

**FINAL COPY
TORRANCE COUNTY BOARD OF COMMISSIONERS
COMMISSION MEETING
AUGUST 12, 2020**

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

OTHERS PRESENT: JANICE BARELA-INTERIM COUNTY MANAGER
JOHN BUTRICK-COUNTY ATTORNEY
LORI ARCHULETA-EXECUTIVE ADMIN. ASST.
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

Madam County Manager Barela is asking that item no. 13-B be moved up on the agenda, Mayor Hart from Moriarty and CERT team members are here to show their support and we would like to accommodate their time.

Chairman Schwebach states that it can be moved up to Public Comment since it is a discussion item.

4.) PROCLAMATIONS

There were no items presented

5.) CERTIFICATES AND AWARDS

There were no items presented

6.) BOARD AND COMMITTEE APPOINTMENTS

There were no items presented

7.) PUBLIC COMMENT and COMMUNICATIONS

Mayor Dial states that he is here to read a portion of the drafted minutes from the last Town Council meeting in Estancia. Mayor Dial mentions that Commissioner Sanchez was informed that he would have to talk during public comment and that no action could be made during public comment. The draft minutes were read into record. Draft Minutes of the August 3, 2020 Town of Estancia Town Council Meeting hereto attached. Mayor Dial thanks the Commission for his time.

Albert Lovato, Board of Trustees for the Town of Estancia states that he would like to rebuttal a comment that was made at the Town of Estancia Council meeting about the Town of Estancia being the “weakest link” in the district. Mr. Lovato will rebuttal this comment because he feels it is right for him to stand up for the people he represents. The comment made him analyze why he wanted to represent or be in a leadership role in the Town of Estancia. For him it was the quality of life not only for his family but for every family in the Town. Mr. Lovato feels that the comment that was made is a very deep comment to make, the Town of Estancia is not the weakest link. When he tells people about Estancia, he tells them that Estancia is home to the mile-long yard sale, Old Timers Day, and the countless parades which are held here Not to mention home to the Pumpkin Chunkin which is known nationally and home to the Bears. The Town of Estancia has the only public pool, the Town of Estancia has a great collaboration with the school district and with the County. In his opinion, the Town of Estancia has the most beautiful park in all of Torrance County. The Town may have small departments, but those departments work hard, so in rebuttal to the comment made “No we are not the weakest link.”

Vicki Voyles, CERT Team Member states that she is the coordinator for the East Mountain Emergency Response team. The CERT team was created in 2005 and they support the Fire departments, EMS and the EMT’s throughout Torrance County. Over the years they have received supplies to help in their aid in the County, however their supplies are located in different places in the County. Having a specific place to store the supplies would help in their response time. The CERT team is in support of the Emergency Shelter. Ms. Voyles also mentions that CERT would like to start a Teen CERT team, it would work how 4-H does. If a Teen CERT is started, they would need a place for training and the shelter could be a good site for this.

Cheryl Allen, Grant Manager gives an update on the Census, right now they are trying to improve the response here in Torrance County. The deadline for Census is September 30, right now the push is to get businesses involved to help get people to fill out their Census forms. Right now Torrance County is reporting 36.6% complete, so there will be people out in the Communities to try and get people to complete their Census form. NM is reporting at 58.4%, Ms. Allen is encouraging those that have not filled out their Census to do so. It helps with so many different agencies and their funding.

13.) DISCUSSION

B.) MANAGER: Discuss the need for a Torrance County Emergency Shelter in the Northern part of the County

Matt Propp, Emergency Manager states that this project has been a point of discussion for some time now. In the time that it has been discussed it was brought up that it can be an overall shelter. Yes, it will be used during winter storms, but it could also be used for a COVID-19 placement and as a multi-use shelter. Emergency Manager Propp explains that during the winter storms the CERT team, the Lions Club and the Moriarty Civic Center are very helpful and resourceful. He states that at times there may be some delays on getting a shelter in place. This shelter could be used as not a only a shelter but as a training center, EOC and a storage for all the supplies. It will make deployment a lot quicker for all teams involved. E.M. Propp states that this could be used to house people that are positive COVID cases, if an inmate is released from the facility and is positive the facility cannot keep the inmate there even if they have no

place to go. So those individuals end up walking the streets in the communities. So, there is a need for a place to house people who are positive and are also indigent.

Commissioner McCall asks E.M. Propp to elaborate on the need for a regional area shelter.

E.M. Propp explains that Torrance County is in the Estancia health district which includes parts of the Santa Fe public health district. For the area that this covers, Moriarty is centrally located within this district.

Mayor Hart states that he has worked with the CERT team and they are one of the best in the state. Mayor Hart is in full support of the shelter, he has been part of the shelters in place for 22 years and would be happy to see a new facility help when the roads get closed due to winter weather. When this happens, there are usually around 200-300 people needing a place to stay. During the last winter storm, the grocery store ran out of food. The Lions Club, Civic Center and the HS gym were all full but what would happen now during COVID with the restrictions in place. Mayor Hart again expresses his support of this shelter and thanks the Commission for their time.

Commissioner McCall states that this needs to be looked at very carefully, the school may not allow the buildings to be used during a winter storm with COVID being an issue.

Madam County Manager Barela states that in the past Mayor Hart expressed wanting to use the hotels/motels used but with the restrictions in place due to COVID, the hotels/motels don't have their full capacity available, so that is something else to think about as well.

NO ACTION TAKEN, DISCUSSION ONLY

8.) APPROVAL OF MINUTES

A.) COMMISSION: Motion to approve the July 13, 2020 Torrance County Board of County Commission Special Minutes.

ACTION TAKEN: **Chairman Schwebach** makes a motion to approve the July 13, 2020 Special Commission Meeting minutes. **Commissioner McCall** seconds the motion. No further discussion, all in favor. **MOTION CARRIED**

B.) COMMISSION: Motion to approve the July 22, 2020 Torrance County Board of County Commission Regular Minutes.

ACTION TAKEN: **Chairman Schwebach** makes a motion to approve the July 22, 2020 Regular Commission Meeting minutes. **Commissioner McCall** seconds the motion. No further discussion, all in favor. **MOTION CARRIED**

C.) COMMISSION: Motion to approve the July 28, 2020 Torrance County Board of County Commission Special Minutes.

ACTION TAKEN: **Chairman Schwebach** makes a motion to approve the July 28, 2020 Special Commission Meeting minutes. **Commissioner McCall** seconds the motion. No further discussion, all in favor. **MOTION CARRIED**

9.) APPROVAL OF THE CONSENT AGENDA

A.) Finance: Approval of Payables

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

10.) ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE

There were no items presented

11.) ADOPTION OF RESOLUTION

A.) MANAGER: Motion to approve Disposition of Property. Resolution No. 2020-29

ACTION TAKEN: Chairman Schwebach makes a motion to approve Resolution 2020-29.

Commissioner McCall seconds the motion. Discussion follows:

Jeremy Oliver, Finance Director explains to the Commission that a while back the Commission approved a policy on disposition of property. This is the first disposition to come forward since the policy was approved. There are 2 vehicles and several computers and cell phones on the list. One vehicle is from the Emergency Manager, which will be sold to Sandoval County for \$20,000.00 and the other vehicle is from the Sheriff's department which is being donated to Mora County, it has no engine. It will cost around \$400.00 to have the hard drives from the computers destroyed.

Commissioner McCall clarifies that they are being destroyed because they are old and outdated?

Mr. Oliver replies, yes, that is correct, it is required to destroy the hard drives just in case there is any confidential information on them.

Chairman Schwebach asks about the \$20,000.00 for the Emergency Manager truck, how did this price come about?

Mr. Oliver explains that the vehicle is an extra vehicle that the Emergency Manager had after he got two vehicles from Bernalillo County.

Noah Sedillo, Chief Procurement Officer explains that per a state statute (which he does not have available with him at the moment) but an appraisal is needed to be done with such an asset. An appraisal on a vehicle would be frivolous, so they used Kelly Blue Book which is fair market value.

Chairman Schwebach states that essentially, we do not need this vehicle nor does another department so that why we can get rid of it.

Noah Sedillo states that is correct and he has driven the vehicle and it is a gas guzzler.

County Attorney John Butrick informs the Commission that due to this resolution not being available for viewing prior to the meeting he will read it into the record, *resolution 2020-29 read into record.*

Resolution hereto attached. No further discussion, all in favor. **MOTION CARRIED.**

B.) FINANCE: Motion to approve 2019 Audit Report. Resolution No. 2020-30

ACTION TAKEN: Chairman Schwebach makes a motion to approve Resolution 2020-30.

Commissioner McCall seconds the motion. Discussion follows:

Jeremy Oliver, Finance Director states that this was an oversight, last year then Deputy County Manager Belinda Garland prepared this resolution and it was overlooked by Mr. Oliver. It is required by DFA to be in resolution form.

Resolution hereto attached. No further discussion, all in favor. **MOTION CARRIED.**

C.) GRANTS COORDINATOR: Motion to approve final draft of the Southern Torrance County Economic Development Plan 2020. Resolution No. 2020-31

ACTION TAKEN: Chairman Schwebach makes a motion to approve Resolution 2020-31. Commissioner McCall seconds the motion. Discussion follows:

Cheryl Allen, Grant Manager states that Sites Southwest will do the final presentation of the Southern Economic Development Plan.

Phyllis Taylor Sites Southwest explains that she does not have a formal presentation to give today but in May the draft presentation was done. Ms. Taylor goes over the timeline of the entire project, due to COVID there were extensions given for the project. There 9 individuals that did have comments and changes have been added and an overview from the Land Grant Advisory Committee.

Chairman Schwebach clarifies the changes, the key changes are mid-July, is that what you are referring to?

Ms. Taylor replies, yes, these are changes since May. They have added some common goals ideas that came out of the Land Grant Advisory Committee. There was also some unhappiness of a development of a Southern Economic Development when the County has EVEDA. Ms. Taylor states that in the document they stated the value of having EVEDA but with the small communities in the County EVEDA can not assist with the small businesses. Tourism is also another thing that EVEDA cannot help with and that was one of the things that was brought up in the development of economics in the Southern part of the County. Ms. Taylor states that all comments will be implemented into the document.

Commissioner Sanchez thanks Sites Southwest for the good job on this plan, there some meaningful information in the document and the comments were captured, however Commissioner Sanchez would like some more time to review the plan. He just got the plan on Monday and has not had enough time to go over the plan thoroughly. He would also like to have the partners take a look at it as well, it was a rough road getting to this point and would like to make sure that the plan reflects what the Community's intentions are.

Commissioner McCall states that the next meeting is August 26 and that is cutting it close to the end of this contract.

Chairman Schwebach states that at the last meeting when it was extended, he was happy with the document then.

Ms. Allen would like to add that Sites Southwest did a great job on getting all the information inputted. She states that they just did not prepare a document they prepared a tool that the County can use. The disclaimer in the plan is more like a guidance for the County (*Ms. Allen reads the disclaimer into record*)

Commissioner Sanchez states that he would like some more time and isn't ready to vote on this, he is not against it but just would like some more time.

Madam County Manager Barela reminds the Commission that they passed Roberts rules of Order and every Commissioner must vote, they cannot abstain.

Resolution and plan hereto attached. No further discussion, 2 in favor, Commissioner Sanchez abstains. **MOTION CARRIED.**

D.) FIRE: Motion to approve Resolution lifting burning ban in limited circumstances, Resolution No. 2020-32

Lester Gary, Fire Chief explains to the Commission that back in June Resolution 2020-20 was passed to put in place a ban on all burning. With the amount of rain that the area has gotten, he would like to repeal the ban.

County Attorney Butrick states that this resolution was available to be viewed prior to the packet being ready so he would like to read the resolution into record, *resolution 2020-32 read into record*. Resolution hereto attached. **ACTION TAKEN: Commissioner McCall** makes a motion to approve Resolution 2020-32. **Chairman Schwebach** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

12.) APPROVALS

A.) GRANTS COORDINATOR: Motion to approve Amendment No 2, Professional Services Contract, RFP TC-RY20-03, Juvenile Justice Continuum Coordinator

ACTION TAKEN: Chairman Schwebach makes a motion to approve Amendment No. 2 to the Professional Services Contract. **Commissioner McCall** seconds the motion.

Ms. Allen states that this is the Contract for Rebecca Armstrong as the Juvenile Justice Continuum Coordinator. The amendment is for per diem increase in the of \$100.00.

Madam County Manager Barela states that she has been working closely with Ms. Armstrong and she is doing a great job and is a good asset to the County.

Documentation hereto attached. No further discussion, all in favor. **MOTION CARRIED.**

B.) FIRE: Motion to approve Lease Agreement between RGV CASA and Torrance County Fire Department

ACTION TAKEN: Chairman Schwebach makes a motion to approve to approve the Lease agreement between RGV CASA and Torrance County Fire Department. **Commissioner McCall** seconds the motion.

Chief Gary explains to the Commission that when the County bought the building for the Fire Admin offices, there was a tenant that came along with the building. CASA, which is the Court Appointed Special Advocates rents a small space in the building. They have been a great tenant and Chief Gary has met with County Attorney Butrick and the lease is good and ready to go into effect on September 1 and will be renewed on a 3-year basis.

County Attorney Butrick goes over the floor substitutions, which go over the amount of square footage, removes the word "Commercial", price of key replacement and in case of eminent domain.

Commissioner McCall asks about the utilities, for such a small space are all the utilities covered with the rent?

Chief Gary replies, yes, they are, they have their own sign on to the Wi-Fi in the building.

Documentation hereto attached. No further discussion, All in favor. **MOTION CARRIED.**

ACTION TAKEN: Chairman Schwebach makes a motion to enter to a Public Hearing for the ICIP (Infrastructure Capital Improvement Plan). **Commissioner McCall** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

13. DISCUSSION

A.) GRANT COORDINATOR: PUBLIC HEARING, regarding the Infrastructure Capital Improvement Plan (ICIP).

Ms. Allen presents the Commission with the FY2022-2026 ICIP for the County, she is asking for guidance in making priorities on the list. Ms. Allen goes over the projects on the list, County Fair Ground Improvements, Road Dept. Shop and New County Government Offices.

Chairman Schwabach states that he thinks the list is spot on and will look over it and can go over any changes at the next meeting and move things around if need be.

2022-2026 ICIP list hereto attached. **DISCUSSION ONLY, NO ACTION WAS TAKEN.**

ACTION TAKEN: Chairman Schwabach makes a motion to adjourn the Public Hearing for the ICIP (Infrastructure Capital Improvement Plan). **Commissioner McCall** seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

Commissioner Sanchez asks for a moment to address the Commission and respond to Mayor Dial and Trustee Lovato's comments from earlier in the meeting. Commissioner Sanchez agrees that it was a very tense meeting, but despite what happened he still remains and advocate for the Town and for the Community. He hopes to continue the good work that they have begun. Mayor Dial has the best of intentions for his Community as does Commissioner Sanchez. That is why Commissioner Sanchez was at the Town meeting to help the Town with the Southern Torrance County Economic Development. He has expressed regret in how things turned out and hopes they are able to move forward and get back to work on what work has been begun. Commissioner Sanchez considers himself naturally to be from Estancia, he may not have been born here but his sons attend school here and his family owns a business here. He and his wife are the Mardomos for the local Catholic Parish. It goes without saying that they are committed community members. The same intent is shared to have a very prosperous Estancia and as long as he occupies this seat, he will remain committed to Estancia. There was a lot said and a lot omitted but he is sure that was due to the time constraints. He is hopeful that perhaps with time they can reach an understanding amongst them all and he has the best of intentions for Estancia and is hopeful that this will be rectified. Commissioner Sanchez feels with all that being said he imagines that proceeding will unfold according to the rules and regulations. Commissioner Sanchez thanks the Commission for their time.

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).

C.) MANAGER: Purchase of real property for Emergency Management. Closed pursuant to NMSA 1978 10-15-1 (H)(8)

D.) ATTORNEY: Discuss County Attorney contract. Closed pursuant to Section 10-15-1 (H)(2)

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, Absent. **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, Absent.

Chairman Schwebach states for the record that only items 14- A,B,C & D were discussed in Executive Session pursuant to sections 10-15-1 (H)(2), 10-15-1 (H)(8), 10-15-1 (H)(8) and 10-15-1 (H)(2). Commissioner Sanchez did have to leave but he did call in.

ACTION TAKEN: **Chairman Schwebach** makes a motion in regard to item 14-A, as directed keep the Manager position open till August 16 and review applications at the following regular meeting during Executive Session. Item 14-B no new direction for the County Fair property, Item 14-C purchase of property for Emergency Management Madam County Manger Barela is directed to move forward as directed. Item 14-D approve the amendment to the County Attorney's contract and give Madam County Manger the authority to sign the amendment. **Commissioner McCall** seconds the motion.

Commissioner McCall would like to clarify that there was not an increase to the County Attorneys contract, but it was to amend the contract, his leave and other things that the Commission felt was appropriate.

No further discussion, District 1, Yes; District 2, Yes, District 3, Absent. **MOTION CARRIED.**

**15.) Announcement of next Board of County Commissioners Meeting
August 26, 2020 at 9:00 AM in the Commission Chambers**

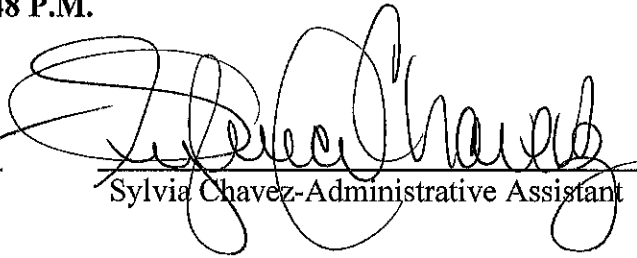
16.) Signing of Official Documents

***ADJOURN**

ACTION TAKEN: **Chairman Schwebach** makes a motion to adjourn the August 12, 2020, Commission Meeting **Commissioner McCall**. seconds the motion. No further discussion, all in favor. **MOTION CARRIED**

MEETING ADJOURNED AT 12:48 P.M.


Chairman Ryan Schwebach


Sylvia Chavez-Administrative Assistant

August 26, 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.