

FINAL COPY
Torrance County Board of Commissioners
Regular Commission Meeting
Wednesday, February 24, 2021 9:00 AM

Commissioners Present: RYAN SCHWEBACH-CHAIRMAN, DISTRICT 2
KEVIN MCCALL- VICE CHAIR, DISTRICT 1
LEROY CANDELARIA-MEMBER, DISTRICT 3

Other present: JANICE Y. BARELA- COUNTY MANAGER
PHILIP TENORIO- DEPUTY COUNTY MANAGER
YVONNE OTERO- COUNTY CLERK
KEVIN PHAM- CLERK II

1. Call Meeting to order

Chairman Schwebach Calls the February 24, 2021 Regular Commission Meeting to order at 9:00AM

2. Pledge lead by: Chairman Schwebach .

Invocation lead by: Commissioner Candelaria

3. Changes to the Agenda:

Madam County Manager Barela: States that there are a couple of changes to the agenda. The first request is to move item #12-B before item #11-B. Item #12-B is to have an approval of funding increase for the Domestic Violence Grant so it can be incorporated into our budget.

The next request is to move item #13-A before item #11-A. Item #13-A is FY2020 a presentation on the audit finding so we can have the approval and acceptance of the Audit Resolution.

4. PROCLAMATIONS- None

5. CERTIFICATES AND AWARDS- None

6. BOARD AND COMMITTEE APPOINTMENTS

A. CLERK: Motion to appoint Mary Otero as a new Board of Registration member of Torrance County as one of the current members is no longer a Torrance County Resident..

ACTION TAKEN: Chairman Schwebach: Makes a motion to appoint Mary Otero as a new Board of Registration member of Torrance County as one of the current members is no longer a Torrance County Resident. **Commissioner Candelaria** seconds the motion.

Yvonne Otero- County Clerk: Good morning Mr. Chairman, Commissioner Candelaria. It is that time of year again that I am required to purge voters that are no longer active. After various attempts by my staff, and the Secretary of State office requesting that these voters update their information, the voters are removed from the voter rolls.

I come here today to request the appointment of Mary Otero on my Board of Registration. Reason being is because one of the board members is no longer a resident of Torrance County. This will be a temporary position since it was with short notice and the board meeting is on March 11, 2021. Come June of this year I will come before you again for the same request to appoint new board members.

Madam County Manager Barela states that for transparency sake you need to be aware that Mary Otero is Madam Clerk Otero's mother. I did speak with Madam Clerk about this, and she does have some safeguards in place.

Yvonne Otero- County Clerk states that her Chief Deputy Clerk Sylvia Chavez will be in charge of the Board of Registrations since my mom will be on the board. With that being said there will not be any conflict.

Chairman Schwebach I understand that you are preceding this is a temporary position.

Yvonne Otero- County Clerk Yes, that is correct.

Roll Call Vote: District 1 Absent, District 2 Voted Yes, District 3 Voted Yes, all Commissioners in favor. **MOTION CARRIED**

7. PUBLIC COMMENT and COMMUNICATIONS – None

8. APPROVAL OF MINUTES

A. COMMISSION: Motion to approve the February 24, 2021 Torrance County Board of County Commission Minutes.

ACTION TAKEN: Chairman Schwebach makes a motion to approve the February 24th, 2021 Torrance County Board of County Commission Minutes. **Commissioner Candelaria** seconds the motion. Roll Call Vote: District 1: Absent District 2: Voted Yes District 3 Voted, Yes, all Commissioners in favor. **MOTION CARRIED**

9. APPROVAL OF CONSENT AGENDA

A. **FINANCE:** Approval of payables.

Chairman Schwebach makes a motion to approve payables. **Commissioner Candelaria:** Seconds the motion. Roll Call Vote: District 1 Absent, District 2 Voted Yes, District 3 Voted Yes, all Commissioners in favor. **MOTION CARRIED**

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

13. DISCUSSION

A. Presentation of FY2020 Audit Report Kubiack Melton and Associates LLC.

Daniel Trujillo, with Kubiack, Melton and Associates, LLC states that he is required by state audit rules to present the auditing findings to the Commissioners. State audit rules also require it to be released for the public. The audit was released last month and is published and available on the State Audit Web Site. Our responsibility is to perform an audit to obtain a reasonable assurance that the numbers can be relay upon, or materially correct. There were no difficult encounters in performing the audit. There were a few findings in regard to the audit that were able to be corrected. The MVDA Fill Tax Rev, and the Gross Receipt Tax. These are also available on the New Mexico State Tax Audit website. There were no significant issues to discuss with management.

11. ADOPTION OF RESOLUTION

A. **FINANCE:** Motion to approve and accept the FY2020 Audit. Resolution No. 2021-10

Chairman Schwebach makes a motion to approve and accept the FY2020 Audit Resolution No. 2021-10. **Commissioner Candelaria** seconds the motion. Roll Call Vote: District 1 Absent, District 2 Voted yes, District 3 Voted yes, all Commissioners in favor. **MOTION CARRIED**

12. APPROVALS

A. **DOMESTIC VIOLENCE:** Motion to approve funding increase of \$20,712 for FY2021 Domestic Violence Grant for the Survivor Services component.

ACTION TAKEN: **Chairman Schwebach** makes a motion to approve funding increase of \$20,712 for FY2021 Domestic Violence Grant for the Survivor Services component. **Commissioner Candelaria** seconds the motion.

Anna Martinez with Domestic Violence Program Is here to request your approval of increase in the funding we received from CYFD for our survivor program. We received a request from CYFD for the cost to run the program for the remainder of the year. I then sent them the budget for salary, benefits, and

other costs. I received an e-mail from CYFD stating I was approved for additional grant funding in the amount of \$20,712.

Commissioner Candelaria asks how we are doing on the Domestic Program versus other counties.

Anna Martinez states that it has been an awkward year due to the pandemic. Before the pandemic we saw a complete stop of any sort of cases. After a few months into the pandemic there was a high increase of reported domestic violence. Most of it is related to substance abuse, alcohol, economic, and isolation. Roll Call Vote: District 1 Absent, District 2 Voted yes, District 3 Voted yes, all commissioners in favor. **MOTION CARRIED**

11. ADOPTION OF RESOLUTION

B. FINANCE: Motion to approve Budget Increase, Resolution No.2021-11

ACTION TAKEN: **Chairman Schwebach** makes a motion to approve Budget Increase, Resolution No.2021-11. **Commissioner Candelaria** seconds the motion

Jerney Oliver states that he has a budget increase from the previously discussed Domestic Violence Grant, and to also incorporate the money that is already in the fund. This will allow them to purchase a more reliable vehicle for transporting domestic violence victims.

There is also an increase for the Road Department. They have a lease that was paid off a few months ago, but was made to the wrong dealer. We did indeed get the fund back so we need to reincrease payment for it again. There is also an increase for the Architect contract for the new Road Department Building. Roll Call Vote: District 1 Absent, District 2 Voted Yes, District 3 Voted Yes, all Commissioners in favor. **MOTION CARRIED**

C. MANAGER: Motion to approve Acceptance of Agreement for Capital Appropriation Project Torrance County Torrance County Emergency Response Vehicles, E3419, Resolution No. 2021-12

ACTION TAKEN: **Chairman Schwebach** makes a motion to approve Acceptance of Agreement for Capital Appropriation Project Torrance County Torrance County Emergency Response Vehicles, E3419, Resolution No. 2021-12. **Commissioner Candelaria** seconds the motion.

Madam County Manager Barela states that this resolution is in regard to the Capital Outlay appropriations that have been granted to the County in the amount of \$225,000 to purchase an equipped emergency medical response vehicle for the Torrance County Fire Department. Roll Call Vote: District 1 Absent, District 2 Voted Yes, District 3 Voted Yes, all Commissioners in favor. **MOTION CARRIED**

C. MANAGER: Motion to approve Acceptance of Agreement for Capital Appropriation Project Torrance County Torrance County Administrative Offices, E2774, Resolution No.2021-13

ACTION TAKEN: Chairman Schwebach makes a motion to approve Acceptance of Agreement for Capital Appropriation Project Torrance County Torrance County Administrative Offices, E2774, Resolution No.2021-13 Commissioner Candelaria: Seconds the motion.

Madam County Manager Janice Y. Barela: States that once again this is for Capital Appropriation. This is granting her permission to sign off on this agreement for \$50,000 to purchase a double steel roller and other equipment for the Road Department in Torrance County. Roll Call Vote: District 1 Absent, District 2 Voted Yes, District 3 Voted yes, all Commissioners in favor. **MOTION CARRIED**

D. MANAGER: Motion to approve Acceptance of Agreement for Capital Appropriation Project Torrance County Torrance County Road Department Equipment, E2771, Resolution No.2021-14

ACTION TAKEN: Chairman Schwebach makes a motion to approve Acceptance of Agreement for Capital Appropriation Project Torrance County Torrance County Road Department Equipment, E2771, Resolution No.2021-14. Commissioner Candelaria seconds the motion.

Madam County Manager Janice Y. Barela: States once again this is a Capital Outlay appropriation for \$150,000 to plan, design, construct, and improve equipment to the county fairgrounds in Estancia in Torrance County. Roll Call Vote: District 1 Absent, District 2 Voted Yes, District 3 Voted Yes, all Commissioner In favor. **MOTION CARRIED**

E. MANAGER: Motion to approve Acceptance of Agreement for Capital Appropriation Project Torrance County Torrance County Fair Grounds Improvements, E2775, Resolution No. 2021-15

ACTION TAKENL: Chairman Schwebach makes a motion to approve Acceptance of Agreement for Capital Appropriation Project Torrance County Torrance County Fair Grounds Improvements, E2775, Resolution No. 2021-15. Commissioner Candelaria seconds the motion. Roll Call Vote: District 1 Absent, District 2 Voted Yes, District 3 Voted Yes, all commissioners in favor. **MOTION CARRIED**

12. APPROVALS

A. DWI: Motion to approve Budget for FY2022 Local DWI Grant Application.

ACTION TAKEN: Chairman Schwebach makes a motion to approve Budget for FY2022 Local DWI Grant Application. Commissioner Candelaria seconds the motion.

Tracey Master states that the Commissioners have before them the application cover sheet for the FY2022 Local DWI Program grants and distribution request for \$96,787. The funding is for funding underage drinking prevention assistance for the Torrance County Sheriff and Municipal Police Officers. It will also go towards fuel per dim, drug testing for schools, venues for community events, D.J., Estancia TNT Programs, prevention videos, maintenance for programs vehicle, advertising, and part of the teen court contract. Roll Call Vote: District 1 Absent, District 2 Voted yes, District 3 Voted yes, all Commissioners in favor. **MOTION CARRIED**

13. DISCUSSION

B. DWI: Local DWI Program Activity Report and update for Calendar Year 2020.

Tracey Master states that we have phenomenal presence in social media over the past year. Prevention effort includes a virtual addition of the annual 5K for suicide awareness. Participants include Torrance County, Albuquerque, and other surrounding states. This is a teen event, which includes partnership such as Domestic Violence Staffs, Mental help Professionals, and the Mayor of Mountainair. We are also incorporating virtual bingo and Zoom jeopardy games, and to recognizing the children that are negatively impacted by social isolation. A small groups of community members met via Zoom in order to discuss ways to come up with activities that are COVID-19 safe. Prizes were donated by local businesses and residents for the virtual games.

C. GRANTS: Projects update, ICIP Work Group.

Jeremy Oliver: States that he is presenting a statement on behalf of Cheryl Allen, Grants Coordinator. The ICIP meetings are held on the first and third Thursday of every month at 9:00 am in the small Commission room. She would like to extend an invite to any Commissioners who wants to attend. She only asked that they called ahead to schedule to avoid a quorum. She will also give a full update on the next commission meeting.

Madam County Manager Barela states that she will be presenting the Legislative update.

HB 4 - "New Mexico Civil Rights Act"

- Creates a new cause of action for violation of the rights of an individual based upon the New Mexico Constitution,

- Awards attorney's fees to the prevailing party,

Initially had no cap on damage awards, but the House Judiciary Committee substitute limited recovery to \$2.0 million for each claim, but it allows for certain escalators,

- Initially applied to actions of any public employee, but the House Judiciary Committee substitute only permits actions against the public body, which is liable for conduct of individuals acting on its behalf and for all litigation costs for itself and such a person,

- Suits against individual employees such as police officers are disallowed.

- The defense of qualified immunity is prohibited; however, the prohibition and waiver does not do away with common law judicial, legislative, or other established immunity,

- Employees of a public body may not use the act to pursue a claim arising from their employment.

•This bill was debated on the House Floor on February 16, 2021. HB 4 passed the House of Representatives by a vote of 39-29.

HB 40 - "Private Detention Moratorium Act"

- Removes authorization for any nongovernmental entity to operate a private detention facility, including juvenile detention,
- Exempts work-release facilities and private contracts in effect prior to the act's 2021 effective date,
- Makes the operation of a private detention facility unlawful,
- Prohibits public funding of privately operated detention facilities,
- Provides for recommended termination of existing contracts based on inspection reports.
- Requires annual reports by Corrections Department to the Legislature,
- Provides penalties,
- Repeals existing sections of law governing private contracts and jail agreements,
- House Judiciary Committee amended -1-1B 40, permitting the state to enter into agreements to lease privately-owned detention facilities.
- This amendment also changed the text of the act to address four global features:

14. EXECUTIVE SESSION

A. MANAGER: Purchase of the County Fairgrounds, closed pursuant to NMSA 1978, Section 10-15-18).

ACTION TAKEN: Chairman Schwebach makes a motion to enter executive session. Commissioner Candelaria seconds the motion. Roll Call Vote: District 1 Absent, District 2 Voted yes, District 3 Voted yes, all Commissioners in favor. **MOTION CARRIED**

Enter into Executive Session: 10:31am

ACTION TAKEN: Chairman Schwebach: Motion to come back into regular session from executive session. Commissioner Candelaria: Seconds the motion. Roll Call Vote: District 1 Absent, District 2 voted yes, district 3 Voted yes, all Commissioners in favor. **MOTION CARRIED**

Return From Executive Session at 11:17am

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).


ACTION TAKEN: **Chairman Schwebach** makes a motion to authorize County Manager to do a purchase agreement with what we have discuss in the amount of \$50,000 including closing cost. **Commissioner Candelaria** seconds the motion. Roll Call Vote: District 1 Absent, District 2 voted yes, District 3 Voted yes, Motion Carried.

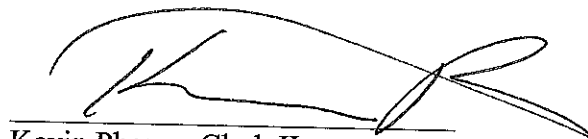
15. Announcement of the next Board of County Commissioners Meeting:

Chairman Schwebach states that the next meeting will be March 10, 2021 @ 9:00 AM.

Action Taken: **Chairman Schwebach:** Motions to adjourn Commission Meetings. **Commissioner Candelaria** seconds the motion. Roll Call Vote: District 1, Absent, District 2 Voted Yes, District 3 Voted Yes, all Commissioners in favor. **MOTION CARRIED**

Meeting adjourned at 11:29am


Ryan Schwebach – Chairman


Kevin Pham – Clerk II

3/10/21
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