

FINAL

Torrance County Board of Commissioners

Regular Commission Meeting

April 13, 2022

9:00 AM

Commissioners Present: **RYAN SCHWEBACH – CHAIR**
 LEROY CANDELARIA-VICE CHAIR
 KEVIN McCALL- MEMBER

Others Present: **JANICE BARELA – COUNTY MANAGER**
 JUAN TORRES - DEPUTY COUNTY MANAGER
 JEREMY OLIVER – FINANCE DIRECTOR
 JOHN BUTRICK – COUNTY ATTORNEY
 YVONNE OTERO – COUNTY CLERK
 VALERIE SMITH – ADMINISTRATIVE ASSISTANT

1. CALL MEETING TO ORDER

Chairman Schwebach: Called meeting to order at 9:05 A.M.

2. INVOCATION & PLEDGE

PLEDGE:

Chairman Schwebach: Led the Pledge of Allegiance.

INVOCATION:

Commissioner McCall: Led the invocation.

3. CHANGES TO THE AGENDA:

Chairman Schwebach: No Changes to the Agenda This Day.



4. PROCLAMATIONS
5. CERTIFICATES AND AWARDS
6. BOARD AND COMMITTEE APPOINTMENTS
7. PUBLIC COMMENT and COMMUNICATIONS

Chairman Schwebach: Opened the floor for public comment and communications.

Madam County Manager Barela: Introduced the public commenters.

Vicky Boyles: There to speak about the building that has been set aside to store emergency equipment for CERT. There are many supplies that have been accumulated since the Dog Head Fire. The supplies include cots, blankets and first aid kits. There are also pet food supplies, as well as pet crates, and other pet supplies. If they were to be left out, they would be stolen or vandalized. 3 years ago, a trailer filled with cots for Torrance County was stolen. The only supplies the County has in store are being stored in the building off Route 66. She has requested that anytime the building is worked on, that the supplies are allowed to remain where they are and are secure.

Chairman Schwebach: Said that it is high on his list when speaking to others about renovating the building, that there is a place for this equipment. He thanked Ms. Boyles for coming forward, and CERT for everything they do.

Madam County Manager Barela: Introduced the new Torrance County Emergency Manager Samantha O'Dell.

Samantha O'Dell, Emergency Manager: Came to update the Commission on the recent fires. She received a call at 5:30 pm the previous evening asking what resources Torrance County had to spare. There were 8 fires across New Mexico at the time. Chief Dirks and herself decided that they could spare 8-10 firefighters, two brush trucks, one tender, four to five CERT volunteers to assist with a shelter, the Mobile Command Unit, and Samantha herself, all ready to deploy when they get the call. For now, they are on standby,

Chairman Schwebach: Thanked Ms. O'Dell.

Torrance County Sheriff Martin Rivera: The Torrance County Sheriff's Office has handled 6585 calls for service. Of those we had:

43 Burglary Cases,

29 Larceny Cases

42 Stolen Vehicles

23 Fraud Cases

43 Battery of a Household Member Cases

25 Battery Cases

23 Child Abuse and Neglect Cases

258 Traffic Accidents

2 Homicides

9 DUIs and 3 DWIs.

For the MOU that they had with Estancia, there's a total of 958 calls for service in Estancia town limits and the Sheriff's Office handled 570 of those.

Commissioner Candelaria: Thanked the Sheriff's Department and Stephanie for sending the information, mentioned that they can look at it online. It helped the Commission to see what the Sheriff's Department responds to.

Madam County Manager Barela: On March 5, 2022, the County received a letter from Mayor Nathan Dial requesting an end to the Memorandum of Understanding with the County. The letter was read to the Commission and stated that the letter is their 30-day written notice of their intent to terminate the MOU for Law Enforcement Services between the Town of Estancia and Torrance County. The Board of Trustees voted to give written notice at their April 4, 2022, Regular Meeting. They are requesting an end date of April 30, 2022, for services.

8. APPROVAL OF MINUTES

- A. **COMMISSION:** Motion to approve the March 23, 2022, Torrance County Commission Meeting Minutes.

ACTION TAKEN:

Chairman Schwébach: Made a motion to approve the March 23, 2022, Torrance County Regular Commission Meeting Minutes.

Commissioner Candelaria: Seconded the motion.

Roll Call Vote:

Commissioner Candelaria: Yes; **Chairman Schwébach:** Yes; **Commissioner McCall:** Yes.

Motion Passes.

9. APPROVAL OF CONSENT AGENDA

- A. FINANCE: Motion to approve payables.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve payables.

Commissioner McCall: Seconded the motion.

Roll Call Vote:

Commissioner Candelaria: Yes; Chairman Schwebach: Yes; Commissioner McCall: Yes.

Motion Passes.

10. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE

None this day.

11. ADOPTION OF RESOLUTION

- A. FIRE: Motion to approve Resolution 2022-23, Changing the probationary period of Career Fire Protection positions from six (6) months to one (1) year.

Chairman Schwebach: Opened the Resolution up for discussion.

Torrance County Fire Chief Don Dirks: Speaking about the change in the probationary period for Career Fire Protection positions from 6 months to 1 year. It was previously going to change both volunteers and career Fire Protection staff, but after speaking with the Deputy County Manager, they realized they would have better volunteer retention if they kept it at 6 months.

Chairman Schwebach: Reiterated what Chief Dirks had said.

Madam County Manager Barela: This was based upon her recommendation. This would only affect new hires from this date forth. Anyone who already works for the County would be grandfathered in. She would like everyone to know that once they finish their first 6 months, they may start using their benefits like anyone else would. The only difference is that

they would still be tracked on their performance and how they are conducting their business for one year. This aligns with the two lines of the Deputies and Dispatch.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve Resolution 2022-23, changing the probationary period of Career Fire Protection positions from six (6) months to one (1) year.

Commissioner McCall: Seconded the motion.

Roll Call Vote:

Commissioner Candelaria: Yes; **Chairman Schwebach:** Yes; **Commissioner McCall:** Yes.

Motion Passes.

B. FINANCE: Motion to approve Resolution 2022-24, Budget Increase/Transfer.

ACTION TAKEN:

Chairman Schwebach: Make a motion to approve resolution 22, Budget Increase/Transfer.

Commissioner McCall: Seconded the motion.

Jeremy Oliver, Finance Director: This budget increase closes out a disaster grant that's been running for about a decade. Mr. Oliver finalized all the paperwork and got it submitted and approved thanks to the work of Cheryl and the Road Department. There were no County funds put forth in it. The County match was with man hours and machine hours. He proposed the funds left in the grant go to the Road Department since it was their man hours and their machine hours that completed the County's portion of the match.

Chairman Schwebach: Asked what the amount is.

Jeremy Oliver, Finance Director: The amount is \$86,617.63

Commissioner McCall: Asked if the \$86,000 was from the Dog Head fire.

Jeremy Oliver, Finance Director: This was from flooding in 2012, the work was done between 2014 and 2017. It finally closed out the last couple of months.

Roll Call Vote:

Commissioner Candelaria: Yes; **Chairman Schwebach:** Yes; **Commissioner McCall:** Yes.

Motion Passes.

12. APPROVALS

A. **MANAGER:** Discussion and possible action regarding the Estancia 9th Street Chip seal project – requesting approval to split the cost with the Town of Estancia. Town of Estancia is requesting Torrance County to cover the cost for labor, equipment, and tax. The Town of Estancia will be responsible for materials. (Mayor Dial, Town of Estancia)

Chairman Schwebach: Opened the floor for discussion of the item.

Mayor Nathan Dial, Estancia: Last fall, there was a tentative agreement between the County and the Town of Estancia that said that the County would cover the labor, equipment and tax costs. The Town would cover the materials. The totals would be as follows: County: \$9,548.04. Town of Estancia: \$21,040.78.

Once the road is completed the maintenance will be maintained between the County and the Town of Estancia. He is there to make the tentative agreement from last fall official.

Commissioner McCall: Wanted to know if the County usually shares work with other municipalities, and if so, how it works.

Mayor Nathan Dial: The norm is that the town pays for the County's labor, and they don't pay tax on it. The road in question used to be a County road and there was a section line. When the Transfer Station was put in, the town annexed it. He doesn't know who initially paid it.

Albert Lovato, Trustee, Estancia: There has always been an MOU between the Town and the County. They pay overtime. They used the County on Fridays and Saturdays. The Road was done by the County years ago, because the Transfer Station was a County building at the time. The road has fallen apart because it hasn't been touched since it was annexed by the town of Estancia.

Commissioner McCall: The road was chip sealed by the County, correct?

Albert Lovato: Yes.

Chairman Schwebach: So essentially what we have is we have a County Road that we built, we put it in there, but it's not a County road anymore.

Commissioner McCall: Since then, the city has been annexed.

Mayor Nathan Dial: Since they paved it, but he is unsure of the dates.

John Butrick, County Attorney: He was wondering why the County would be on the hook for the taxes. The town of Estancia is responsible for the materials, and the tax is on the

materials. Mr. Butrick was also concerned about the fact that he has not seen an MOU that the Town of Estancia representatives are speaking about at all. This leads to concerns over potential liability, and who is liable if there are defective materials and the Road Crew gets hurt.

Nathan Dial: If there are taxes on the material, “the town will eat that.”

Madam County Manager Barela: The tax is going to be required to be paid because it is a tax on the oil. And there's manpower that's required on the mixing in Leonard can speak possibly more to that. But that's been our understanding. Even Jeremy, through the finance department, we inquired about why we're paying tax on materials, and especially the oil. And that's what we've been told.

Nathan Dial: So, the oils are being taxed through the company, we purchased them not through us because it comes ready to put down on the road. They'd come out of Holly, and they would directly pay the tax to them. They wouldn't pay for the labor that we put in, their tax, and they're going to charge us. And that changed a few years ago, that we'd have to pay tax on all the oils and materials that come in.

Jeremy Oliver: Yeah, that's correct. Most road materials, the County is subject to gross receipts tax. He hasn't seen an agreement yet, though he thinks typically, they are also subject to tax on labor. If they were to pay someone to do the work, they would be paying gross receipts as well. Possibly in this agreement, maybe the tax is saying our portion of federal taxes for employment hours.

Commissioner McCall: Asked what the County does for other municipalities because he thinks they should be fair across the board.

Albert Lovato: Other municipalities only have their State projects done. They pay the town to do those. The town do those do those off hours on Friday and Saturdays because they pay them time and a half because of the MOUs they have. This project is kind of different because it is to a County facility on County property. So that's why this road was created when it was created. With this road is worth asking because it's to a County facility, the town was who chipped in when it was created. Now they're willing to pay for the oils and everything. All they are going to use is their labor hours and equipment hours to fix the road to make it last much longer. With this one, they will try to do it during regular hours instead of overtime.

Chairman Schwebach: I'm looking at the map right now. So, going north on Alan Ayres, that's County property from Alan Ayres to the station?

The Chairman, Commissioners and the Town representatives spoke about the exact location of the road and who owns what parcel.

Chairman Schwebach: Explained that when a town or city annexes property, he believes that they have to take on the responsibilities that come with that, but that he is okay moving forward on this right now. He said that it was clear there had not been any work or fixing up that had gone into the road, so he believes it would be a good thing to bring it back up to standard.

Commissioner McCall: Asked Leonard Lujan of the Road Department what will be done on the road to fix it.

Leonard Lujan: There may be more work that needs to be done, but the thought is to double pan over the top.

Commissioner Candelaria: Anytime we can help each other and do the right thing, it is a good thing.

Commissioner McCall: Reiterated what Chairman Schwebach said, in that there are many, many roads in the County that need to be fixed. Many of them are inside city limits. The County needs to be careful what they do for one and not the other.

Nathan Dial: Said that he agrees with Commissioner McCall's statement, and that the town can use Berkshires from the highway going East, as part of it is City, part is County and the State owns the ditch. The State paved the road, but now won't fix the pavement because they do not own the road.

Chairman Schwebach: Said that the project is a very good project, but the ramifications of it 10 years down the road is why they were having such an in-depth discussion. If there was a development there, that changed the Gross Receipts Tax and annex property, he would have had a different answer.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve the item as presented.

Commissioner Candelaria: Seconded the motion.

Roll Call Vote:

Commissioner Candelaria: Yes; **Chairman Schwebach:** Yes; **Commissioner McCall:** Yes.

Motion Passes.

B. FINANCE: FY 2023 Budget Hearing (Public Hearing).

Chairman Schwebach: Introduced the Item, opened a Public Hearing.

Madam County Manager Barela: Explained that this year the budget is being presented differently. Instead of having each department head present, Jeremy Oliver got all of the requests together and put them into one presentation. Each of the Commissioners had been met with independently to vet out the requests, and now is the time to openly discuss the budget. The department heads are mostly in the audience, but will not be presenting individually.

Jeremy Oliver: Presented the budget as follows:

- ❖ **Rural Addressing**
- ❖ **Operating** **\$1,500 (yearly increase with software upgrade)**
- ❖ **Capital Outlay** **\$10,000**
 - **Software upgrade**
 - **Salary** **\$2,994 (\$1.20/HR.)**
- ❖ **New Position** **\$50,553 (Salary/Benefits)**
 - **One Time Capital outlay** **\$5,000 (Workspace setup)**
 - **Reoccurring operating** **\$3,000**
 - **Future Vehicle** **\$50,000 (repurpose if able)**
- ❖ **Planning & Zoning**
- ❖ **Operating Increase** **\$9,300**
 - **Fuel**
 - **Uniforms**
 - **Training**
 - **Travel/Per Diem**
- ❖ **Salaries** **\$1,247**
 - **Admin Assistant** **\$0.50/HR.**

- ❖ **Manager**
- ❖ **Salary Increase**
 - **Department Heads** **\$21,900**
 - **Sheriff Department Salary Schedule Salary** **\$371,714 (see Schedule)**
 - **Salary Increase rest of Staff**
 - **3% PERA Pick Up** **\$188,152**
 - **\$0.75/hr. increase (98 employees)** **\$183,780**
 - **Change Shift Differential to \$0.60** **\$6,000**

- ❖ **Human Resources**
- ❖ **Salary Requests**
 - **Work Study Program** **\$900 (Min wage increase)**
 - **Operating Requests** **\$400**
 - **Subscriptions Dues Fees**
- ❖ **Capital Outlay Requests** **\$0**
- ❖ **Clerk**
- ❖ **Operating** **\$4,400**
 - **Telecommunications**
 - **Per Diem**
 - **Employee Training**
 - **Raises for 3 employees \$1/hr/each**
 - **Subscriptions & Dues**
 - *Fuel*
- ❖ **Salary Increase**

❖ **Treasurer**

❖ **Operating** **\$4,500**

- **Fuel**
- **Per Diem**
- **Telecommunications**
- **General Supplies**
- **Print/Publish/Advertise (other services)**
- **Salary** **\$14,910 (\$1.00/hr for staff)**

❖ **Assessor**

❖ **Operating** **\$4300 (telecommunications Cell phones)**

❖ **Salaries** **\$53,242**

❖ **New Position** **\$41,200**

- **Business Personal Property/Livestock Clerk**

Name	Current Title	Proposed Title	Current Salary	Current Hr	Proposed Salary	Proposed Rate	Industry S	Incentive Pay	Increase
Crystal Sal	Lead Appr	Chief Appr	\$40,283.00	\$19.34	\$49,000	\$23.55	Minimum	\$7,500.00	\$4.21
Bill Holt	Senior Appr	Same	\$37,481.00	\$18.10	\$41,600.00	\$20.00	Minimum-	\$7,500.00	\$1.90
Tanner Sof Jr.	Apprais	Appraiser I	\$29,764.00	\$14.30	\$35,330.00	\$16.98	Midpoint	\$1,500.00	\$2.68
Randi Alex	Appraiser	Same	\$26,457.00	\$12.70	\$28,762.00	\$13.82	Minimum	\$0.00	\$1.12
Cassandra	Property A	Same	\$29,203.20	\$14.04	\$33,966.00	\$16.33	Minimum-	\$0.00	\$2.29
Hugh G. Jo	Customer	Same	\$34,154.00	\$16.42	\$36,545.60	\$17.57	Midpoint-f	\$0.00	\$1.15
Victoria Se	Office Mat	Same	\$41,891.00	\$20.14	\$45,000.00	\$21.63	Midpoint-f	\$0.00	\$1.49
Helen Guti	CAMA App	Same	\$39,686.00	\$19.07	\$45,000.00	\$21.63	Minimum-	\$0.00	\$2.56
									\$17.40

❖ **Grants**

❖ **Salary Requests** **\$0**

- ❖ **Operating Requests** **\$0**
- ❖ **Capital Outlay Requests** **\$0**

- ❖ **Sheriff**
- ❖ **Salaries** **\$95,600 (year 3 of 3-year plan)**
- ❖ **Operating** **\$52,900**
 - **Vehicle Maintenance** **\$10,000**
 - **Professional Services** **\$12,000**
 - **Telecommunications** **\$2,900**
 - **Fuel** **\$28,000 (will be reevaluated based on fuel prices)**
- ❖ **Capital Outlay** **\$150,000**
- ❖ **3 New Vehicles**

- ❖ **Finance**

- ❖ **Salaries** **\$19,877 (see next slide)**
- ❖ **Operating** **\$2,000**
 - **Telecommunications**
 - **Subscriptions & Dues**
 - **Travel**
 - **Contracts (copy machine)**

FY2023 Request	Hourly Increase	Annual Increase	PERA Matching	RHC Matching	FICA/Med Matching	Total
Finance Director	\$ 3.00	\$ 6,240.00	\$ 611.52	\$ 124.80	\$ 477.36	\$ 7,453.68
Asst. Finance Director	\$ 2.00	\$ 4,160.00	\$ 407.68	\$ 83.20	\$ 318.24	\$ 4,969.12
Purchasing	\$ 2.00	\$ 4,160.00	\$ 407.68	\$ 83.20	\$ 318.24	\$ 4,969.12
Financial Analyst	\$ 1.00	\$ 2,080.00	\$ 203.84	\$ 41.60	\$ 159.12	\$ 2,484.56
		\$ 16,640.00	\$ 1,630.72	\$ 332.80	\$ 1,272.96	\$ 19,876.48

❖ **Legal**

❖ **Operating** **\$2,000 (Training)**

❖ **Maintenance**

❖ **Capital Outlay** **\$10,000 (purchased FY 22)**

➤ **Sewer Jeter**

➤ **Operating Cost** **Utilities, Based on previous usage will be adjusted**

❖ **Animal Services**

❖ **New Position Kennel Assistant** **\$43,702**

❖ **Salaries**

➤ **Director Salary**

➤ **\$1.00/hr. Assistant Director**

➤ **Install steps for years of service AC officers**

❖ **Operating** **\$9,991**

❖ **Capital Outlay** **\$55,000**

➤ **Truck**

❖ **Road**

❖ **Operating** **\$117,000**

➤ **Tires** **\$37,000**

➤ **Equipment Maintenance** **\$80,000**

➤ Fuel	\$50,000 (based on current Fuel)
❖ Capital Outlay	\$190,000 (6 new trucks)
❖ DWI	
❖ Capital Outlay	\$55,000
❖ Vehicle and outfitting	
❖ Vehicle	\$49,000
❖ Outfitting	\$6,000 (Radio, decals, etc.)
❖ Domestic Violence	
❖ Employee Salaries	\$1,969
❖ Convert 2 Part Time to 1 Full Time	\$10,000 (Estimated per Health Insurance)
❖ Dispatch	
❖ Capital Outlay	\$100,000
➤ New HVAC System 22)	\$50,000 (looking to do in FY
➤ Fix Floor 22)	\$10,000 (looking to do in FY
➤ New Vehicle	\$40,000
❖ NMSU Extension Office	
❖ Support Increase 7%	\$7,748
❖ USDA Wildlife Services	
❖ Fiscal Support Increase	\$4,000

No decisions were made on the Budget.

ACTION TAKEN:

Chairman Schwebach: Made a motion to close the Public Hearing for the Fiscal Year 2022-2023 Budget.

Commissioner McCall: Seconded the motion.

There was no discussion.

Roll Call Vote:

Commissioner Candelaria: Yes; Chairman Schwebach: Yes; Commissioner McCall: Yes.

Motion Passes.

Budget hearing was concluded at 12:35 P.M.

- A. **CLERK:** Motion to approve the use of the Manzano Center for the 2021 Special Election and the 2022 Real Local Election – Received invoice for rental fee in the amount of \$500.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve the use of the Manzano Center for the 2021 Special Election and the 2022 Real Local Election – Received invoice for rental fee in the amount of \$500.

Commissioner Candelaria: Seconded the motion.

Madam County Clerk Yvonne Otero: Yearly there is a fee to use the Manzano Center for elections. Clerk Otero had been waiting for the correct invoice and had asked Jason Quintana for the invoice. He sent one but it was incorrect. He was trying to get payment for elections from 2020. She adjusted the dates, but he never sent the correct invoice. She has since closed the precinct, and this is the last time there will be request made for payment to them. Manzano is the only Community Center that has required payment for usage.

Commissioner McCall: Asked if there was an MOU for the use of the Community Center.

Clerk Otero: Said that she was unsure if there was an MOU, but that she would be willing to look for one. She has not seen one thus far.

Commissioner Candelaria: He doesn't understand what Mr. Quintana is thinking. There are no other Community Centers requiring payment.

John Butrick, Torrance County Attorney: Said that he was not aware of an MOU.

Roll Call Vote:

Commissioner Candelaria: Yes; Chairman Schwebach: No; Commissioner McCall: No.

Motion Fails.

B. SHERIFF: Motion to approve submittal of an application for the Justice Assistance Program (JAG) Grant program to request funding for community policing.

Chairman Schwebach: Opened the floor for discussion on the item.

Sheriff Martin Rivera: Introduced himself and Cheryl Allen, Torrance County Grants Manager. In July of 2021, the Torrance County Sheriff's Office was awarded the JAG Grant in the amount of \$46,383.50, to go toward crime reduction. This has helped with crime reduction in the amount of 50%. They are applying for the grant again this year in the amount of \$42,108.51. The reason the amount is less than the previous year is because there was large equipment that had to be purchased before that is still in use and does not need to be purchased again.

Chairman Schwebach: Asked what type of matching grant this is.

Sheriff Martin Rivera: Answered that it is not a matching grant.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve submittal of an application for the Justice Assistance Program (JAG) Grant program to request funding for community policing.

Commissioner McCall: Seconded the motion.

Roll Call Vote:

Commissioner Candelaria: Yes; Chairman Schwebach: Yes; Commissioner McCall: Yes.

Motion Passes.

C. **SHERIFF:** Motion to approve of USDA – Forest Service Agreement for Law Enforcement Services.

Chairman Schwebach: Opened the floor for discussion.

Sheriff Martin Rivera: This is a recurring grant that they get to help patrol the National Forests for illegal woodcutters, illegal fire starters, and general forest issues.

Commissioner McCall: Asked if officer's overtime was used to patrol.

Sheriff Martin Rivera: Answered in the affirmative.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve the USDA – Forest Service Agreement for Law Enforcement Services.

John Butrick, Torrance County Attorney: Asked Chairman Schwebach before making the motion for approval to let him make a comment. Sheriff Rivera has signed this document, but his opinion is that either the Chair of the Commission or the County Manager or Deputy Manager be the authorized signatory on this document.

Chairman Schwebach: Agrees with Mr. Butrick that the Commission should be the signatory. There has been a motion for approval, is there a second?

Commissioner McCall: Seconded the motion.

Roll Call Vote:

Commissioner Candelaria: Yes; **Chairman Schwebach:** Yes; **Commissioner McCall:** Yes.

Motion Passes.

D. **SHERIFF:** Motion approve ratification of payment for NMDOH for On-Line Training Costs.

Chairman Schwebach: Opened the floor for discussion.

Sheriff Martin Rivera: They need to be trained every two years on the intoxilyzer. They were advised that all fees would be waived because of COVID, but they were sent an invoice anyway. The website had said that the fees would be waived. He believes it was \$65.

ACTION TAKEN:

Chairman Schwebach: Said that the invoice was for \$60. Made a motion to approve ratification of payment for NMDOH for On-Line Training Costs.

Commissioner McCall: Seconded the motion.

Roll Call Vote:

Commissioner Candelaria: Yes; Chairman Schwebach: Yes; Commissioner McCall: Yes.

Motion Passes.

E. EMERGENCY MANAGEMENT: Motion to approve the submittal of amendment adding two deliverables to the Cities Readiness Initiative Grant.

Chairman Schwebach: Opened the floor for discussion.

Samantha O'Dell, Emergency Manager: In July of 2021, there was a fully executed MOA with eight deliverables for the city's readiness initiative grant. More funding has become available, so they added two additional deliverables. The grant amount will be taken from \$10k to \$12,876. She is there to get approval on the two additional deliverables.

ACTION TAKEN:

Chairman Schwebach: Made a motion to approve the submittal of amendment adding two deliverables to the Cities Readiness Initiative Grant.

John Butrick: The amendment states that the agreement is "made an entered into this 15th day of November 2021. After speaking with Grant Manager Cheryl Allen and reading over the document, he has come to understand that it was not presented to the Commission for approval until now. Technically it would not be entered into until today, the 13th day of April, 2022. The concern is that potentially funding could be at risk.

Chairman Schwebach: Asked if the contract had already begun and been entered into yet.

Cheryl Allen, Torrance County Grants Manager: The amendment was created back in November, but they did not have access to it until just last week. The urgency to complete this is because the two additional deliverables they are required to be completed at the PIP conference, a.k.a. Partners in Preparedness, which is upcoming soon. They realized the County doesn't have it executed, so they pushed it back so they can get it fully executed.

John Butrick: Did not have the document until that morning. He would suggest putting the date of April 30th. He doesn't want to put it a later date and possibly get less funding, but the fact is that it has not been entered into yet.

Cheryl Allen: "Entered into" seems to be the incorrect terminology, seeing as the State Department of Health has also not entered into the agreement yet. The PIP conference is May 17 through 20th.

John Butrick: The date of effectiveness will be the last date that it is signed by any authority. He suggested taking out the November date and using April 30th.

Cheryl Allen: Worried that it is not going to be allowable.

Chairman Schwebach: If they do not approve the date, bring it back and it will be resigned.

Madam County Manager Barela: Asked the Commissioners to include in their motion the availability to allow the Manager's Office the authority to be able to work with the Department of Health on this and the language for that date to be removed or adjusted.

Chairman Schwebach: Amended his motion to approve, giving the authority to the Manager to change the date whether from the 15th or today or whatever they see fit to make this work in accordance with the downfalls with New Mexico State or wherever the error may lie.

Commissioner McCall: Seconded the motion.

Roll Call Vote:

Commissioner Candelaria: Yes; Chairman Schwebach: Yes; Commissioner McCall: Yes.

Motion Passes.

F. ROAD: Motion to approve submittal of funding request for the Transportation Project Fund for completion of the Martinez Road paving project, authorizing County Manager Janice Barela to sign a letter to the New Mexico Department of Transportation Cabinet Secretary summarizing the Commission's approval.

Chairman Schwebach: Opened the floor for discussion regarding the Motion to approve submittal of funding request for the Transportation Project Fund for completion of the Martinez Road paving project, authorizing County Manager Janice Barela to sign a letter to the New Mexico Department of Transportation Cabinet Secretary summarizing the Commission's approval.

Leonard Lujan, Road Department: This is one of three projects the Road Department will be working on. It is to repave Martinez Road from Greenwood to Mexico. With a 3" overlay. It will be a 5% match like previous matches.

Chairman Schwebach: Asked Mr. Butrick if they were good to make a motion.

John Butrick: Asked Cheryl Allen if the changes they had previously discussed had gone into the document.

Cheryl Allen: The changes have not been made but they are all noted, and she will speak to Leonard after the meeting to incorporate the changed. She can still make the appropriate changes to the grant necessary. It's not going to affect the amount. It only affects the terminology regarding width of the roads. The meeting is on Thursday, and they have until Tuesday to turn it in.

John Butrick: Went over the changes that were being made.

Cheryl Allen: None of the Commissioners need to sign the document, only Madam County Manager Janice Barela and it is the cover sheet that needs to be signed. And there's one other caveat. With the total award with the Department of Transportation match, we have our match. But with those two combined, if the cost should exceed the total amount of the grant that's in the proposal, Torrance County would be liable for making up any excess cost over the total grant award, which is combined. That is, it is the amount plus Department of Transportation match. That is in the letter. It is not something that's in the instructions for the grant. But from last years' experience, they had to add that, so they've already gone ahead and added it.

Commissioner McCall: Asked what the suspected grant cost is.

Leonard Lujan: The match is 5% would be \$40,000 of the total matches, the total cost is \$108,408.16. The federal share is \$76,798,077.52. And then ours will be \$4,420.

Madam County Manager Barela: That would be the State match, not the federal.

Leonard Lujan: Correct. If it goes over the \$108k, the County must cover it.

Cheryl Allen: And I need to make one more clarification regarding Federal and State. The application itself does include the federal share because it's federal funds that are basically being passed through the state.

ACTION TAKEN

Chairman Schwebach: Made a motion to give Manager Barela the authority to sign for the grant with the Department of Transportation and authorizing her to sign and make clerical adjustments by keeping what is presented within the scope of representing this Commission.

Commissioner Candelaria: Seconded the motion.

Roll Call Vote:

Commissioner Candelaria: Yes; **Chairman Schwebach:** Yes; **Commissioner McCall:** Yes.

Motion Passes.

G. ROAD: Motion to approve submittal of funding request for the Transportation project Fund for Completion of the Green Road paving project, authorizing County Manager Janice Barela to sign a letter to the New Mexico Department of Transportation Cabinet Secretary summarizing the Commission's approval.

Chairman Schwebach: Opened the floor for discussion.

Leonard Lujan: Explained this is the same as the previous item, just a different road.

Commissioner McCall: Green Road is from Martinez north out by Schwebach Farms?

Leonard Lujan: Yes, it is from Martinez to 66.

Commissioner McCall: Asked what the amount is and for the breakdowns.

Leonard Lujan: The match is still 5%. The total project is \$292,711.10. the match is \$14,635.555. The share is \$278,075.545.

Madam County Manager Barela: Brought to attention as a reminder that half of this road is owned by the city of Moriarty, but this is something that they have been working at in the County to try to do in good faith because of the way that the city of Moriarty picked up the cost of paving their portion of Martinez Road when they were doing their paving project.

ACTION TAKEN

Commissioner McCall: Made a motion to enter a grant with the Department of Transportation for Green Road getting the material.

Chairman Schwebach: Seconded the motion.

Roll Call Vote:

Commissioner Candelaria: Yes; **Chairman Schwebach:** Yes; **Commissioner McCall:** Yes.

Motion Passes.

H. ROAD: Motion to approve the submittal of funding request for the Transportation Project Fund for completion of the Ewing Road paving project, authorizing County Manager Janice Barela to sign a letter to the New Mexico Department of Transportation Cabinet Secretary summarizing the Commission's approval.

Leonard Lujan: This is for Ewing Road. The total cost is \$1,341,439.19 . The 5% match is \$67,071.959. The Federal share is \$1,274,367.23.

Commissioner McCall: Asked where the match came from, if it was from the Road Department budget.

Leonard Lujan: It comes from the General Fund.

Jeremy Oliver: It can come out of any funds they have- General, Road, PILT, if they are actually awarded these. It is kind of same thing they did last year with the match, which was a little over \$100,000.

Chairman Schwebach: Made a motion to approve the submittal of funding request for the Transportation Project Fund for completion of the Ewing Road paving project, authorizing County Manager Janice Barela to sign a letter to the New Mexico Department of Transportation Cabinet Secretary summarizing the Commission's approval.

Commissioner McCall: Seconded the motion.

Roll Call Vote:

Commissioner Candelaria: Yes; Chairman Schwebach: Yes; Commissioner McCall: Yes.

Motion Passes.

I. GRANTS: Motion to approve the submittal of application for the Family Violence Prevention and Services Act American Rescue Plan Act (FVSPA-ARPA) COVID 19 funding for the Domestic Violence Program.

ACTION TAKEN

Chairman Schwebach: Made a motion to approve the submittal of application for the Family Violence Prevention and Services Act American Rescue Plan Act (FVSPA-ARPA) COVID 19 funding for the Domestic Violence Program.

Commissioner McCall: Seconded the motion.

Cheryl Allen: The funding is allocated by formula and it is \$25,628. It comes through the Family Violence Prevention and Services Act American Rescue Plan Act (FVSPA-ARPA) COVID 19 funding for the Domestic Violence Program. They are requesting nothing this fiscal year but are requesting for FY 2023 to seek training for the Domestic Violence Programs Staff regarding disease mitigation and infectious disease emergency management.

That is a total of \$1,878. They are also funding to cover medical costs to improve access for survivors and their dependents to prevent infectious disease and address medical issues to maintain safety and health. And that totals \$11,250. She is anticipating just 50 awards over the beginning of FY 23 for the next three years. It's all included in the 2023 application that is going to allow the funds to rollover. The third task would be able to provide hotel or motel payments or rental or deposit assistance to secure alternative shelter to mitigate infections, infectious disease and maintain safety. We're looking at a potential 25 awards for \$500k and that totals \$12,500. The grand total meets the allocation of \$25,628. This comes out of the State of New Mexico's American Rescue Plan funds.

Commissioner Candelaria: Seconded the motion.

Roll Call Vote:

Commissioner Candelaria: Yes; **Chairman Schwebach:** Yes; **Commissioner McCall:** Yes.

Motion Passes.

J. **MANAGER:** Motion to approve qualified responsive firms for RFP TC-FY22-04 – On-Call Professional Design Services and authorize Deputy County Manager, Juan Torres, to act as signatory.

ACTION TAKEN

Chairman Schwebach: Motion to approve qualified responsive firms for RFP TC-FY22-04 – On-Call Professional Design Services and authorize Deputy County Manager, Juan Torres, to act as signatory.

Commissioner McCall: Seconded the motion.

Madam County Manager Barela: Went on record to say that she had completely removed herself from the process of this item due to a conflict of interest. Her husband does work for Bohannon-Huston. She has not been a part of the RFP process, nor has she reviewed any of these applications or responses to the RFP process. She was not part of the committee that reviewed it. She is the one that requested that the Deputy County Manager sign on behalf of Torrance County instead of her. She wanted to make sure that was duly-noted.

Noah Sedillo, Purchasing Director: He has been working with Juan Torres, the Deputy County Manager. Together they issued an on-call professional qualification-based RFP, which is different from a traditional RFP process, as it includes architectural surveying, planning engineer and landscaping architectural services. They received 4 proposals. The committee recommended to contract a multisource award contract for all four companies. They would get to choose who they work with and when.

Roll Call Vote:

Commissioner Candelaria: Yes; Chairman Schwebach: Yes; Commissioner McCall: Yes.

Motion Passes.

K. MANAGER: Discussion and possible action regarding the East Torrance Soil and Water Conservation District's placement of a community garden at the Torrance County Fairgrounds.

Chairman Schwebach: Opened the floor for discussion and possible action regarding the East Torrance Soil and Water Conservation District's placement of a Community Garden at the Torrance County Fairgrounds.

Joe Rivers, East Torrance County Soil and Water Conservation District: Mr. Rivers drew a sketch and explained the details of the Master Garden that the Fair Board Extension Agent suggests should be inside the Community Garden. He showed a sketch to the Commission of the precise location and explained the garden location should be on the west fence. He explained that the area east of the Soil and Water Conservation building is not viable and why. He suggested a 10-foot gate that would be controlled by the Fairgrounds, and then another 5-foot walk-through gate on the west side.

Marcie Wallin, Torrance County Fair Board: Believes that the area Mr. Rivers picked is suitable for the garden.

Madam County Manager Barela: Explained where the County is in terms of purchasing the property the Fairgrounds are on and where they are with the property adjacent to the Fairgrounds. She is hoping to have the quitclaim deed fully executed but not recorded by the next week.

Commissioner McCall: Asked Attorney Butrick if an MOU was necessary to let East Torrance Soil and Water Conservation use the portion of the property for a Community Garden.

John Butrick: Yes, as far as liability is concerned, the County does not want to be responsible for injuries that may be incurred.

Chairman Schwebach: Asked about the fence, and what type it would be. He also asked about timing of the project.

Joe Rivers: The fence would be a 6-foot-high chain link fence, matching the other fence. The timing would be an ongoing thing. The garden will go until September or October, he envisions the Head Start kids planting pumpkins for use at Punkin Chunkin.

Commissioner McCall: Wanted to explain that a Memorandum of Understanding (MOU) may be cancelled at will by the County and wants Joe to know that he doesn't know what the future holds. He wants him to understand that they may enter into an MOU, but it can be cancelled.

Joe Rivers: Understands that things happen, and that it wouldn't be a total loss.

ACTION TAKEN:

Chairman Schwebach: Made a motion to move forward with a proposed East Torrance Soil and Water Conservation District placement of a Community Garden on the Torrance County Fairgrounds with as presented dimensions as presented along with owning the property in light of the growing season, the proper MOUs to move forward and start getting that in place.

Commissioner McCall: Seconded the motion.

Roll Call Vote:

Commissioner Candelaria: Yes; Chairman Schwebach: Yes; Commissioner McCall: Yes.

Motion Passes.

13. DISCUSSION

A. MANAGER'S REPORT

1)

Frederick Percival kindly donated a rope that is stronger than Kevlar to the County for us to hang our flag. He stated, "the people in my path at the County building inspired me."
THANK YOU!

Madam County Manager read the list of vacant positions in the County, which may be found on the Torrance County Website, www.torrancecountynm.org.

B. COMMISSIONERS' REPORTS

1) Commissioner McCall, District 1

Had a discussion concerning turning the Emergency Management Building into a Youth Center and getting direction from the Commission on where to begin.
Commissioner McCall is putting together a committee to help plan the project.

2) Commissioner Schwebach, District 2

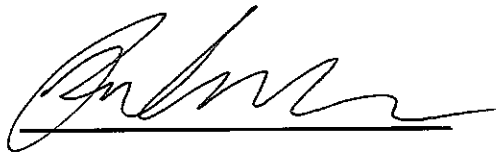
Updated the County on the Solid Waste Authority and said that things are moving forward. If anyone has any concerns, they may reach out to Chairman Schwebach.

3) Commissioner Candelaria, District 3

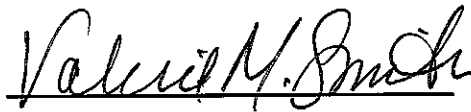
Congratulated the FFA teams from Estancia and Mountainair and said that the Estancia Team is going to Nationals. Chairman Schwebach and Commissioner McCall also congratulated the teams. They were all very respectful and had great showings.

14. EXECUTIVE SESSION
15. **Announcement of the next Board of County Commissioners Meeting:**
April 27, 2022, at 9:00 AM.
16. SIGNING OF OFFICIAL DOCUMENTS
17. ADJOURN

Signed By:



**Ryan Schwebach – Torrance
County Board of Commission
Chairman**



**Valerie Smith – Administrative Assistant III,
Torrance County Clerk's Office**

Date: 4 / 27 / 2022

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.