

**FINAL COPY**  
**Torrance County Board of Commissioners**  
**Regular Commission Meeting**  
**January 13, 2021**  
**9:00 AM**

Commissioners Present:

**RYAN SCHWEBACH – CHAIR**  
**KEVIN MCCALL – MEMBER**  
**LEROY CANDELARIA – MEMBER**

Others Present:

**JANICE BARELA – COUNTY MANAGER**  
**PHILLIP TENORIO – DEPUTY COUNTY MANAGER**  
**JOHN BUTRICK – COUNTY ATTORNEY**  
**YVONNE OTERO – COUNTY CLERK**  
**GENELL MORRIS – ADMINISTRATIVE ASSISTANT**

**1. Call Meeting to order**

**Chairman Schwebach:** Calls January 13, 2021 Regular Commission Meeting to order at 9:01 AM

- 2. Pledge lead by: Chairman Schwebach**  
**Invocation lead by: Commissioner McCall**

- 3. Changes to the Agenda:** Move 14F to after the Executive session.

**Chairman Schwebach:** Welcome's LeRoy Candelaria to the Commission.

**4. Election of Chair and Vice Chair**

- A. COMMISSION:** Election of Chair and Vice Chair for Calendar Year 2021.

**Commissioner McCall:** Nominates Commissioner Schwebach to remain Chair.

**Commissioner Candelaria:** Seconds the motion.

**Chairman Schwebach:** Accepts position

**Chairman Schwebach:** Nominates Commissioner McCall as Vice Chair.

**Commissioner Candelaria:** Seconds the motion.

**Commissioner McCall:** Accepts position.

**5. Open Meetings Act Resolution**

- A. COMMISSION:** Motion to approve Resolution 2021-01 establishing the provision of the New Mexico Open Meetings Act, NMSA 1978 10-15-1 and repealing Resolution 2020-1

**Madam County Manager Barela:** Read Resolution 2021-01 into record. Nothing has changed from previous year, only the date was adjusted for this year.

Resolution Hereto Attached

**Commissioner Candelaria:** Motion to approve Resolution 2021-01 establishing the provision of the New Mexico Open Meetings Act, NMSA 1978 10-15-1 and repealing Resolution 2020-1

**Chairman Schwebach:** Seconds the motion.

**Roll Call Vote:** All Commissioners in favor -**MOTION CARRIED**

**6. PROCLAMATIONS - None**

**7. CERTIFICATES AND AWARDS - None**

**8. BOARD AND COMMITTEE APPOINTMENTS - None**

**9. PUBLIC COMMENT and COMMUNICATIONS - None**

**10. APPROVAL OF MINUTES**

- A. COMMISSION:** Motion to approve the December 09, 2020 Torrance County Board of County Commission Minutes

**Chairman Schwebach:** Motions to approve the December 09, 2020 Torrance County Board of County Commission Minutes.

**Commissioner McCall:** Seconds the motion.

**Roll Call Vote:** All Commissioners in favor -**MOTION CARRIED**

**11. APPROVAL OF CONSENT AGENDA**

- A. FINANCE:** Approval of Payables

**Chairman Schwebach:** Motion to approve payables.

**Commissioner McCall:** Seconds the motion.

**Roll Call Vote: All Commissioners in favor -MOTION CARRIED**

**12. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE –**  
None

**13. ADOPTION OF RESOLUTION**

**A. FINANCE:** Motion to approve Budget Increase for Sheriff, DWI, Covid-19Emergency (Cares Act), Resolution No. 2021-02.

**Chairman Schwebach:** Motion to approve Budget Increase for Sheriff, DWI, Covid-19 Emergency (Cares Act), Resolution No. 2021-02.

**Commissioner McCall:** Seconds the motion.

**Jeremy Oliver – Finance Director:** This is a budget increase for the Cares Act portion of the COVID-19 reimbursement. This is an outline in our budget documents for the expenditures that are being reimbursed by the Cares Act. The Sherriff’s department, for the sale of county property, they have plans to buy evidence software. DWI had a higher number of registration this will go towards outreach materials.

**Roll Call Vote: All Commissioners in favor -MOTION CARRIED**

**B. COMMISSION:** Motion to approve Torrance County Legislative Priorities for the 2021 Session of the New Mexico State Legislature, Resolution No. 2021-03

**Chairman Schwebach:** Motion to approve Torrance County Legislative Priorities for the 2021Session of the New Mexico State Legislature, Resolution No. 2021-03

**Madam County Manager Barela:** Some language was changed making it more concise. Resolution was read into record. Resolution Hereto attached.

**Commissioner McCall:** Seconds the motion.

**Roll Call Vote: All Commissioners in favor -MOTION CARRIED**

**C. COMMISSION:** Motion to approve the Resolution Opposing the Recommendations of the New Mexico Civil Rights Commission and Urging the Legislature to Provide More Resources to Address Root Causes of Civil Rights Claims against Local Governments, Resolution No. 2021-04

**Chairman Schwebach:** Motion to approve the Resolution Opposing the Recommendations of the New Mexico Civil Rights Commission and Urging the Legislature to Provide More Resources to Address Root Causes of Civil Rights Claims against Local Governments, Resolution No. 2021-04

**Commissioner McCall:** Seconds the motion.

**Madam County Manager Barela:** Some language was changed making it more concise, no significant changes. This was read into record at the last December 2020 meeting. Resolution Hereto attached.

**Chairman Schwebach:** No need to read again.

**Roll Call Vote:** All Commissioners in favor -**MOTION CARRIED**

#### 14. APPROVALS

- A. **FAIR BOARD:** Motion to approve Unauthorized Purchase of Memorial Plaques for Torrance County Fair 2020.

**Noah Sedillo – Chief Procurement Officer:** In May 2020, the Fair Board got a Purchase Order for 22 memorial plaques, at the end of the fiscal year per our procurement policy, any issued PO's that are not requested in writing to be carried over will not be carried over to the next fiscal year. The Fair Board was contacted to inform them if they don't use the PO it will be closed. The intent was there, they did not follow through and get another purchase order this Fiscal year. This was not a procurement violation; they did not follow the process to get a purchase order for 3 memorial plaques. We are requesting this payment be approved to get this vendor reimbursed using the PO as originally intended.

**Chairman Schwebach:** Motion to approve Unauthorized Purchase of Memorial Plaques for Torrance County Fair 2020.

**Commissioner McCall:** Seconds the motion.

**Roll Call Vote:** All Commissioners in favor -**MOTION CARRIED**

- B. **GRANTS:** Motion to approve the FY2022, Memorandum of Understanding-between Torrance County (Fiscal Agent), Estancia Valley Youth & Family Council (EVYFC) and Estancia Municipal School District.

**Chairman Schwebach:** Motion to approve the FY2022, Memorandum of Understanding-between Torrance County (Fiscal Agent), Estancia Valley Youth & Family Council (EVYFC) and Estancia Municipal School District.

**Commissioner McCall:** Seconds the motion.

**Rebecca Armstrong – Juvenile Justice Continuum Coordinator:** We are seeking approval for this MOU. The Estancia Valley Youth & Family Council Board has been working on this since the month of December. This addressed the confidentiality issues and the release of info of youth demographics that the school had issues with. The school gave language input which was incorporated into the MOU. The County Attorney John Butrick reviewed this as well as Grant Coordinator Cheryl Allen and was edited to clean up the legal language. This is a solid document and is ready for approval. We have approval from Dr. Simmons with the school, as well as the board, we also had input from the county, JPO, the Judge, police department as well as the schools.

**Roll Call Vote: All Commissioners in favor -MOTION CARRIED**

- C. **MANAGER:** Motion to approve Engagement of Simmons Hanly Conroy LLC, Crueger Dickinson LLC, and von Briesen & Roper, s.c., as Counsel in Relations to Claims Agent Opioid manufactures, Distributions and Chain Pharmacies.

**Chairman Schwebach:** Motion to approve Engagement of Simmons Hanly Conroy LLC, Crueger Dickinson LLC, and von Briesen & Roper, s.c., as Counsel in Relations to Claims Agent Opioid manufactures, Distributions and Chain Pharmacies.

**Commissioner McCall:** Seconds the motion.

**Madam County Manager Barela:** We have been asked to join a class action lawsuit. The counties have looked into avenues to make manufacturers more accountable on what is going on with the opioid addiction crisis. In order for the counties to be able to get some reimbursements for the services we need to provide in the aftermath of these addictions and the negative impact it has on our community. There is no cost to the county to be a part of this, New Mexico Counties is asking Torrance County to join this class action lawsuit.

**Commissioner Candelaria:** Is there an agreement between the Municipalities and the County to implement this?

**Janice Barela - County Manager:** We are looking at this specifically for Torrance County. I do not know what advice would be given to the Municipalities if they were interested in joining this class action lawsuit. They may need to visit with the New Mexico Municipal League to see if there is opportunity.

**Chairman Schwebach:** What does our County Attorney think about this, has he reviewed this?

**Madam County Manager Barela:** He has reviewed this and reminded me to make sure this was on the agenda. We had significant conversations with Grace

Phillips for New Mexico Counties, they are contacting every county, so we can get in with appropriate amount of time. We will be represented in the event finances were made available to counties.

**Roll Call Vote: All Commissioners in favor -MOTION CARRIED**

**D. FIRE:** Motion to approve EMS Fund Act Application for District 2,3 and 5, Superior Ambulance.

**Chairman Schwebach:** Motion to approve EMS Fund Act Application for District 2,3 and 5, Superior Ambulance.

**Commissioner McCall:** Seconds the motion.

**Matt Propp – Acting Fire Chief:** This application is completed with Superior Ambulance every 2 years. Our payment to them, providing service to the county as we allot the EMS funds so they can maintain service. The bulk of our calls are in the north end of the county. Nothing has changed, this has been the same for many years.

**Jeremy Oliver - Finance Director:** Same numbers that have been in the budget the past 2 years, there will be no change going forward.

**Madam County Manager Barela:** With this application they are seeking \$20,000 for funding through the EMS Fund Act, to cover supplies for the rescues. On the application there is a list of what the funding will go towards. Part of the contract states we are giving them the ability to apply for this finding. This is in lieu of any payment we would pay to them for any services that they provide in Torrance County.

**Commissioner McCall:** They are applying for this on our behalf?

**Matt Propp – Acting Fire Chief:** Correct

**Commissioner McCall:** With where we are going with the fire department, do we need to reserve this ability to possibly supply our own units?

**Matt Propp – Acting Fire Chief:** We supply our units out of our fire department funding, we use less equipment, so we provide equipment out of our fire admin fund. For this year this is the best option.

**Madam County Manager Barela:** Since this is tied into the contract we have with Superior and will be up for renewal at the next Commission Meeting, discussion needs to be had whether or not this will be part of that contract. I know no decisions will be made on that today it is not an agenda item.

**Roll Call Vote: All Commissioners in favor -MOTION CARRIED**

**E. FIRE:** Motion to approve Fire Department Funding: (i) Salaries and (ii) Renovations.

**Chairman Schwebach:** Motion to approve Fire Department Funding: (i) Salaries and (ii) Renovations.

**Commissioner McCall:** Seconds the motion.

**Jeremy Oliver – Finance Director:** The lowest salary we can go for EMT Basic is \$13.50 an hour and EMT Paramedic \$15.50 an hour.

Spread sheet hereto attached.

**Chairman Schwebach:** For part time \$387,508, line item 15, what does this represent?

**Jeremy Oliver – Finance Director:** That would represent being able to hire 15 people part time at \$15.50 an hour with paramedic classification.

**Chairman Schwebach:** Commissioner Candelaria, we postponed this agenda item because you were coming into office and wanted you to be a part of this. The Commission is prepared to fund our Fire Department and Emergency Services. Mr. Propp is acting interim Fire Chief; he is our Emergency Manager. In discussion to hire a new Fire Chief, it occurred to this Commission that the Fire Department needs to be funded and have a solid plan. Full time EMS, EMT staff could be past 1 million dollars annually for salaries.

We have asked Matt and the County Manager to put together numbers, what can this Country afford, what should it spend, and what does it look like.

**Commissioner Candelaria:** We as Commissioners have a responsibility to the county to provide health, safety, and ways to move around including roads. I agree we are lacking in Emergency personnel.

**Commissioner McCall:** When I seconded the motion, I did not realize we were going straight to this, this needs to be a discussion item before approval. I appreciate Commissioner Candelaria's willingness to discuss and admitting there is a problem within the County. I also admit there is a problem, and something needs to be addressed. Since we do not have a Fire Chief hired yet, I would like to rescind my second if that is possible?

**Chairman Schwebach:** We have a motion and a second on the floor, my recommendation is to fail a vote. All in Favor.

**Commissioner Candelaria:** No

**Chairman Schwebach:** No

**Commissioner McCall:** No

**Chairman Schwebach:** Now we are in discussion. I agree with Commissioner McCall, I am reluctant to put a number that is tied to number of employees till we hire a Fire Chief. The number I have been looking at is \$400,000 range on top of what is currently there. That would be coming out of PELT and some other funds.

**Commissioner McCall:** It is great we are having this discussion. I am thinking ½ a million for salaries. We have to realize we have got to have volunteers. We will never be able to afford the 1.5 million dollars.

**Matt Propp – Acting Fire Chief:** When we were discussing the 1.5 million dollars, we were discussing at worse case scenario with no active volunteers. We have never come into this saying we want to replace our volunteer staff. The plan has always been to augment volunteers we have in the field.

**Chairman Schwebach:** That is correct. The number and budget we are looking at has and will be a combination of how many full times, how much money goes to get more volunteers, and the list continues. This is a significant long-term investment that we have to look at very closely and determine the returns on investment for our constituents and what it will cost this county. We will continue this discussion at our next meeting. Discussion only **No Action Taken.**

**Chairman Schwebach:** (ii) Renovations for the new Emergency Management Building

**Matt Propp – Acting Fire Chief:** We are looking at a multi-phase approach. 1st phase: get the building active and moving. We are looking to build out an EOC area, 3 offices (Emergency management, CERT volunteers, law enforcement) this meets the qualifications under the State Fire Marshal to create that as another fire station. At that point we would put 3 apparatus in the building, our mobile command center counts as one of the apparatuses. After one year of evaluation then that building would be funded as another station for the county. Then that building would be self-sustaining in the future and the state fire fund would pay for maintenance, equipment, and utilities.

**Commissioner McCall:** Where do we sit as far as fund from FIMA and DOH (federal funds) for that remodeling? We need to front the money with a reimbursement later.

**Matt Propp – Acting Fire Chief:** Correct, I have been I contact with FIMA, state and regional partners, we are at a stalemate because we have not moved forward. Reimbursement is still available for this project; the window continues to get smaller as time goes by.

**Chairman Schwebach:** Did we allocate funds for the remodeling, half of it or just the purchase of the building?

**Madam County Manager Barela:** The purchase of the building and discussion in previous meetings over the amount of money that is requested vs. how much money the Commission is comfortable allocating towards the renovation. Matt has visited with our Deputy County Manger Philip Tenorio to come up with plans on how to scale back on some of the initial requests. It was at \$180,000 for all the



renovations. The Commission was wanting to lower that amount of money. They looked into what can be done with \$100,000 for the renovation.

**Matt Propp – Acting Fire Chief:** We are looking at what can we do to get the building operational. Showers etc. can be phased in later. I have asked specifically about showers through DOH and FIMA, this is tied into the public health emergency, this may be used as a shelter site

**Philip Tenorio – Deputy County Manager:** Original budget was \$188,000, for \$100,000 we can deliver a functional building. Some of the esthetic items will be scaled back. We can do without flooring and HVAC for the time being. Down the line as money comes in, we can phase in the esthetic items. Phasing in comes at a cost of about 15% more then if it was done all at once. We have a base plan and are waiting on an RFP, shortly after construction can get started.

**Commissioner McCall:** I am leaning towards funding the \$188,000, If we can have the majority of it refunded.

**Chairman Schwebach:** We have no choice to go with the \$100,000 because we have already committed, we would be foolish not to throw in the \$80,000 or \$90,000 to make to full for the return on the money.

**Commissioner Candelaria:** I am good on this, what is the most essential part of the building?

**Matt Propp – Acting Fire Chief:** Everything we are looking at on the building is essential. We have to keep half of the building as a shelter. It leaves us a lot of area to do a lot of good. This area is 2 acres, fenced, leaving us very secure.

**Steve Guetschow – P&Z Director:** If you decide to phase this; 1. the bathrooms remodel cannot be done in phases, they have to be brought up to standard right away because they do not meet handicap regulations and even if this is a volunteer Fire Department rather than a full time, you can get rid of bunk rooms. The volunteers need a place to wash up. In regard to the HVAC system, it is not only because of the COVID, you are required by building code to have a full air change in the building every few minutes. These are 2 of the items you can take a short cut on.

**Chairman Schwebach:** I make a motion to appropriate \$188,000 to move forward on this project.

**Commissioner McCall:** Seconds the motion.

**Roll Call Vote:** All Commissioners in favor -**MOTION CARRIED**

- F. **SHERIFF:** Motion to approve reclassification of a vacant deputy position to a sergeant position, to include increase in budget for salary and benefits.

**Chairman Schwebach:** Motion to approve reclassification of a vacant deputy position to a sergeant position, to include increase in budget for salary and benefits.

**Commissioner Candelaria:** Seconds the motion.

**Sheriff Martin Rivera:** We ask for this reclassification based on our current legislation, making it easier for people to sue us. Having a supervisor present while deputies are on duty, it will help with liability issues.

**Chairman Schwebach:** In light of recent events, you are asking for this now rather than next budget cycle?

**Sheriff Martin Rivera:** That is correct.

**Roll Call Vote:** Schwebach - yes; Candelaria - Yes; Commissioner McCall - absent: **MOTION CARRIED**

## 15. DISCUSSION

A. **TREASURER:** Update on 2020 tax season & tax collection rates.

**Tracy Sedillo – County Treasurer:** For the first half of taxes for 2020, we are at the highest we have ever been in 10 years at 57.94 % for the 1<sup>st</sup> half of taxes. Also, a big Thanks to my staff for all their hard work.

**Commissioner McCall:** Good Job to you and your staff.

**Chairman Schwebach:** I agree thank you to you and your staff for the good work you do.

## 14. EXECUTIVE SESSION:

A. **MANAGER:** Purchase of the County Fairgrounds, close pursuant to NMSA 1978, Section 10-15-1(H)(8).

B. **MANAGER:** Discuss personal issues (Sheriff's Office), closed pursuant to NMSA 1978, Section 10-15-1(H)(2).

C. **MANAGER:** Discuss appointment of Fire Chief, closed pursuant to NMSA 1978, Section 10-15-1(H)(2).

**Chairman Schwebach:** Motion to enter into executive session.

**Commissioner Candelaria:** Seconds the motion.

**Roll Call Vote:** Schwebach - yes; Candelaria - Yes; Commissioner McCall - absent: **MOTION CARRIED**

**Enter into Executive Session: 10:45 AM**

**Chairman Schwebach:** Motion to enter into regular session

**Commissioner Candelaria:** Seconds the motion.

**Roll Call Vote:** Schwebach - yes; Candelaria - Yes; Commissioner McCall - absent: **MOTION CARRIED**

**Enter into Regular session 01:51 PM**

**Chairman Schwebach:** We are now back in regular session the only items discussed were the purchase of the County Fairgrounds, closed pursuant to NMSA 1978, Section 10-15-1(H)(8). No action taken.

Discuss personnel issues (Sheriff's Office), closed pursuant to NMSA 1978, Section 10-15-1(H)(2). No action taken.

Discuss appointment of Fire Chief, closed pursuant to NMSA 1978, Section 10-15-1(H)(2).

**Chairman Schwebach:** Makes a motion to give County Manger the authority to move into contractual discussions with Mr. Don Dirks for the position of Fire Chief.

**Commissioner Candelaria:** Seconds the motion.

**Roll Call Vote:** Schwebach - yes; Candelaria - Yes; Commissioner McCall - absent: **MOTION CARRIED**

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

**Chairman Schwebach:** A request if possible; to move next Commission meeting to January 26<sup>th</sup>, 2021, I will be unavailable on January 27<sup>th</sup>, 2021.

Commissioner Candelaria, Madam County Manager are ok with date, County attorney needs to check schedule.

**Chairman Schwebach:** Through general consent if you can move it and publish it accordingly, I would appreciate it.

**Madam County Manager Barela:** Yes sir.

**16. Signing of Official Documents**

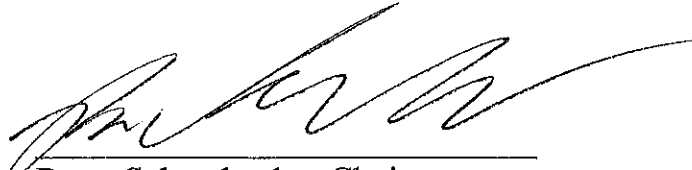
*\*Adjourn*


**Chairman Schwebach:** Motions to adjourn Commission Meeting

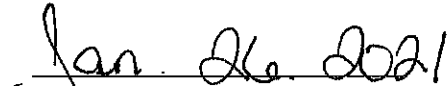
**Commissioner Candelaria:** Seconds the motion.

**Roll Call Vote:** Schwebach - yes; Candelaria - Yes; Commissioner McCall - absent: **MOTION CARRIED**

Meeting adjourned at 01:55 PM

  
\_\_\_\_\_  
Ryan Schwebach – Chairman

  
\_\_\_\_\_  
Geneil 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.