

**DRAFT**

**Torrance County Board of Commissioners**

**Regular Commission Meeting**

**October 26, 2022**

**9:00 AM**

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

**Others Present:**               **JANICE BARELA – COUNTY MANAGER**  
  **JUAN TORRES - DEPUTY COUNTY MANAGER,**  
  **INTERIM FINANCE DIRECTOR**  
  **MICHAEL GARCIA – COUNTY ATTORNEY**  
  **SYLVIA CHAVEZ – CHIEF DEPUTY CLERK**  
  **VALERIE SMITH – ADMINISTRATIVE ASSISTANT**

**1.     CALL MEETING TO ORDER**

**Vice Chairman Candelaria:** Called meeting to order at 9:04 A.M.

**2.     INVOCATION & PLEDGE**

**PLEDGE:**

**Vice Chairman Candelaria:** Led the Pledge of Allegiance.

**INVOCATION:**

**Vice Chairman Candelaria:** Led the invocation.

**3.     CHANGES TO THE AGENDA:  
       NONE**

**4.     PROCLAMATIONS  
       NONE**

5. CERTIFICATES AND AWARDS

A. Employee of the Third Quarter: Sergeant Jordan Duran

**Madam County Manager Barela:** Recognized and thanked Sgt. Jordan Duran for his exemplary service and read the nominations for him. He will receive a free paid day off within the next month, and his picture will be hung in the hall.

**Vice Chairman Candelaria:** Thanked Sgt. Jordan Duran for his service.

Sgt. Duran was not available to accept his award.

6. BOARD AND COMMITTEE APPOINTMENTS

NONE

7. PUBLIC COMMENT and COMMUNICATIONS

**Vice Chairman Candelaria:** Opened the floor for public comment and communications.

**Madam County Manager Barela:** Introduced the public commenters in person and on Zoom.

**John Travis Bodine:** Put his name forth to be interim County Clerk due to a potential vacancy. He read his resume to the Commission, hereto attached.

**Brady Ness:** Read the first 1.5 paragraphs from the Declaration of Independence, and directed people interested in installing a new government to <http://www.thekingdomofamerica.us>.

**Chief Deputy Clerk Sylvia Chavez:** Gave an update on Early Voting and how many absentee applications and ballots have been mailed and subsequently returned to the County. (See the stats hereto attached.) She thanked the County employees for keeping the west parking lot available for Early Voters. The last day to request an absentee ballot is November 3, 2022, and the last day that the Clerk's Office can send an absentee ballot out is November 4, 2022. The Early Voting site in Estancia at the County Admin Building will be open Monday through Friday, 7:30 AM to 5:30 PM, and Saturday November 5, 2022, from 10 AM to 6 PM.

Chief Deputy Clerk Chavez was very pleased with the number of voters that showed up to vote.

**Rob Wagner, Torrance County Libertarian Party County Chair:** Spoke about the article released by Morgan Lee at the Associated Press. He believes that the article made the County residents look like uneducated idiots. He said the only thing the AP covered was that there were discrepancies between the audit and the canvass, and that no races were affected. He said that a 25% discrepancy is massive. He compared the continued use of the voting tabulators to a murder weapon being allowed back on the streets and doesn't believe that anyone will want to use the voting machines now.

Mr. Wagner said he observed the audit and believes it was done accurately and with integrity.

**Destry Hunt:** Addressed Vice Chairman Candelaria regarding a private conversation in which Mr. Hunt alleges that Vice Chair Candelaria told him that Mr. Ness and his cohorts are "just upset that their man didn't get picked during the 2020 election." He asked Vice Chair Candelaria if he still stood by those words. He also said that Clerk Yvonne Otero was not the first County Clerk to hire family, and Mr. Hunt said he will be looking into that. The recount exposes that Torrance County records were tampered with, which is a felony. A criminal complaint should be filed in the Sheriff's Office and the Sheriff should push the District Attorney to go after it. He also said that "the mainstream media is the enemy of the people."

**Victoria Martins:** Spoke her thoughts about the audit and what she believed happened. She wants to know why Republican votes were favorably higher, Libertarians were off, but the Democrats were not. She wants to know why the "Red Election Bible Book" is not followed, but that politicians want to add more to it. She said that ballots are supposed to be consecutively numbered, and believes they are not, and that machines and convenience centers are more important to the State of New Mexico. She thinks votes should be counted at the precinct level. The machines have done nothing to improve accuracy. The Secretary of State says she owns 1300 and 12 were used by the County.

**Dr. Steven Whitehouse:** Has a PhD in the Engineering discipline of Theoretical and Applied Mechanics. Performed research for the Department of Defense and the Air Force as a Defense Contractor. He has used his skills to try to find vulnerabilities in the voting systems, and his findings were presented to the Sandoval County Commissioners on May 24, 2022. He attended the Special Admin Meeting on October 20, 2022, in Torrance County. He wanted the Commissioners to see these issues as an opportunity to change the voting systems, and to demand a forensic audit. He thanked the Commission for the time to speak.

**Steven Garrett:** Handed out a document, hereto attached. He said that he conducted an audit using the Secretary of State's canvassing numbers. He said that some people voted only on

certain races, such as the Governor's race, and not others. He thinks there should be a hand count and an independent audit.

He submitted an IPRA (Inspection of Public Records Act) to the County Clerk's Office for the serial numbers of the voting machine, which the County did not have a record of and is not required to produce one.

He printed out a page from his mother-in-law's voting history from 2008. He said that this was one of the first times in her life she abstained from voting. He said that she is willing to put forth a sworn affidavit that she abstained during that election.

(Editor's Note: The Presidential Election in 2008 was between Barack Obama and John McCain. The 2012 Presidential Election was between incumbent President Barack Obama and Mitt Romney, in which the voter in question has no record of voting according to the attachment provided by Mr. Garrett.)

He mentioned the ballot printers.

He thanked Libertarian Party Chair, Craig Davis for attending the voting machine certification.

There was no one else for in-person Commenting.

**Deputy County Manager Juan Torres:** Introduced Shari Thigpen via Zoom.

**Shari Thigpen:** Said that the voting machines are flawed and are fraudulent and should not be used. She said that there is "too much linkage to other countries." She said that she is happy an audit was done, and that more needs to be done. She said that since the Governor has a different theology than the people that she doesn't care what they have to say.

**Jenette Hunt, Torrance County Resident:** Said that she agrees with Shari Thigpen. She spoke about certain ballot tabulators being hooked up to the internet. She said that audits need to be done more. Said that Morgan Lee of the Associated Press spun the story to say that nothing was happening here. The results are not debunked. She does not trust the Governor. A forensic audit needs to happen. She does not believe that the same machines should be used since they obviously were not counting votes correctly. She would like it if voters could use blue pens to make sure that the ballots were not being printed on.

**Patti Alexander, Torrance County Resident:** Thinks that the 2020 election needs to be hand tallied. She has concerns about drop boxes. Questions about Martinez Road being paved off 344 in Edgewood, and how it needs to be paved all the way to 41. The area paved going to the subdivision is chip and seal and always falling apart. She also said that the drop boxes for the voting sites are not Constitutional and that they need to be taken down. They are not

being monitored. She thanked the County Manager and the time she has taken auditing the last election.

**Madam County Manager Barela:** It is currently paved from 41 to Green Road. That location going all the way to Lexco is the length of the project from her understanding.

**Patti Alexander:** She said she believes the drop boxes for the voting sites are not Constitutional and they need to be taken down. That they are not being monitored. She thanked the County Manager and the time she has taken auditing the last election.

**Commissioner McCall:** Asked Chief Deputy Clerk Sylvia Chavez to come speak on the drop boxes for absentee ballots.

**Chief Deputy Clerk Chavez:** Explained to the public and the Commission that there are not any drop boxes currently available to accept ballots. The two drop boxes previously available are locked and not accessed.

**Shane Lutrick:** Believes that anyone who used the voting systems in place are being bullied.

**Deputy County Manager Torres:** No one on Zoom that wishes to speak.

## 8. APPROVAL OF MINUTES

### A. County Special Commission Meeting Minutes.

#### ACTION TAKEN:

**Vice Chairman Candelaria:** Made a motion to approve the October 3, 2022, Torrance County Special Commission Meeting Minutes.

**Commissioner McCall:** Seconded the motion.

#### Roll Call Vote:

**District 1:** Yes; **District 2:** Excused; **District 3:** Yes.

#### MOTION PASSES.

### B. County Regular Commission Meeting Minutes.

#### ACTION TAKEN:

**Vice Chairman Candelaria:** Made a motion to approve the October 12, 2022, Torrance County Special Commission Meeting Minutes.

**Commissioner McCall:** Seconded the motion.

**Roll Call Vote:**

**District 1: Yes; District 2: Excused; District 3: Yes.**

**MOTION PASSES.**

## **9. APPROVAL OF CONSENT AGENDA**

**ACTION TAKEN:**

**Vice Chairman Candelaria:** Made a motion to approve payables.

**Commissioner McCall:** Seconded the motion.

Discussion:

**Commissioner McCall:** Asked if the new format that is being presented in the meetings is due to the new program that has been implemented.

**Deputy County Manager Juan Torres:** Answered in the affirmative.

**Roll Call Vote:**

**District 1: Yes; District 2: Excused; District 3: Yes.**

**MOTION PASSES.**

## **10. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE**

**NONE THIS DAY.**

## **11. ADOPTION OF RESOLUTION**

**A. Discussion and possible approval of a resolution (Numbered 2022-54) amending and superseding Resolution 2021-23, A Resolution Designating the Location of Polling Places for the 2021 Local Election and for all Statewide Elections Conducted in 2022 and 2023 and Appointing the Board of Registration Members for the County, and Resolution 2022-45, A Resolution Designating the Location of Polling Places for all Statewide Elections Conducted in 2022 and 2023.**

**Vice Chairman Candelaria:** Presented the item for discussion and possible approval.

**Madam County Manager Barela:** This is on the agenda as a follow-up to the Special Commission Meeting held on Thursday, October 20, 2022. This is in response to an error that on Resolution 2021-23, when the Commission passed it, inadvertently made the County Board of Registration the County Canvassing Board too. She does not believe that the Commissioners intended to do this. The Commissioners desired to make this correction. The other error was in the Board membership. The way it currently stands it has two members and two alternates listed. The State statute says there need to be three members and does not give any provision for alternates. It does state how to replace someone in a vacancy. She has drafted a resolution that has corrected both of those items. State statute also says that there cannot be more than two people of the same political party.

One of the concerns about these appointees is that some of them currently serve in a dual role, that of the Board of Elections and Board of Registration. There is a recommendation for new Board of Registration members who would not pose conflicts of interest. These recommendations are Gail Jones, Republican, Michelle Jones (unrelated), Democrat, and Sandra Ness, Libertarian.

Madam County Manager Barela then read Resolution 2022-54 into record.

**ACTION TAKEN:**

**Vice Chairman Candelaria:** Made a motion to approve a resolution amending and superseding Resolution 2021-23, A Resolution Designating the Location of Polling Places for the 2021 Local Election and for all Statewide Elections Conducted in 2022 and 2023 and Appointing the Board of Registration Members for the County, and Resolution 2022-45, A Resolution Designating the Location of Polling Places for all Statewide Elections Conducted in 2022 and 2023.

**Commissioner McCall:** Seconded the motion.

**Madam County Manager Barela:** Asked if the motion should be made to “adopt” rather than “approve.”

**Mike Garcia, Torrance County Attorney:** Adopt or approve is fine.

**Commissioner McCall:** Thanked Madam County Manager Barela for stepping up and saying that it was her fault that the Resolutions 2021-23 and 2022-45 were incorrect but would like to say that it falls on the entire Commission as well. He then recognized the three Board of Registration volunteers. He thanked them for their willingness to step forward.

**Roll Call Vote:**

**District 1: Yes; District 2: Excused; District 3: Yes.**

**MOTION CARRIES.**

**Madam County Manager Barela:** Commented that the approved resolution number is Resolution 2022-54.

**Vice Chairman Candelaria:** Thanked Madam County Manager Barela.

**12. APPROVALS**

- A. GRANTS: Approval of contract with Roger Rivera to serve as Boys Council Facilitator and Restorative Justice Facilitator for the Juvenile Justice Continuum of Graduated Sanctions grants.**

**ACTION TAKEN:**

**Commissioner McCall:** Made a motion to approve a contract with Roger Rivera to serve as Boys Council Facilitator and Restorative Justice Facilitator for the Juvenile Justice Continuum of Graduated Sanctions grants.

**Vice Chairman Candelaria:** Seconded the motion and opened the item for discussion.

**Cheryl Allen, Torrance County Grants Manager:** Issued an RFP to solicit Boys Council and Restorative Justice Facilitators, Roger Rivera was selected as a contractor to work in Mountainair as Boy's Council Facilitator and to work with Restorative Justice. Rebecca Armstrong has been working to expand the program, and added funding came through CYFD. 65 sessions are offered through the school, County-wide, via referral, at \$8,910. Restorative Justice is offering 10 circles, via referral from the Estancia Valley Classical Academy and the Sheriff's Offices throughout the County, for \$5,500. This is a one-year term with an automatic renewal for another year. These positions are funded through the CYFD Juvenile Justice Grant. Roger Rivera is here to introduce himself.

**Roger Rivera, Boy's Council and Restorative Justice Facilitator:** Introduced himself to the Commission.

**Roll Call Vote:**

**District 1: Yes; District 2: Excused; District 3: Yes.**

**MOTION CARRIES.**

**B. GRANTS: Approval of contract with Alejandro Trevino to serve as Boys Council Facilitator for the Juvenile Justice Continuum of Graduated Sanctions grant.**

**ACTION TAKEN:**

**Commissioner McCall:** Made a motion to approve contract with Alejandro Trevino to serve as Boys Council Facilitator for the Juvenile Justice Continuum of Graduated Sanctions grant.

**Vice Chair Candelaria:** Seconded the motion.

**Cheryl Allen, Torrance County Grants Manager:** Mr. Trevino would be working in the Estancia Valley Classical Academy and the Moriarty/Edgewood School Systems. She explained the limitations of the programs. This would be a one-year contract with an automatic 1-year renewal to coincide with the Juvenile Justice Grant. He would be contracted for 70 sessions at \$11,550.

**Roll Call Vote:**

**District 1: Yes; District 2: Excused; District 3: Yes.**

**MOTION CARRIES.**

**B. GRANTS: Ratification of the agreement of the Local Assistance and Tribal Consistency (LATCF) grant of 1,290,248.32 which is additional funding made available through the American Rescue Plan Act.**

**ACTION TAKEN:**

**Commissioner McCall:** Made a motion to approve ratification of the agreement of the Local Assistance and Tribal Consistency (LATCF) grant of 1,290,248.32 which is additional funding made available through the American Rescue Plan Act.

**Vice Chair Candelaria:** Seconded the motion.

**Cheryl Allen, Torrance County Grants Manager:** This is added funding coming from the American Rescue Plan Act. Though they did not need to submit an application, they did submit that documentation they needed to receive the first TRONT payment, which was received and deposited on October 25. There will be a second allocation for it next year, but she is unsure of the time frame. She explained why Torrance County was eligible for the grant. The funds may be used for, which is broad spectrum. The disqualifying uses are very few, the first being lobbying of any kind, and they must follow the 2-CFR part 200, the Davis-Bacon Act Uniform Guidance, Build America by America Act, comply with Federal and State Laws, etc. There will be annual reporting in March of every year. All expenditures must be completed by a certain time. The total must be spent by March 31, 2028.

**Madam County Manager Barela:** It needs to be ratified, offered Ms. Allen the opportunity to address this.

**Cheryl Allen:** She got the notification on Tuesday and on Thursday put in the application.

**Roll Call Vote:**

**District 1: Yes; District 2: Excused; District 3: Yes.**

**MOTION CARRIES.**

**C. FIRE: Request permission to reallocate medical billing funds from the 416 Operating Budget to the 411 Operating Budget.**

**ACTION TAKEN:**

**Commissioner McCall:** Made a motion to reallocate medical billing funds from the 416 Operating Budget to the 411 Operating Budget.

**Vice Chairman Candelaria:** Seconded the motion.

**Don Dirks, Torrance County Fire Chief:** The money coming in from medical billing has been going into the Torrance County General Operating Budget, and he would like permission to transfer that to the Fire Department's Operating Budget.

**Commissioner McCall:** Asked how that would work.

**Deputy County Manager Juan Torres:** It would go directly into the Fire Department's Operating Budget. You would still see everything and be able to track it in the annual budget.

**Roll Call Vote:**

**District 1: Yes; District 2: Excused; District 3: Yes.**

**MOTION CARRIES.**

**13. DISCUSSION**

**A. MANAGER'S REPORT:**

**Madam County Manager Barela:** The follow up to the findings of the Audit, she is working with the Sheriff's Office. She wrote an email on Monday to the Elections Director to set up a meeting with the Secretary of State or with Director Vigil, and if they know of any reports that they could run to reconcile some of the anomalies that she found, she still has not heard back. She feels as though she is being pulled in every direction with this audit and her regular duties; she is asking for grace right now as people try to communicate with her. She thanked the Commission for the opportunity to express this.

**C. COMMISSIONERS' REPORTS**

**1) Commissioner McCall, District 1:** Thanked Madam County Manager Janice Barela for her hard work and dedication to her job. He wants people to get out and vote. He knew she was up to the audit and thanked her for everything. Mr. Garrett said only 33 percent of registered voters vote regularly. He wants to know why the state changed the County's numbers after the canvass. He would like a definitive answer. He thinks that having an auditor to audit during the primary election would be the best idea.

Asked the County Attorney what they can do dealing with the County Clerk Yvonne Otero's situation, with her not showing up for work, and violating the County's Code of Conduct.

**Mike Garcia, County Attorney:** Said he would look into the situation and see what the options are.

**2) Chairman Schwebach, District 2:** Excused.

**3) Chairman Candelaria, District 3:** Thanked the Road Department for the great work on the roads. Jerry Metzger passed away, and the funeral will be held Friday at 3:30 at the Estancia Cemetery.

He attended the dedication ceremony for the Moriarty Fire Department. He said that it was an important event for the community.

Be sure to get out and VOTE!

**14. EXECUTIVE SESSION**

NONE

**15. Announcement of the next Board of County Commissioners Meeting:**  
WEDNESDAY, NOVEMBER 9TH, 2022, at 9:00 AM.

**16. SIGNING OF OFFICIAL DOCUMENTS**

**17. ADJOURN**

**ACTION TAKEN:**

**Vice Chair Candelaria:** Made a motion to adjourn this Regular Commission Meeting.

**Commissioner McCall:** Seconded the motion.

**Roll Call Vote:**

**District 1: Yes; District 2: Excused; District 3: Yes.**

**MOTION CARRIES.**

**MEETING ADJOURNED AT APPROXIMATELY 10:46 AM**

**Signed By:**



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



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

**Date:     /     / 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.**