

FINAL COPY
Torrance County Board of Commissioners
Regular Commission Meeting
January 26, 2021
10:30 AM

Commissioners Present:

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

Others Present:

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

1. Call Meeting to order

Chairman Schwebach: Calls the January 26, 2021 Regular Commission Meeting to order at 10:35 AM. Meeting was delayed due to inclement weather.

2. Pledge lead by: Chairman Schwebach

Invocation lead by: Commissioner Candelaria

3. Changes to the Agenda: None

4. PROCLAMATIONS: None

5. CERTIFICATES AND AWARDS

A. MANAGER: Announcement of Employee of the Quarter: Deputy Alexander Schwerdel (Sheriff Rivera and Undersheriff Lucero)

Sheriff Rivera: Deputy Schwerdel is a great asset to our department, he has solved many cases, including finding suspects and recovering property. He has served overseas, just got back in September and was in Washington DC last week serving our country.

Madam County Manager Janice Barela: We had many nominations for this quarter. We are proud of Deputy Schwerdel's efforts as an employee, a member of

the Sheriff's Department and his exemplary service during this quarter. Also serving and protecting our County and Country. Thank you, Deputy.

Chairman Schwebach: Take a minute tell us a little bit about yourself.

Deputy Alexander Schwerdel: I grew up in McIntosh, was homeschooled, when I turned 18, I started working at Walmart, Joined the National Guard at 20 and Hired here at Torrance County at 21.

Madam County Manager Janice Barela: As part of being the Employee of the quarter Deputy Schwerdel will receive 1 day of administrative leave and his picture on the wall in the south hallway. Thank you, Commissioners, for allowing us to honor employees.

6. BOARD AND COMMITTEE APPOINTMENTS

- A. **MANAGER:** Motion to appoint Torrance County's representative to the Estancia Valley Economic Development Association (EVEDA) Executive Board.

Chairman Schwebach: Motion to appoint Commissioner Candelaria as Torrance County's representative to the Estancia Valley Economic Development Association (EVEDA) Executive Board.

Commissioner McCall: Seconds the motion.

Chairman Schwebach: Are these appointments annually?

Madam County Manager Janice Barela: I do not think this is necessarily annually but since you are a new Commission and feel this should be included.

Commissioner Candelaria: I would be interested in serving on the board.

Chairman Schwebach: Commissioner McCall currently serves on the board.

Commissioner McCall: I am open to letting Commissioner Candelaria serve on the board. I'll happily step down and let you represent the county.

Chairman Schwebach: I amend my motion to appoint Commissioner Candelaria to EVEDA.

Commissioner McCall: Seconds the motion.

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

- B. **MANAGER:** Motion to appoint Torrance County's two representatives to the Mid Region Council of Governments (MRCOG) Board and to select one of the representatives to serve on MRGOG's Executive Board.

Madam County Manager Janice Barela: Currently Wayne Johnson and Belinda Garland serve on the board representing Torrance County. One position is the

executive board and the other would attend meetings outside of the executive board.

Commissioner Candelaria: I would like to serve on the board, I feel they have great information that I can bring to the county.

Commissioner McCall: I motion to nominate Commissioner Candelaria as Executive chair and Madam County Manager Janice Barela as second.

Chairman Schwebach: Seconds the motion.

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

C. MANAGER: Motion to appoint County Manger Janice Barela as the Torrance County voting member on the New Mexico Counties Insurance Pool and Operations Manager Nick Sedillo as the alternate.

Madam County Manager Janice Barela: Currently we have previous County Manager Wayne Johnson as the voting member for Torrance County. This is before you to be updated by appointing me as the voting member. This is through New Mexico Counties and has to do with Risk Management, this is why I want to include Operations Manager Nick Sedillo as the alternate. This will be same situation on the next agenda item as well.

Chairman Schwebach: Motion to appoint County Manger Janice Barela as the Torrance County voting member on the New Mexico Counties Insurance Pool and Operations Manager Nick Sedillo as the alternate.

Commissioner McCall: Seconds the motion.

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

D. MANAGER: Motion to appoint County Manager Janice Barela as the Torrance County voting member to the New Mexico Counties Insurance Authority (NMCLIA) and Operations Manager Nick Sedillo as the alternate.

Chairman Schwebach: What is the difference between the previous agenda item and this agenda item?

Madam County Manager Janice Barela: One is the Insurance Pool and the other is Insurance Authority.

Nick Sedillo – Operations Manager/Risk Management: Year before last the Insurance Authority Board voted to create one board between Workers Comp and

the Law Enforcement Pool. The bylaws were changed and instead of having two boards they comingled into one board.

Chairman Schwebach: Motion to appoint County Manager Janice Barela as the Torrance County voting member to the New Mexico Counties Insurance Authority (NM CIA) and Operations Manager Nick Sedillo as the alternate.

Commissioner McCall: Seconds the motion.

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

E. MANAGER: Motion to appoint Deputy County Manager Philip Tenorio to fill the vacant Torrance County District 2 position on the Estancia valley Solid Waste Authority (EVS WA) Board.

Chairman Schwebach: Motion to appoint Deputy County Manager Philip Tenorio to fill the vacant Torrance County District 2 position on the Estancia valley Solid Waste Authority (EVS WA) Board, until the position is filled with 3 months voting privilege.

Commissioner McCall: Seconds the motion, for discussion

Chairman Schwebach: We are going into a new contract with Solid Waste, Mr. Tenorio has a lot to bring to the table, however I do not know if we can do it based on our Commission laws.

Madam County Manager Janice Barela: We had two members that represented Torrance County on the Solid Waste Authority Board that resigned. Gerald Chavez and Johnny Romero both District 3. This happened prior to the resolution that was passed by the previous Commission, for the Torrance County Board of County Commissioners rules and procedures.

In the rules and procedures, it states under section 31c, unless otherwise specified by resolution, rule, ordinance, or statue the following process for selecting members for the public to serve on boards and commissions shall be followed in cases where the number of appointees is equal to the number of Board of County Commissioners. Each Commissioner shall have a minimum of one appointee that shall reside within their Commission District. These appointments shall be considered district appointments. Since the Commission had already appointed two people from District 3 the next vacancy would automatically fall to the District 2 Commissioner to appoint.

When Gerald Chavez resigned this opened up the position for Commissioner Schwebach to appoint. There has been some difficulty getting it filled, plus being in the middle of a COVID pandemic. There was discussion when Johnny Romero

resigned, it was imperative we have representation from Torrance County. In conversations with Solid Waste Executive Director Martin Lucero, we found that out of 13 appointed positions with our two vacancies that leaves at 11 and with COVID restrictions, they have had difficulties having a quorum. The rules you are governed by requires the appointment be in this district, however we are operating under an emergency order with COVID. I am asking the Commission to appoint Deputy County Manager Philip Tenorio as an interim person to fill that vacancy until it is filled permanently by a resident from within your district.

Chairman Schwebach: Madam County Manager Barela is asking as well as I to have Deputy County Manager Philip Tenorio as an interim person. I have some choice candidates that would be good to serve on this board, with not a lot of interest at this point. I would like to advertise for this, specifically for district 2. I am asking to appoint Deputy County Manager Philip Tenorio till the position is filled.

Commissioner McCall: I will go along with this; it is important we have representation on this board.

Commissioner Candelaria: I am also good with this.

Chairman Schwebach: With a 3-month limitation as a voting individual, to make sure everything is moving forward.

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

F. MANAGER: Motion to appoint Santiago Garcia to fill the vacant Torrance County District 3 position on the Estancia Valley Solid Waste Authority (EVSWA) Board.

Chairman Schwebach: I do not feel we need a discussion on this. The reason for the discussion on the previous agenda item was Deputy County Manager Philip Tenorio does not live-in district 2. For this position, it is up to the Commissioner representing district 3.

Commissioner Candelaria: I am good with this nomination; he lives in the district and will be beneficial to the county.

Motion to appoint Santiago Garcia to fill the vacant Torrance County District 3 position on the Estancia Valley Solid Waste Authority (EVSWA) Board.

Chairman Schwebach: Seconds the motion.

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

7. PUBLIC COMMENT and COMMUNICATIONS

Batty Cabber: Torrance County resident, District 2, and also president of the Estancia Valley Economic Association Executive Board. Welcome Commissioner Candelaria to the Commission and thank you for being on the EVEDA board. We have not been meeting due to COVID restrictions but if you have any questions you can call myself or Myra. Myra has been diligently working, even with some family issues.

In early January there was article in the Albuquerque Journal, with a nice letter from 2 Torrance County Commissioners, talking about what the wind farms have done for Torrance County.

Pattern Energy is doing a lot of construction in the southern part of the county and had their grand opening via Zoom. Commissioner McCall was able to attend and talk about Torrance County, also the CEO of Pattern gave a big thank you to EVEDA.

Commissioner McCall: The public needs to be aware that there are some problems with last year's legislation on the IRB process. Madam County Manager Janice Barela and myself and some others are working with Senators and Representatives to fix this legislation. Without this fix I do not think its advantages for Torrance County to ever to issue another IRB. We as a county are working with our legislations to fix this legislation. This is House bill 105 and Senate Bill 72. We are possibly on Thursdays Committee.

Madam County Manager Janice Barela: Anyone interested in contacting their Representatives go online to NMLEGIS.GOV to get their information.

Nick Sedillo – Operations Manager/Risk Management: At last week's legislative conference the Lost Prevention Bureau awarded Torrance County with the year 13 RAP award. We participate in the Risk Awareness Program, a 50-week training program. I email all the trainers each week and they disseminate to all their employees. We have competed in this for 13 years. We complete with division 2 counties, and awarded the Division 2 award, with the least number of accidents amongst our employees and the other counties. We received a check for \$7,000 that will be deposited into the Safety Committee fund; these funds are available to any department that has a safety request.

A. **EMERGENCY MANAGER:** COVID-19 Update.

Sonya Brumley – Public Health Nurse: COVID testing is held every Wednesday in Estancia, we will continue testing for the next couple of years, to ensure the Moderna 28-day cycle vaccine is working. The numbers of positive cases and testing are going down. We are vaccinating at different sites in the county, we will rotate from Moriarty, Estancia, Mountainair then Edgewood and continue the

process. Vaccines are running out; we are doing less vaccines to ensure individuals that got the 1st vaccine gets the 2nd dose.

The state DOH has an online registration process, you will be notified when a vaccine is available for you, with currently 2000 people registered in Torrance County. We are planning on giving 200 vaccines this week; PMS, First Choice and Wal-Mart also give vaccines. Phase 1A people take priority (75 years of age and up, also chronic conditions) then when that is complete, we will continue to Phase 1B. Last week we vaccinated 300 people in Moriarty, we had great community support, this went extremely smooth.

Chairman Schwebach: I get asked the question, Why the county is holding vaccines? The registration for the vaccine is managed through the state, Public Health administers the vaccine.

Sonya Brumley – Public Health Nurse: The management of the vaccine is from the Federal Government, then it goes to the state level who distribute to the counties.

Commissioner Candelaria: How are we handling the shut ins, who are unable to attend the event?

Sonya Brumley – Public Health Nurse: At this time there is no way to handle it. They will need to find support or someone to bring them. We have a COVID hotline for individual having a hard time signing up online. Family and friend support is strongly encouraged. On the positive side if they are unable to leave there home, they are not highly at risk.

Madam County Manager Janice Barela: Read statement from Emergency Manager Matt Propp. As we enter into our 10th month of the COVID public health emergency, I would like to provide an update on our current status. Since the beginning of the public health emergency Torrance County has had 574 COVID positive cases. As you know some of these numbers are from residents in nursing facilities in Albuquerque and some are local inmates in the Core Civic facility. Estancia Valley Public Health Office is doing COVID testing every Wednesday at the office in Estancia. The testing will continue into the future. The Department of Health, Estancia Valley Public Health, Torrance County, our Municipal partners, and our other health care clinics have started a county wide vaccine campaign. Our initial vaccines were given out to phase one residents through our direct vaccine delivery. We have since moved into a mass vaccination plan in accordance with our point of dispersal plans. On January 20th we successfully delivered close to 300 vaccines at our site in Moriarty. The event was very successful thanks to all our cooperative partners. This Wednesday will be having another vaccine site in Estancia and anticipate doing a site in Mountaineer the following week. The plan is to do an initial vaccine and a follow up vaccine site weekly in the county pending the availability of vaccines. Residents who are interested in receiving the vaccine

need to register online at CVVACCINE.NMHEALTH.ORG or by calling 855-600-3453. We continue to support DOH through structured partnerships and continued cooperation with our municipal and private partners. In the future we will work together to get vaccines delivered to our rural areas through direct delivery using our mobile command unit. As always you can log on to CV.NMHEALTH.org for the most up to date COVID information. Matt Propp, Emergency Manager Torrance County.

8. APPROVAL OF MINUTES

- A. COMMISSION:** Motion to approve the January 13, 2021 Torrance County Board of County Commission Minutes

Chairman Schwebach: Motion to approve the January 13, 2021 Torrance County Board of County Commission Minutes

Commissioner McCall: Seconds the motion.

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

9. APPROVAL OF CONSENT AGENDA

- A. FINANCE:** Approval of Payables

Chairman Schwebach: Motion to approve payables.

Commissioner McCall: Seconds the motion.

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

10. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE – None

11. ADOPTION OF RESOLUTION

- A. FINANCE:** Motion to approve Disposition of Vehicles, Resolution No. 2021-05

Chairman Schwebach: Motion to approve Disposition of Vehicles, Resolution No. 2021-05

Commissioner Candelaria: Seconds the motion.

Jeremy Oliver – Finance Director: We have 14 vehicles for disposition, 4 have been in accidents and are totaled out and no longer in county possession, 1 we are giving to Lincoln County for their Senior Services, 9 other vehicles we are planning on selling at auction. We are planning on having the auction at the beginning of March. This is a silent bid, with the individual placing name, phone number, address, the vehicle, and a bid. This can be emailed or dropped off.

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

B. **FINANCE:** Motion to approve Budget Transfer, Resolution No. 2021-06

Chairman Schwebach: Motion to approve Budget Transfer, Resolution No. 2021-06

Commissioner McCall: Seconds the motion.

Jeremy Oliver – Finance Director: This budget transfer is to move the approved amount of money for the remodel of the emergency management shelter from the January 13th Commission meeting. We are moving the entire amount to the COVID emergency fund, we are unsure how much will be reimbursed, therefore it will be easier to have it in one fund and when it is closed out, we will transfer back to the PILT.

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

C. **COMMISSION:** Motion to approve the Resolution No. 2021-07, A Resolution Supporting Reinstatement of a State Meat Inspection in New Mexico.

Chairman Schwebach: Motion to approve the Resolution No. 2021-07, A Resolution Supporting Reinstatement of a State Meat Inspection in New Mexico.

Commissioner Candelaria: Seconds the motion.

Madam County Manager Janice Barela: This provides an opportunity for a local meat packer to open up and sell their product.

Reads Resolution Hereto Attached.

Chairman Schwebach: With COVID restrictions, local ranchers were unable to take their product to market. This will change that to where we will have an inspector within the state.

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

12. APPROVALS

- A. **MANAGER:** Motion to approve Renewal of Superior Ambulance's current contract for the provision of Emergency Medical Services for an additional two (2) years, 2021-2022.

Chairman Schwebach: Motion to approve Renewal of Superior Ambulance's current contract for the provision of Emergency Medical Services for an additional two (2) years, 2021-2022.

Commissioner McCall: Seconds the motion.

Madam County Manager Janice Barela: I had our county attorney review this contract. Our current contract expires at the end of January, it states they are allowed to renew this for 2 years. Superior Ambulance submitted a letter stating they want to renew this contract for 2 years. Based on your approval today we will extend the contract. The issues we would look at changing would be minor.

John Butrick – County Attorney: I have read this and have no issues. Either party can terminate this contract with a 90-day written notice.

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

- B. **FIRE:** Discussion and motion to approve Fire Department funding.

Madam County Manager Janice Barela: This was placed on the agenda because it was deferred, had it been tabled I would not have had to put it on the next agenda. We have an Executive Session today discussing the appointment of a Fire Chief. Managements recommendation it to defer this to the next meeting.

Chairman Schwebach: Motion to defer to the next meeting

Commissioner McCall: Seconds the motion.

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

13. DISCUSSION

Commissioner McCall: What is the status of the Road Department building and the funds that were appropriated from the state?

Madam County Manager Janice Barela: We had an agreement that had an amendment stating we were removing for the description the location of Estancia. We had to have that remove in order to not be in danger of having to reimburse that money. DFA required a reauthorization of the money. As part of our capital outlay application this year, they are requiring we put down the money we have

received as far as appropriations. The direction we were given was to include the amount for the Road Department. We got a call from DFA confirming all the other projects that we have not received agreements on, but received the appropriation notices, ensuring they are Torrance County projects.

John Butrick – County Attorney: For clarification purposes: since there was no discussion item under discussion, what was just discussed would be properly placed under public comments/communications item #7.

14. EXECUTIVE SESSION:

A. **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: Candelaria - Yes; Schwebach - Yes; Commissioner McCall - Yes: **MOTION CARRIED**

Enter into Executive Session: 11:43 AM

Chairman Schwebach: Motion to enter into regular session

Commissioner Candelaria: Seconds the motion.

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

Enter into Regular session 01:41 PM

Chairman Schwebach: During the executive session we discussed matters of appointment of Fire Chief, closed pursuant to NMSA 1978, Section 10-15-1(H)(2).

Chairman Schwebach: Motion to give Madam County Manager Barela the authority to enter into contract with Don Dirks for the position of Fire Chief for Torrance County with the parameters as laid out.

Commissioner Candelaria: Seconds the motion.

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

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

February 10, 2021 9:00 AM @ the Torrance County Admin Building.

16. Signing of Official Documents


17. Adjourn.

Chairman Schwebach: Motions to adjourn Commission Meeting


Commissioner Candelaria: Seconds the motion.

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

Meeting adjourned at 01:42 PM



Ryan Schwebach – Chairman



Genell Morris – Admin Assistant

2-10-2021
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.