

FINAL COPY
Torrance County Board of Commissioners
Regular Commission Meeting
December 09, 2020
9:00 AM

Commissioners Present:

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

Others Present:

JANICE BARELA – COUNTY MANAGER
PHILLIP TENORIO – DEPUTY COUNTY MANAGER
JOHN BUTRICK – COUNTY ATTORNEY
GENELL MORRIS – ADMINISTRATIVE ASSISTANT

1. Call Meeting to order

Chairman Schwebach: Calls December 09, 2020 Regular Commission Meeting to order at 9:08 AM

2. Pledge lead by: Chairman Schwebach

Invocation lead by: Commissioner McCall

3. Changes to the Agenda: Move 13B after 5A, 13A after 9C and 13D after 12D.

4. PROCLAMATIONS- None

5. CERTIFICATES AND AWARDS

A. MANAGER: Presentation of Retirement Plaque for Linda Jaramillo

13. B. CLERK: Madam Clerk Linda Jaramillo's Farewell

Janice Barela – County Manager: Presented plaque to County Clerk Linda Jaramillo and thanks her for all her hard work and dedication to Torrance County.

Linda Jaramillo – County Clerk: Linda Kayser and I were a good team. We both took an oath to serve the people of Torrance and we took that oath very seriously. We leave the office in good hands, Yvonne Otero, Sylvia Chavez and Genell Morris and whoever else they may hire. I will miss all the others who work here in the Torrance County Offices. Over the years I have seen many come and go. Thank you from the bottom of my heart for the privilege for serving you all these years; full speech Hereto Attached.

Ms. Jaramillo Also presented the Commission with a signed Certification of the statewide 2020 General Elections Results Certificate.

Commissioner McCall: On behalf of the Commission, we thank you for your service and good luck with your retirement.

6. BOARD AND COMMITTEE APPOINTMENTS - None

7. PUBLIC COMMENT and COMMUNICATIONS

Chairman Schwebach: Thanks Tracey Master for having place holders for elderly and disabled at Walmart and Smiths in Edgewood.

Tracey Master: This is Amanda Henry's project; I want to ensure she gets the credit for this.

Nick Sedillo – Risk Manager: Presented awards to 3 nominated individuals: Jacob Medina, Road Department High Risk job, 1,066 days accident free. Katherine Hernandez, Treasurer's Office low Risk job, 1,499 days accident free. Michelle Gardner, Treasurer's Office low risk job 520 days accident free.

8. APPROVAL OF MINUTES

A. COMMISSION: Motion to approve the November 11, 2020 Torrance County Board of County Commission Minutes

Chairman Schwebach: Motions to approve the November 11, 2020 Torrance County Board of County Commission Minutes.

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED

9. APPROVAL OF CONSENT AGENDA

A. FINANCE: Approval of Payables

Chairman Schwebach: Motion to approve payables and consent agenda.

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED

B. PLANNING AND ZONING: Approval of Planning and Zoning Meeting Schedule 2021 Calendar Year.

Chairman Schwebach: Motion the approval of Planning and Zoning Meeting Schedule 2021 Calendar Year.

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED

C. **PLANNING AND ZONING:** Motion to approve Special Use Changes in Zoning Charles Van Lueewen Salvage Yard.

Steve Guetschow – P&Z Director: The old CCC training facility in Mountainair is now a salvage operating with permission to be indoor only, now has moved outdoor requiring to get a special use change in zoning to the property. He has done that, and the P&Z board made a recommendation for approval. We posted Public notice in the papers as required, with no opposition. The application was a do pass at the P&Z meeting with all in favor. See all information in meeting packet.

Chairman Schwebach: Motion to approve Special Use Changes in Zoning Charles Van Lueewen Salvage Yard.

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED

13. A. **COMMISSION:** Capital Outlay proposed project, presented to Torrance County's 2021 New Mexico State Senators and Representatives.

Cheryl Allen - Grant Manager: Full PowerPoint hereto attached.

The 13 ICIP projects FY2022-2026: 1. County Fair Ground Improvements 2. New County Government Offices 3. Riley Road Improvements 4. County Road Improvements (McNabb Road) 5. Road department equipment (Skid Steer) 6. 4x4 Sheriff Patrol Vehicles 7. Security System for 911 Dispatch Center 8. Security Fencing/Target Hardening 9. Restoration and Preservation of Historical Records 10. Duran Water System Improvements 11. Animal Shelter Expansion 12. Abo Water System Development 13. Emergency Management Facility and shelter. Representative McQueen recommends making #2 phase able due to the high dollar amount.

Representative Stefanics agrees and also suggests, knowing the owner of the fairgrounds or doing a 100-year lease at \$1 a year. She also questions why the senior center is not on the list. Cheryl states she was instructed to go through Aging and Long-term services. Representative Stefanics recommended for Cheryl to look into that and make sure the senior center is on the list otherwise it is a good idea to be out on the ICIP list.

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

11. **ADOPTION OF RESOLUTION**

- A. **COMMISSION:** Motion to approve Resolution No. ____, Torrance County Legislative Priorities for the 2021 Session of the New Mexico State Legislature.

Janice Barela – County Manager: Read Resolution, Torrance County Legislative Priorities for the 2021 Session of the New Mexico State Legislature. Hereto Attached

Chairman Schwebach: Other counties are doing this, and I felt a resolution would be the best way to proceed as a Commission as to what our priorities are. I felt this would be the time to add and/or amend what is there.

Commissioner McCall: Would like more clarification on #4 amend solar energy. This is commercial, can you reassess or zone residential?

Chairman Schwebach: I do not think it applies to our county but wanted the Commissioners input.

Janice Barela – County Manager: #4 ties into #3 the opposition. Legislation that would create a new special valuation or classification regarding leased residential solar taxed as personal property.

Steve Guetschow – P&Z Director: As far as residential solar applications, we issue a utility only land development permit. It is an assessable improvement to the residents, but it is nothing to do with commercial aspects.

Chairman Schwebach: I would recommend removing item #3 opposition and #4 support. Amending my motion with amendments.

Chairman Schwebach: Senator elect Schmedes is proposing some legislation in regard to emergency powers with our Governor. I do not see that here and feel that as a commission we need to address and help support our legislatures, I do not have anything in front of me to support that.

Janice Barela – County Manager: Senator elect Schmedes bill “Extended Emergency Powers Restraint Act”. He is willing to work with me to get a resolution and I will present it in the January meeting.

Commissioner McCall: I recommend we defer this resolution and add the language from the Act and review at the January meeting.

Chairman Schwebach: I would not be opposed to that.

***Defer to the next meeting in January**

B. COMMISSION: Motion to approve Resolution No. ____, Opposing the Recommendations of the New Mexico Civic Rights Commission and Urging the Legislature to Provide More Resources to Address Root Causes of Civic Rights Claims Against Local Governments.

Janice Barela – County Manager: Read Resolution, Opposing the Recommendations of the New Mexico Civic Rights Commission and Urging the Legislature to Provide More Resources to Address Root Causes of Civic Rights Claims Against Local Governments. Hereto Attached

Chairman Schwebach: This Commission has potential to have a lot of adverse efforts, the reality in my opinion, is it was enacted in poor timing, rushed manner, and not thought out. Our next meeting, we will have Commissioner elect Candelaria up here. I will defer this till the next meeting. If there is no objection.

***Defer to the next meeting in January**

C. DWI PROGRAM: Motion to approve the FY2022 LDWI Grant, Resolution No. 44

Chairman Schwebach: Motion to approve the FY2022 LDWI Grant, Resolution No. 44

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED

1. Memorandum of Understanding

Chairman Schwebach: Motion to approve Memorandum of Understanding

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED

2. Statement of Assurances

Chairman Schwebach: Motion to approve Statement of Assurances

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED

D. FINANCE: Motion to approve Budget Increase, Resolution No. 45

Jeremy Oliver – Finance Director: This budget increase is for; The Road Department, DWI, Manager/Finance, Dispatch, and Grant/Sheriff.

Chairman Schwebach: Motion to approve Budget Increase, Resolution No. 45

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED

E. **FINANCE:** Motion to approve Vehicle Disposition, Resolution No. 46

Jeremy Oliver – Finance Director: The Road department has 5 vehicles, Silent auction will be end of January early February.

Chairman Schwebach: Motion to approve Vehicle Disposition, Resolution No. 46

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED

F. **MANAGER:** Motion to approve Acceptance for Capital Appropriation Project Torrance County Sheriff's Office Patrol Vehicles, 20-E2772, Resolution No. 47

Janice Barela – County Manager: This is requested by DFA, when appropriation has been given to us in the form of an agreement that must be signed allowing us to start project. \$95,000 is appropriated, used for purchase, and equip vehicles for the sheriff's office in Torrance County. This is also giving myself, my successor, my deputy, or successor authority to sign on behalf of the county.

Chairman Schwebach: Motion to approve Acceptance for Capital Appropriation Project Torrance County Sheriff's Office Patrol Vehicles, 20-E2772, Resolution No. 47

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED

G. **MANAGER:** Motion to approve Acceptance of Agreement for Capital Appropriation Project Torrance County Duran Water System Improvements SAP 20-E2241-STB, Resolution No. 48

Janice Barela – County Manager: This is similar to the last resolution but a different project, in the amount of \$120,000 to plan, design, and construct water system improvements for Duran in Torrance County. This is also giving myself, my successor, my deputy, or successor authority to sign on behalf of the county.

Chairman Schwebach: Motion to approve Acceptance of Agreement for Capital Appropriation Project Torrance County Duran Water System Improvements SAP 20-E2241-STB, Resolution No. 48

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED

H. **MANAGER:** Motion to approve Acceptance of Agreement for Capital Appropriation Project Torrance County, Torrance County Road Department Shop/Yard, 20-E2776, Resolution No. 49

Janice Barela – County Manager: \$550,000 to plan, design, construct and equip a shop and yard for the Torrance County road department in Estancia in Torrance County. The question was brought up if the new Road department was in Estancia, my suggestion is to remove the words: “in Estancia”. This is also giving myself, my successor, my deputy, or successor authority to sign on behalf of the county.

Chairman Schwebach: Motion to amend Acceptance of Agreement for Capital Appropriation Project Torrance County, Torrance County Road Department Shop/Yard, 20-E2776, Resolution No. 49 excluding the words “in Estancia”.

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED

Chairman Schwebach: Motion to approve Acceptance of Agreement for Capital Appropriation Project Torrance County, Torrance County Road Department Shop/Yard, 20-E2776, Resolution No. 49 with exclusion.

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED

I. **PLANNING AND ZONING:** Motion to approve Property Clean Up for Lot 13, Blk 6, Unit 1 Ranchos Encantados Subdivision being addressed 87 Caballo Ave. Resolution No. 50

Steve Guetschow – P&Z Director: Read resolution aloud. Pictures hereto attached. We issued a notice of violation in October; we could not find the owner. We are wanting to remove the debris as shown in pictures outside this home it is a matter of public health and safety. Our regular clean up guy has retired; I spoke with Leonard and he offered a guy and a loader to assist with this clean up.

Chairman Schwebach: I am concerned that this will happen again, and the public will not clean up after themselves expect the County to do it for them. We will discuss this at a later date, as to how to prevent this from happening in the future.

Chairman Schwebach: Motion to approve Property Clean Up for Lot 13, Blk 6, Unit 1 Ranchos Encantados Subdivision being addressed 87 Caballo Ave. Resolution No. 50

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED

12. APPROVALS

- A. **MANAGER:** Motion to approve (i) First Amendment to Lease Agreement between Duran Mesa LLC and Torrance County with revised Legal Description attached as Exhibit A; and (ii) First Amendment to Sublease Agreement with revised Legal Descriptions attached as Exhibit A.

Janice Barela – County Manager: These next 4 items are similar 12A-12D we will discuss the First Amendment to Lease Agreement, the amendments are to the legal description. Torrance County's council is from Sherman Howard, Jill Sweeney, and Kirt Coffman.

Jeremy Turner – Pattern Energy: We have 16 agreements with 4 separate projects. With each one you have an amendment to the lease agreement, behind that is a red line version, so you can see the changes from what was originally presented, behind that is the first amendment to the sublease agreement, as well as a red line to that.

We have broken ground on all 4 wind farms as well as the Western Spirit transmission line. We have started with Clines Corners Wind Farm, with the 1st turbine up. We are on track to be done with all 4 wind farms by the end of next year. As far as the transmission line goes, Rita owns that project and Pattern is the co-developer. That is how the power will get out. We have the laydown yards built. Overall, everything is progressing well. That we are moving forward with approximately 2-billion-dollar financing, we are hoping to have closed by next week. This will fully finance the construction of the transmission line as well as all 4 wind farms.

We are cleaning up the definition of the properties that was included in the original IRB's that was approved in June. This was fully anticipated, it is a natural step in the process, where we further refine the boundaries of the wind farm properties.

Kirt Coffman Torrance County Council: All 4 items are basically the same, amending the lease agreements and the sublease agreements, that were entered in June with the IRB's. They just amend the property descriptions.

Jeremy Turner – Pattern Energy: We are estimating about 894.8 Megawatts, these projects will be located in Torrance County based off the PILT agreements

that we had defined in June coming out to the amount of \$2.5 million annually during the term of the IRB's. There are a couple of blanks because we are still finalizing surveys and recording information.

Chairman Schwebach: Motion to approve (i) First Amendment to Lease Agreement between Duran Mesa LLC and Torrance County with revised Legal Description attached as Exhibit A; and (ii) First Amendment to Sublease Agreement with revised Legal Descriptions attached as Exhibit A.

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED

B. MANAGER: Motion to approve (i) First Amendment to Lease Agreement between Red Cloud Wind LLC and Torrance County with revised Legal Description attached as Exhibit A; and (ii) First Amendment to Sublease Agreement with revised Legal Descriptions attached as Exhibit A.

Jeremy Turner – Pattern Energy: Same as previous agreement with different location.

Chairman Schwebach: Motion to approve (i) First Amendment to Lease Agreement between Red Cloud Wind LLC and Torrance County with revised Legal Description attached as Exhibit A; and (ii) First Amendment to Sublease Agreement with revised Legal Descriptions attached as Exhibit A.

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED

C. MANAGER: Motion to approve (i) First Amendment to Lease Agreement between Tecolte Wind LLC and Torrance County with revised Legal Description attached as Exhibit A; and (ii) First Amendment to Sublease Agreement with revised Legal Descriptions attached as Exhibit A.

Jeremy Turner – Pattern Energy: Same as previous agreement with different location.

Chairman Schwebach: Motion to approve (i) First Amendment to Lease Agreement between Tecolte Wind LLC and Torrance County with revised Legal Description attached as Exhibit A; and (ii) First Amendment to Sublease Agreement with revised Legal Descriptions attached as Exhibit A.

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED

D. MANAGER: Motion to approve (i) First Amendment to Lease Agreement between Clines Corners Wind Farm LLC and Torrance County with revised Legal Description attached as Exhibit A; and (ii) First Amendment to Sublease Agreement with revised Legal Descriptions attached as Exhibit A.

Jeremy Turner – Pattern Energy: Same as previous agreement with different location.

Chairman Schwebach: Motion to approve (i) First Amendment to Lease Agreement between Clines Corners Wind Farm LLC and Torrance County with revised Legal Description attached as Exhibit A; and (ii) First Amendment to Sublease Agreement with revised Legal Descriptions attached as Exhibit

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED

13. **D. FINANCE:** Financial update.

Jeremy Oliver – Finance Director: PowerPoint presentation hereto attached. Everything in yellow is recorded/received, on the far right you can see the percentages. Everything in blue is fund Tax & Rev said will come directly into the general fund as of March. All GRT will go directly into the general funds starting in March or January reporting month. All funds will meet or exceed budget amounts. We will have over 1 million dollars in GRT for the general fund this year. We are not doing any large budget increases in the general fund this year. Property tax collection as of November 30th, 2020 is at 19.4% that is up from this time last year. The PILT and the PILT reserve fund. Reserve (end of FY2021) \$239,008, \$53,000 transferred back into the PILT. FY2022 +400,000, FY2023 +400,000, \$55,000 transferred back into the PILT. FY2024 +52,992 total 1,200,000 reserve met.

Current budget breakdown, in the general fund the following are in the negative; paper and cleaning, building maintenance, elections, operations, road, fair and infrastructure.

With the ear marking of the gross receipts, we are going to treat our local projects, infrastructure, and local capital outlay. All that money will go into the general fund. I think its best when the departments bring projects during the budget process, we transfer that money into infrastructure. In state reporting they are both the same fund. Its easier to have one fund instead of having two separate funds. The project will be funded by the county and will not have to wait for the funding.

In the 2019 Legislative Session a bill was passed allowing the gross receipts tax to be used for any purpose. All GRT coming into the general fund in one lump sum and then distributed to the different funds. It is up to the Commission to appropriate the funds in the county.

E. FINANCE: Motion to approve Road Department salary increases.

Jeremy Oliver – Finance Director: A proposal of a \$2 raise across the board for road crew excluding supervisors and admin. The break down is for the cost in a year. The budget increase approved earlier only incorporates half a year out of the roads current GRT fund, it also includes incentive amounts, For the incentive a resolution will be created later in the year. The incentive amount will not take affect the resolution takes effect, July 1 next FY.

Janice Barela – County Manager: This came as a result of a meeting we had with the road department. Talking with the equipment operator, they feel they are not receiving a working/living wage, and some have to have an alternative employment outside the county in order to make a living. As we look at the amount of responsibility in operating the equipment, training, equipment, and values of equipment, the skill levels we are asking them to acquire. We also looked into the retention of the employees. We came up with the \$2 an hour raise this would be \$4,160.00 added to their pay for the year. As far as incentive pay it will be \$1000.00 for their CDL. We are considering another incentive for an endorsement for a tanker at \$500.00. Only one person is a trainer and there would be onetime \$1000.00 incentive. I felt that this is important, if the trainer were to change, we would not have to pull back a salary. This incentive pay is something we are looking at for the next budget cycle. Today we are only asking for the \$2 raise for the equipment operators.

Chairman Schwebach: I think our hourly wage is a little low to be competitive, however within that department I also see the structure of our employees on a tier system, training, and skill to coordinate with appropriate pay. Some operators have been here for 2 years and some 15 years and we are looking to blanket that. What happens if we give all these employees a \$2 raise with nothing behind it as to why and how they got it, and what does that mean for retention? We had a discussion on internal training and observations with an annual employee evaluation. Has there been any more talks on this?

Janice Barela – County Manager: Currently Torrance County does not give merit increases meaning its not based on their evaluations for any raises.

Chairman Schwebach: How would we implement this and would it be of value.

Leonard Lujan – Road Department Supervisor: The blanket raise will help all of them at once. We have never given raises by evaluations because retention. Its hard to say if we make that change, if we can keep people longer or if starting at a

higher wage will keep them. We need to stay competitive because they can go to the State Highway Department, the prison or TA and make \$3 more an hour. As far as benefits with the state we are close, our guys get a take home vehicle as a benefit, its part of their wage when we hire them.

Janice Barela – County Manager: As far as the PERA is concerned the state has a better plan. When they file for PERA they will make a higher percentage if they work for the State.

When the other departments put forth their request for salary increases, a lot of thought went into wage suppression because of the increase of minimum wage. When we went into discussions with Mr. Lujan on his budget requests, we did not realize, he did not understand what could be done with his budget. He thought the \$2 increase would come out of his budget, not realizing this would-be additional money added to his budget. It was also hard for him to predict what his budget would be because he was basing his salaries on state projects. That is not accurate, the state projects requires a 25% match for each one. We use the salaries as part of that 25% match. We do not get reimbursed by the state for the salaries. If you want to push this off to the next budget cycle, we can.

Jeremy Oliver – Finance Director: Currently the Lowest Operator makes \$12.00 an hour and after a year it is increased by \$1. With this proposal they would start at \$14.00 an hour but budgeted at \$15.00 an hour.

Chairman Schwebach: If we do not implement this differently than just a blanket \$2 an hour raise, if it is not tied to either timed served or duties, we have the potential to create another problem with the department.

Commissioner McCall: I agree

Chairman Schwebach: I would like to do this, but we need to examine how we do it.

Commissioner McCall: With that being said should we defer this?

Chairman Schwebach: We will defer this to the next meeting, so can have more information

***Defer to the next meeting in January**

- F. **FINANCE:** Motion to approve Fire Department Funding, including Emergency Medical services (EMS) Funding (i) Restructure of Department; (ii) Salaries; and (iii) Renovations.

Jeremy Oliver – Finance Director: PowerPoint presentation hereto attached. The following is a list of what is needed. Fulltime EMT/Firefighter Staff, renovations to new Moriarty buildings, renovations/addition fire admin building, paving for new building, paving at current fire admin, additional used engine, new engine/tender D6 (Willard), 2 new rescues, 2 additional life packs, and powered

gurneys for rescue's. We are not asking for approval of any one plan, if you are looking to approve anything, I think a dollar amount of what you would like to see committed. This can always be deferred till later. We wanted to give you the option to have this for discussion or approval. We are open to looking at solutions.

Chairman Schwebach: We asked for an overall long term financial obligation that this commission is looking at possibility going into. Torrance County Fire Department has been a volunteer fire department, we are not meeting needs of our residents. Im not ready to commit to 1 ½ million in salaries. We do need to press forward on coming up with a plan.

Commissioner McCall: As a Commission we need to talk about phasing this in, of what we can afford.

Chairman Schwebach: This commission needs to be prepared and put into action at our next meeting a dollar figure, that we will be pulling out of the PILT. Within that create a budget and a priority on where that money needs to be spent. We have enough information. This is long overdue. This commission has not put money into our fire department. Without objection we will defer to next meeting.

***Defer to the next meeting in January**

G. DWI PROGRAM: Motion to approve Appointment of members to the Torrance County DWI Prevention Program Planning Council.

Tracey Master – DWI Coordinator: The list you have before you are people that have showed interest in the DWI Prevention Program Planning Council. The Commission appoints the members the appropriate category ensuring members are not into categories.

Chairman Schwebach: Motion to approve Appointment of members to the Torrance County DWI Prevention Program Planning council, giving Tracy the authority to place members where she sees fit.

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED – Commissioner Sanchez absent.

H. DWI PROGRAM: Motion to approve Ratification of Community DWI Program (CDWI) Project Agreement for FY021 between the New Mexico Department of Transportation Traffic safety and Torrance County in the amount of \$1,500.

Chairman Schwebach: Motion to approve Ratification of Community DWI Program (CDWI) Project Agreement for FY021 between the New Mexico

Department of Transportation Traffic safety and Torrance County in the amount of \$1,500.

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED– Commissioner Sanchez absent.

- I. **FIRE:** Motion to approve request for permission to enter into loan agreement to purchase a tender/pumper for District 6 VFD.

Matt Propp – Emergency Manager: In District 6 (Willard) we have some substantial issues with the fire engine and the tender. It did not make sense to repair the tender. That station only has 3 bays, and we are required by the state to provide 3 apparatus in that station. We just bought a brand-new brush truck out of state fire fund for that station. We would like to purchase a combination pumper/tender. We are requesting permission to enter into a loan agreement with NMFA, around \$300,000. This is just opening the dialog.

Chairman Schwebach: Why do we want to borrow money to buy a pumper that is not staffed.

Matt Propp – Emergency Manager: This station covers the wind farm and the Duran Highway. If we do have an incident, it would be prevalent to have a vehicle that is able to respond.

This would be paid through district fire fund. The district is taking a loan through NMFA, out of their budget from the state, the loan payment is deducted from that districts fire funding.

Chairman Schwebach: Motion to approve request for permission to enter into loan agreement to purchase a tanker/pumper for District 6 VFD.

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED

- J. **FIRE:** Motion to approve Memorandum of Understanding (MOU) between New Mexico Department of Health and Torrance County for use of County facilities for COVID testing and Point of Distribution site (POD sites) for vaccine distribution.

Matt Propp – Emergency Manager: DOH is in need of our support by using County facilities to conduct COVID tests and the distribution of the vaccine.

John Butrick – County Attorney: I reviewed this and have no problem with it.

Chairman Schwebach: Motion to approve Memorandum of Understanding (MOU) between New Mexico Department of Health and Torrance County for use of County facilities for COVID testing and Point of Distribution site (POD sites) for vaccine distribution.

Commissioner McCall: Seconds the motion.
Roll Call Vote: MOTION CARRIED

13. DISCUSSION

- A. **COMMISSION:** Capital Outlay proposed project, presented to Torrance County's 2021 New Mexico State Senators and Representatives.

Moved to after 9C

- B. **CLERK:** Madam Clerk Linda Jaramillo's Farewell
Moved to after 5A

- C. **MANAGER:** Torrance County Code of Conduct Review Board Findings in the matter of Dial vs. Sanchez

John Butrick – County Attorney: Order hereto attached; County attorney read aloud. In Summary on December 1, 2020 the Torrance County Code of Conduct Review Board heard testimony, received documentary evidence, and conducted an investigation of the complaint filed on August 6, 2020, that alleged violations of the Torrance County Code of Conduct by Torrance County Commissioner Javier Sanchez. This Code of Conduct Review Board concludes that there is no need to order an independent investigation by a licensed investigation firm.

- D. **FINANCE:** Financial update.

Moved to after 12D

Chairman Schwebach: Is district 5 Sweetwater Hills, still an active district? Is there a working water well there?

Matt Propp – Emergency Manager: We have received approval from the state Fire Marshal's office to repair that well. Over the past 3 to 4 years, we have requested so many quotes and have not acted, we do not have any vendors that are willing to come out. We do not have any quotes within the last 90 days for the procurement process. When the vendor came out, they suggested a new well with a price of \$7 to \$12 thousand.

Chairman Schwebach: I would like a list of the vendors. I would like this addressed at the next meeting.

Noah Sedillo – Chief Procurement Officer: Do not know who the vendors are, this must have been handled by someone else. It never made it to my desk.

Matt Propp – Emergency Manager: I can get in touch with Hannah and Chief Trammel (district 5) and see who they used in the past.

Noah Sedillo – Chief Procurement Officer: If this is the case the procurement code had latitude and so does our policy, we can deem that as an emergency. We can suspend our policy and whomever can come out we will allow.

Chairman Schwebach: I would entertain that, but I'm not sure this is the proper place. This might be the authority of the manager.

14. EXECUTIVE SESSION:

A. **MANAGER:** Discuss appointment of Fire Chief, close pursuant to NMSA section 10-15-1(H)(2).

B. **MANAGER:** Discuss limited personnel matters (County Attorney), close pursuant to NMSA section 10-15-1(H)(8).

Chairman Schwebach: Motion to enter into executive session.

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED

Enter into Executive Session: 02:01 PM

Chairman Schwebach: Motion to enter into regular session

Commissioner McCall: Seconds the motion.

Roll Call Vote: MOTION CARRIED, Commissioner Sanchez absent

Enter into Regular session 02:54 PM

Chairman Schwebach: We are now back in regular session the only items discussed appointment of Fire Chief, close pursuant to NMSA section 10-15-1(H)(2), Discuss limited personnel matters (County Attorney), close pursuant to NMSA section 10-15-1(H)(8). No action taken.

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

January 13, 2021 9:00 AM @ the Torrance County Admin Building.

16. Signing of Official Documents

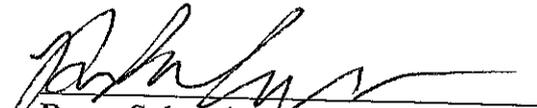
**Adjourn*

Chairman Schwebach: Motions to adjourn Commission Meeting

Commissioner Sanchez: Seconds the motion.

All in favor: MOTION CARRIED, Commissioner Sanchez absent

Meeting adjourned at 02:55 PM


Ryan Schwebach – Chairman


Genell Morris – Admin Assistant


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 out local radio station KXNM.