of the time there is not a quorum, so the additional member will help. **UPDATE ONLY, NO ACTION TAKEN.**

6.) BOARD AND COMMITTEE APPOINTMENTS

A.) MANAGER/GRANT COORDINATOR: Motion to approve appointment of Debbie L. Ortiz as a voting member of the Estancia Valley Youth and Family Council, the Juvenile Justice Board for Torrance County.

ACTION TAKEN: **Chairman Schwebach** makes a motion to approve the appointment of Debbie L. Ortiz as a voting member of the Estancia Valley Youth and Family Council, Juvenile Justice Board. **Commissioner McCall** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

7.) PUBLIC COMMENT and COMMUNICATIONS

There was no public comment

8.) APPROVAL OF MINUTES

A.) COMMISSION: Motion to approve the June 24, 2020 Torrance County Board of County Commission Regular Minutes.

ACTION TAKEN: **Commissioner McCall** makes a motion to approve the June 24, 2020 Regular Commission Meeting minutes. **Chairman Schwebach** seconds the motion. No further discussion, all in favor. **MOTION CARRIED**

9.) APPROVAL OF THE CONSENT AGENDA

A.) Finance: Approval of Payables

ACTION TAKEN: **Commissioner McCall** makes a motion to approve the payables. **Chairman Schwebach** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

10.) ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE

A.) MANAGER: Motion to approve the Torrance County Financial Reserve Ordinance, Ordinance 2020-05. Public Hearing and Final Action.

ACTION TAKEN: **Chairman Schwebach** makes a motion to go into Public Hearing for Ordinance 2020-05. **Commissioner McCall** seconds the motion, all in favor. Now in public hearing.

Jeremy Oliver, Finance Director explains to the Commission that this was brought before the Commission over month ago to create an additional 2/12th reserve from the PILT funding the County receives from the Wind farms. The ordinance lays out how the County will develop the additional reserve. Mr. Oliver states that the County will be in line to start the additional reserve by the end of the year with the new agreements that were just signed and were not budgeted in for the new fiscal year. The ordinance also lays out how the money can be spent

and what authority it has. He gives an example of how this will benefit the County now, there is 1.8 million dollars of capital appropriations that the County that needs to be spent before the State will reimburse the County. The additional reserve will cover those costs and then the reserve will be reimbursed once the capital appropriations funding is received by the County. And the additional reserve can be used however the Commission see's fit.

County Manager Johnson explains how the additional reserves can be used for emergencies, disaster relief, delayed reimbursements, and special projects. The reserve can provide more flexibility when the County experiences any economic downturn.

There was no Public Comment for the Public Hearing

ACTION TAKEN: **Chairman Schwebach** makes a motion to adjourn the Public Hearing for Ordinance 2020-05. **Commissioner McCall** seconds the motion. All in favor **MOTION CARRIED.**

Ordinance 2020-05 hereto attached. **ACTION TAKEN:** **Chairman Schwebach** make a motion to approve Ordinance 2020-05 Torrance County Financial Reserve. **Commissioner McCall** seconds the motion.

Commissioner McCall asks legal counsel if he has looked at the ordinance and if everything is good with it.

John Butrick, County Attorney replies, that he has viewed the document, and everything is good.

No further discussion, roll call vote. District 1: Yes, District 2: Yes, District 3: No, **Commissioner Sanchez** stats that he does not see the need for an additional reserve, it is not required by any State mandate. The Commission must approve how the money will be spent or allocated and the ordinance can only be repealed by a unanimous vote. Commissioner Sanchez feels it is a needles ordinance and just adds another bureaucratic layer and is not in favor of it.

MOTION CARRIED.

B.) PLANNIG & ZONING: Motion to approve Torrance County Zoning Ordinance Amendments, Ordinance 2020-06. Public Hearing and Final Action

ACTION TAKEN: **Chairman Schwebach** makes a motion to go into Public Hearing for Ordinance 2020-06. **Commissioner McCall** seconds the motion, all in favor. Now in public hearing.

County Manager Johnson states that he has been working on this with Mr. Guetschow since he took this position and he noticed that the process for Planning and Zoning was a little cumbersome to get done. Amendments needed to be done to the Planning and Zoning ordinance. The amendments will help with the schedule time of an appeal. What should be a 30-day appeal time turns into a 60-day appeal by the time it is set up to go before the Commission. Also, when the Planning and Zoning board makes their recommendation from the Public Hearing held from their meeting to the Commission where another Public Hearing is held again. With the new amendment only one Public Hearing will be held, and it will be the one at the Planning and Zoning meeting. County Manager Johnson explains that with a Special Use or a Conditional Use Permit it can be up to 90 days before the permit is issued, with the amendments we are looking at 5 to 7 weeks. The only time this may change is if someone appeals the application for the permit. The land use table was taken out, that caused a lot of confusion. It was originally put in the ordinance back in 2016, it was thought to help clarify

land use questions. By knowing what zone, the land is in, would dictate what can be done on the property.

County Manager Johnson apologies for the floor substitute, there was some confusion on the Temporary Special Event permit, on the electronic copy of the ordinance, the temporary special use permits are 16.1 but on the hard copy 16.1 is not part of that copy. These permits are for people that sell fireworks or are roadside vendors. What County Manager Johnson is suggesting is that it be presented as an amendment since there were some changes added to it to make it stronger and it stays as 16.1 when adopted. The temporary special event is designed to allow operations that are not contemplated in the zone for a period of 45 days and twice in a calendar year. This allows the Planning and Zoning director the authority to issue the permits. The original 16.1 was silent on the matter but this is an administrative matter. The use also needs to be compatible with surrounding land use, so if it is in the middle of an RR (rural residential) a permit will not be issued for a circus or a carnival. In the past everything was brought to the Commission for approval. County Manager Johnson wants the Commission to know that the ordinance is not being changed but rather is being cleaned up and clarified.

Commissioner McCall asks for clarification, is 16.1 being struck out altogether?

County Manager Johnson replies, no, its not, it is numbered in the suggested amendments as 23 but will be keep as 16.1 to keep it in order.

County Attorney Butrick mentions that the most important thing is that the landowners due process is not taken away, it is still in place for any type of an appeal. Will the County ever have a perfect document probably not but that is why we are here today to amend and make it better and understandable for landowners' interpretation.

Chairman Schwebach asks if there are any other changes or floor substitutions.

County Manager Johnson responds that the only other changes are the appeal process and the amount of time for an appeal.

Steve Guetschow, Planning and Zoning Director states that the removal of the land use table will help alleviate any confusion on the different zoning districts. It will give more clarity on zoning for land use.

Commissioner McCall states that he appreciates the clarity, he has had constituents question the ordinance.

There was no Public Comment for the Public Hearing

ACTION TAKEN: **Chairman Schwebach** makes a motion to adjourn the Public Hearing for Ordinance 2020-06. **Commissioner McCall** seconds the motion. All in favor **MOTION CARRIED.**

Ordinance 2020-06 hereto attached. **ACTION TAKEN:** **Chairman Schwebach** make a motion to approve Ordinance 2020-06 Torrance County Zoning Ordinance Amendments. **Commissioner McCall** seconds the motion. **Commissioner McCall** thanks Wayne and Steve for their hard work on getting the amendments done. Roll call vote. District 1: Yes, District 2: Yes, District 3: Yes. **MOTION CARRIED.**

11.) ADOPTION OF RESOLUTION

A.) **FINANCE:** Motion to approve budget adjustment Increase to close out FY2020. Resolution No. 2020-24

Jeremy Oliver, Finance Director presents the Commission with a budget increase for the GO Bond, Finance and Domestic Violence funds.

Commissioner McCall asks about the COVID-19 reimbursement, is that money from the federal government or from the state?

Mr. Oliver replies, that he believes it comes from the federal and gets routed through the state.

County Manger Johnson states that its federal funding that gets routed through DHS at the state level. There was some direct funding from the federal government to Albuquerque and Bernalillo County but the smaller Counties and communities get the money from the state.

Mr. Oliver states that this is reimbursement for salaries for employees who were out on different COVID leave, cost for telecommunications, overtime pay and emergency management building.

Resolution hereto attached. **ACTION TAKEN: Commissioner McCall** makes a motion to approve Resolution 2020-24. **Chairman Schwebach** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

B.) **FINANCE:** Motion to approve budget transfers to close out FY 2020 Resolution No. 2020-25

Jeremy Oliver, Finance Director explains the transfers that were done to close out the end of the year budget. He states that line items cannot be at a negative balance at the end the budget year, so there were transfers made to those line items before the end of the budget cycle. Resolution hereto attached. **ACTION TAKEN: Chairman Schwebach** makes a motion to approve Resolution 2020-25. **Commissioner McCall** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

C.) **MANAGER:** Motion to authorize the County Manager to designate the Torrance County Records Custodian, pursuant to the NM Inspection of Public Records Act Resolution No. 2020-26

County Manager Johnson explains to the Commission that currently the County Clerk is the records custodian. The County Clerk, as the Commission may be aware is busy with elections every year now and is quite busy. The Commission did approve an additional employee for the manager's office to help with IPRA requests and to assist County Attorney Butrick with redacting some of the information from those requests. Ms. Archuleta will be helping County Attorney Butrick with the 3-day notices that have to go out when an IPRA request is received by the County. She will triage what needs to go to John or if it needs to go to another department. She may be able to take care of the request herself. There will be a specific email address created to catch all the IPRA requests and have none slip through the cracks.

County Attorney Butrick explains that most of the IPRA requests are people asking for police reports or contracts the County has with CoreCivic as well as with the federal government. He states that there are currently 8 different active IPRA requests being handled.

County Manager Johnson states that failure to comply with IPRA requests can be costly to the County. It is a \$100.00 fine per day per request.

Resolution hereto attached. **ACTION TAKEN: Chairman Schwebach** makes a motion to approve Resolution 2020-26. **Commissioner McCall** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

12.) APPROVALS

A.) PROCUREMENT: Motion to approve unauthorized service/diagnosis of road equipment **Noah Sedillo, Chief Procurement Officer** comes before the Commission to ask for approval for payment to 4 Rivers Equipment for invoice #213090, in the amount of \$10,253.49. Mr. Sedillo explains that the road departments roller broke down and took the equipment in for service/diagnosis to see what was wrong with the roller and what it would cost to have it repaired. When Mr. Lujan got the price to have it fixed and it was going to cost \$18,000.00 to have the repairs done, so Leonard decided to hold off on it and explore other avenues. When the roller was purchased, it cost the County \$27,00.00 for a 2006 model. There was a communication error with the vendor and the work was done prior to the road department getting the work done. And per Resolution 2019-38 the proper procedures were not followed to have the work completed. He mentions that it is not a procurement issue because it is covered under NM statewide price agreement. Mr. Sedillo explains that the proper procedures were not followed, but do we want our equipment back, yes, we do. The road department can not fix roads without this equipment.

County Manager Johnson states that he wants to make it clear this is a policy issue not a procurement issue, this is a state contract. A PO was not obtained because they were unaware that the work was going to be done on the equipment. Wagner (4 Rivers) did the work and wants payment for what was done, or they will not give the County back the equipment. County Manger Johnson is not sure how to get out of this circle other than to pay for the work done.

Chairman Schwebach asks for clarification on what Leonard was looking into doing, he was looking at different avenues, but it looks like the County just got married into fixing this piece of equipment. Was that Leonard's intention to begin with?

Charmin Padilla, Executive Asst. Road Department states, no, he originally just wanted to get the diagnostics done, and get the quote to get it fixed. Due to the amount to get it fixed, he put it off to look at a new piece of equipment. But with the timing it was already at the end of the fiscal budget, that is why we got the invoice for the work that was done.

Chairman Schwebach asks if it was Leonard's intention to get the equipment fixed from the beginning?

Ms. Padilla replied, yes, that was the intention in the beginning.

Chairman Schwebach states that when the equipment went to 4 Rivers and the cost came back at \$18,000.00 to get it repaired and there was a communication error with them on moving forward with the repair which is now costing the County \$10,000.00.

Ms. Padilla replies, no, they tore the roller down and then told Leonard that the cost was going to be \$18,000.00 to get it fixed but they did \$10,000.00 worth of work during the diagnostics. And that work was done prior to getting a PO or getting the go ahead from Leonard. 4 Rivers has a new representative working for them that may not be aware of the County's policy.

County Manager Johnson states that no one authorized 4 Rivers to do the work. They went there for a quote, not knowing or did not believe they were authorizing them to perform work on the roller. And now they are saying that the diagnostic is \$10,000.00, County Manager can see that but before they began the work they should have made sure they had the approval to go forward with the work and that there is a PO in place. Now we are stuck in this conundrum

of what we need to do with equipment. Do we pay the \$8,000.00 more to get it fixed or pay the \$10,000.00 to have the broken roller delivered back to us?

Commissioner Sanchez asks what the vendor reply when the County demonstrated that we did not give the go ahead to have the work done.

Mr. Sedillo answers, he asked 2 different representatives from 4 Rivers and never got a straight answer from either one of them.

Commissioner Sanchez states, that the County needs a clear answer, the County did not give the go ahead for the work to be done so why would the County be billed for work that was not approved.

Chairman Schwebach replies, that he agrees with Commissioner Sanchez.

Mr. Sedillo responds that he will talk with the vendor to get some clarification on this matter and make sure they understand that a purchase order must be in place before any work is done.

Commissioner McCall states that it should be a given in business to have prior approval to have work done. So, it looks like 4 Rivers just got themselves a new roller, the County can just walk from this.

County Manager Johnson replies that this could be an option for the County. Tell them they can keep the broken roller and use the \$10,000.00 to go towards another roller.

Chairman Schwebach states that if they can produce a paper trail of an approval to have the work done is one thing but he is not willing to authorize a payment of \$18,000.00 on a piece of equipment when he is hearing Leonard told the vendor to stop. And now the County is being forced into this payment and he is not willing to do it.

Ms. Padilla states that they have used this vendor in the past and they are aware of our purchasing system and know we need a PO.

Chairman Schwebach states that he would like communication with the manager of 4 Rivers and explain what the Commissioners are voicing right now, in the fact that they made a mistake. \$10,000.00 for a diagnostic is a little outrageous. They (4 Rivers) needs to work with us, or he is willing to direct them to find a new vendor.

County Manager Johnson states that he hears what is being said loud and clear and the vendor will be contacted. **NO ACTION TAKEN**

B.) MANAGER/EMERGENCY MANAGER: Motion to approve EMPG Grant Agreement between NM Department of Homeland Security and Emergency Management and Torrance County.

Cheryl Allen, Grant Manager states that the County received funding for a ¼ of the Emergency Managers salary. The County will receive \$11,633.00 for the new fiscal year. Ms. Allen is asking when approved to have the County Manager or Commission designee to sign the documentation.

Commissioner McCall asks about the match to the County.

Ms. Allen explains that the County pays for ¾ of the Emergency Managers salary.

County Manager Johnson explains that the EM salary has already been approved by the Commission.

County Attorney Butrick explains that the fiscal years are the same, the federal governments FY20 is the same as the County's FY20-21.

Commissioner Sanchez states that customarily it is was 50/50 match now it is a 75/25 match?

Ms. Allen replies yes, its 75/25 at this point and was revised for the prior year as well due to Emergency Manager Propp has another job. So, they will only fund a ¼ of his salary. Documentation hereto attached. **ACTION TAKEN:** **Chairman Schwebach** makes a motion

to approve the EMPG Grant agreement between NM Department of Homeland Security and Emergency Management and Torrance County. **Commissioner McCall** seconds the motion. No further discussion, 2 in favor District 3: Absent. **MOTION CARRIED.**

C.) MANAGER: Motion to approve a Commission directed deferral, in addition to the extension to July 28 requested by Commissioner Sanchez and granted by the County Manager, to date certain. Final plan review to be heard on July 22, 2020.

County Manager Johnson explains to the Commission that this item has been a contentious item, but he wants the Commission to know that the contractor, Sites SW has been exemplary during this process. Commissioner Sanchez asked for the comment period to be extended and County Manager Johnson felt he could do that. So, the extension was given, and this would be heard on the July 22, he explains that the contract with Sites SW will end on August 29.

County Manager Johnson states that the Commission has been given a draft copy and does have a lot of information in it which has detailed information from the outreach to the different communities that responded. Some chose not to respond and now Commissioner Sanchez is asking for an additional extension which could potentially go past the end of the contract. The Commission also needs to be able to give some direction on this project before the contract ends.

Deputy County Manager Janice Barela explains that the initial extension was done by the County Manager, the Grant manager reached out to NMFA and they permitted that extension. With NMFA stating that this extension would be the last one, then Commissioner Sanchez reached out to NMFA and they granted an additional extension of 1 to 3 months due to COVID. The extension would be for the grant funding not for the contract the County has with Sites SW. So, there is no issue with NMFA for the extension it is with the contractor. The County is not in danger of losing funding for the grant, she just wanted to clarify that.

Commissioner Sanchez states that from his perspective the deadline needs to be pushed to August 1st to get feed back from all the Communities. The Land Grants and Mayors have a meeting on July 15 to get their feed back down and then presented to the County. Some of the stake holders have not had the opportunity to review the draft and give any type of feedback. Commissioner Sanchez feels it is important to push back the deadline to August 1st so that the stake holders can submit their feedback, or this project will be rendered useless.

Commissioner Sanchez states that there are gaps in the plan, #1 being a glaring omission. If anyone has reviewed the plan they can see that Punta de Agua and Abo have been left out. Commissioner Sanchez feels it is important to allow for the extension to have everyone's input and the contractor should work with the County on this. The state is willing to work with the County on this and the stake holders are wanting to work with the County to make this a beneficial project for the County.

Chairman Schwebach asks, why the last-minute comments?

Commissioner Sanchez replies, that he does not think they are last minute, the draft plan was emailed out and the COVID situation did set back the project just a little bit. It was difficult for the Contractor to make contact with some of the stake holders. So, the comments that are coming back now should not be considered last minute considering everything going on with Communications.

Chairman Schwebach asks if the comments are about the draft that went out May 27.

Commissioner Sanchez replies, yes, they are in response to the May 27th draft. He explains that some people forgot about the draft or found it difficult to review an electronic copy versus a hard copy.

Commissioner McCall states that if it were important to you, you would pick up the plan and read it. The plan has been out and has been extended once and Commissioner McCall is against an additional extension. The County has a reputation it needs to think about with potential contractors, in upholding our end of the contract. The southern part of the County did not take the 1st extension to truth.

Chairman Schwebach states that he can see both sides of this but is there something saying that there will be additional comments from these stake holders in the next two weeks.

Commissioner Sanchez explains that the Towns and Land Grants will be having meetings in the next two weeks and they will be discussing the draft. By extending to August 1, that gives a positive message to the stake holders and communities that the County understands and wants their feedback.

Jason Quintana, President of Manzano Land Grant states that June was the 1st time some of the Communities were able to have meetings due to COVID. The work on the study was general and there are good things in the project overall. He asks the Commissioners if this is needing to be paid because the Contractors need to be paid or is it needing to be paid so that the contractor can finalize the work. If that is the case, then the work has not been completed because they do not have all the information to finalize it. If they get paid before all the information is gathered will they continue after they have been paid. Mr. Quintana knows there was an extension given but with everything that has happened with COVID has put some people behind and feels more time is needed.

Commissioner Sanchez states that the July 22 deadline for the final draft to be approved is not conceivable. There are four payments of \$12,496.25 +GRT's that follow four steps in the contract; 1. Final Stake Holders Meeting, 2. Draft Economic Development Plan submitted to the County, 3. Final Economic Development Plan submitted to the County, 4. Final Economic Development Plan submitted to NMED. So right now, as the draft sits and according to the scope of work, Punta de Agua and Abo are part of this, but they are not included in the draft. If the extension is given it will not be holding anything back because the contractor still needs to go back and fix the omission.

Chairman Schwebach asks, is this the fault of the Contractor or is it the fault of Punta de Agua not responding?

Mr. Quintana replies, that they did participate, there was representation from them at the general meeting that was held. Them being left out of the plan has nothing to do with Punta de Agua or Abo, that has to do with the contractor. Wants to help see this project completed even if it is a month delayed.

Chairman Schwebach ask the County Manager if he feels that the scope of work has not been met by the contractor.

County Manager Johnson replies that he disagrees, and he would like to make one thing very clear the NMED will accept the draft as being final. But he does not want anyone to think that the County is trying to exclude anyone. The draft has been available to the Communities since early March to review and we cannot make people respond. There has already been a 2-week extension given for this to be completed and at some point, you need to say this is it this is the

deadline. July 12th would be the deadline to have any changes or amendments the Commission would like to have done by the 29th, the end of this contract. Being a part of professional organization is hitting deadlines.

Mr. Quintana states that the whole reason this plan was even done was to have a certain group of people in mind, if he is not mistaken. He worked for NMDOT and deadlines are always moved. 2-weeks is all they are asking for, if its not granted then the plan will not have comments for those people this plan was intended for. Those people that will be left out are the people that help pay for this project to be completed.

Mayor Nathan Dial explains that when the draft 1st came out it was right in the beginning of COVID. He explains that he misread the email and thought the plan was postponed until further notice, that is on him. He mentions that himself and town Council acknowledge that they did not read the draft and that is their faults.

Chairman Schwebach states that if the 2-week extension is not given, the County will essentially be wasting their money because the Southern part of the County will not buy into it because they were left out. So, the Chairman's question to the County Manager is, will the contractor be able to put it together before the end of the contract. Will the County be breaking the contract?

Mr. Sedillo explains that the contract was signed on August 29 of last year, and it is a one-year contract. In order to extend the contract both parties must agree, and it must be in written form asking for the extension. If there is not an agreement it could potentially be a procurement violation.

Chairman Schwebach states that he is not willing to go past the 29th August, if an additional 2-weeks are given can this plan be completed by the 29th of August.

Commissioner Sanchez states that within the scope of work, Punta de Agua and Abo were included but they were left out, the contractor will have to fix that.

Chairman Schwebach asks if the contractor has been made aware of this?

County Manager Johnson replies that there has been no comment of this up to this point. That is why there is a comment section, for comments to be made for something like this and there has been no comment made not even from Commissioner Sanchez regarding this. County Manager Jonson states that this will be conveyed to the contractor. The deadline is July 13 and then presented to the Commission on the 22nd this will allow the contractor time to get any corrections and amendments done.

Back and forth conversation goes on about the timeline and meeting the deadline.

Chairman Schwebach states that he is in favor of an extension but is not in favor or being in breech of the contract.

County Manager Johnson states that the reason he put this on the agenda because he did not feel like it was in good faith to go the contractors and ask for another extension. He wanted the Commission to make that decision so not to be in danger of not meeting the County's contractual deadline.

Chairman Schwebach states that he understands that he will be the deciding vote on this, and he understands where Commissioner Sanchez is coming from but he is willing to extend to August 1st and he is hoping that the contractor can get it put together. He also states that he is even willing to approve the plan as it is today and pay the contractors. So, on the 12th it will be

approved with or without comments. He feels the stake holders have had time to make comment on it and to participate on this and there comes a time where you cannot stretch it out further.

Deputy County Manager Barela states that she may have a solution to meeting the deadline and granting an extension. Extension to August 1st and allowing the contractor to the end of the business on the 4th to review the 2 missing Communities that were included in the scope of work but were excluded in the draft and then hold a Special Meeting via Zoom so that the contractor does not have to come out to Torrance. They can explain how they will include the 2 Communities and then have the final presentation and approval by August 12th.

Documentation hereto attached. **ACTION TAKEN: Chairman Schwebach** makes a motion to extend the comment deadline to August 1st and allowing to the end of business day of the 4th to allow the Contractors to review the 2 Communities that were included in the scope of work but were excluded in the draft. Hold a Special Meeting via Zoom and have final presentation and approval to the Commission by August 12th and no more extensions will be granted. **Commissioner Sanchez** seconds the motion. No further discussion, 2 in favor, Commissioner McCall against. **MOTION CARRIED.**

14.) EXECUTIVE SESSION

A.) COMMISSION: Discuss County Manager position, Closed pursuant to Section 10-15-1 (H)(2).

B.) MANAGER: Purchase of the County Fairgrounds, closed to pursuant to Section 10-15-1 (H)(8).

ACTION TAKEN: Chairman Schwebach makes a motion to go into Executive Session. **Commissioner McCall** seconds the motion. Roll call vote: District 1, Yes; District 2, Yes; District 3. **MOTION CARRIED.**

Reconvened from Executive Session:

ACTION TAKEN: Chairman Schwebach makes a motion to reconvene from Executive Session pursuant to NMSA 1978 10-15-1 (H)(8). **Commissioner McCall** seconds the motion. Roll Call vote: District 1, Yes, District 2, Yes, District 3, Yes.

Chairman Schwebach states that only those items listed for closed session were discussed during the Executive Session on Wednesday July 8, 2020. **ACTION TAKEN: Commissioner McCall** makes a motion to approve this statement. **Chairman Schwebach** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

ACTION TAKEN: Chairman Schwebach makes a motion to authorize the County Manager and County Attorney to proceed with the real property and litigation with parameters set forth by the Commission during executive session. **Commissioner McCall** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

15.) Announcement of next Board of County Commissioners Meeting

Special Commission Meeting on July 13, 2020 at the Torrance County Administrative Building at 9:00 AM

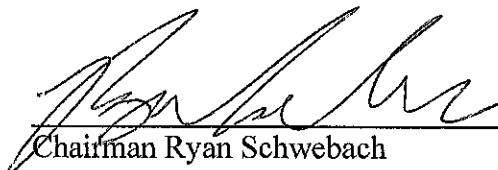
Regular Scheduled Meeting on July 22, 2020 at the Torrance County Administrative Building at 9:00 AM

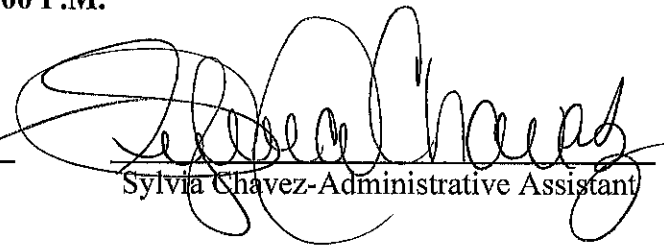
16.) Signing of Official Documents

***ADJOURN**

ACTION TAKEN: Chairman Schwebach makes a motion to adjourn the July 8, 2020, Commission Meeting Commissioner McCall. seconds the motion. No further discussion, all in favor. **MOTION CARRIED**

MEETING ADJOURNED AT 12:00 P.M.


Chairman Ryan Schwebach


Sylvia Chavez-Administrative Assistant

July 22, 2020
Date

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