

FINAL COPY
Torrance County Board of Commissioners
Regular Commission Meeting
November 9, 2022
9:00 AM

Commissioners Present:

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

Others Present:

JANICE BARELA – COUNTY MANAGER
JUAN TORRES – DEPUTY COUNTY MANAGER
MICHAEL GARCIA – COUNTY ATTORNEY
SYLVIA CHAVEZ – DEPUTY COUNTY CLERK
GENELL MORRIS – ADMINISTRATIVE ASSISTANT

1. Call Meeting to order

Chairman Schwebach: Calls the November 9, 2022, Regular Commission Meeting to order at 9:00 AM.

2. Pledge lead by: Chairman Schwebach

Invocation lead by: Commissioner Candelaria

3. Changes to the Agenda: Defer items 5 D & E, employees were unavailable to attend meeting. Defer item 8, adjustments need to be made to the minutes.

4. PROCLAMATIONS: None

5. CERTIFICATES AND AWARDS:

A. CLERK: Recognition of Employee Service Year Pin: Valerie Smith (2)

Madam County Manager Barela & Sylvia Chavez Deputy County Clerk:
Presented Valerie with her 2-year pin and spoke kind words.

B. PLANNING & ZONING: Recognition of Employee Service Year Pin:
Lynnette Scroggie (2)

Don Goen - Planning & Zoning Director:

Presented Lynnette with her 2-year pin and spoke of what as asset she is to the office.

C. TREASURER: Recognition of Employee Service Year Pin: Carol Aragon (15)

Tracy Sedillo – Torrance County Treasurer:

Presented Carol with her 15-year pin and spoke of her many accomplishments.

D. ROAD: Recognition of Employee Service Year Pin: Pete Montano (20) - Deferred

E. ROAD: Recognition of Employee Service Year: Brian Sanchez (25) - Deferred

6. BOARD AND COMMITTEE APPOINTMENTS: None

7. PUBLIC COMMENT and COMMUNICATIONS

Sam Schropp – Torrance County Resident: I want to compliment the county clerk's office. I worked as a poll watcher yesterday and the professionalism and integrity of the election, I'm willing to attest to and sign an affidavit, if necessary. I have been told I'm wasting my time approaching you concerning our roads. The conditions of the roads are a long-standing problem here in Torrance County. I'm hoping my comments today will motivate the Commissioners to serve the people they were elected to represent by taking a different approach to road maintenance. I ask that my comments be recorded into the minutes in compliance with the New Mexico open meeting act. My comments are within the guidelines of the act, specifically part f, as the days meeting agenda includes a report on the road in the county. I have nothing but good things to say about the people in our road department who do the work maintaining the roads. It's the planning, scheduling, and oversight of maintenance that I wish to address. Our roads are not being maintained to the standards by the Torrance County Road maintain road policy of 2015. Specifically, regarding the crowing of the roads and materials used or not used as the base required by the policy. In the past couple of weeks 3" or more of

rain fell in the county. Because we have dirt roads, not gravel roads, rainfall caused roads in the county south of McIntosh to turn into deeply rutted roads mud bogs in some places. In the days following the rain event, the soil that makes up the roads was in prime condition to be graded, to improve the roads rather than to just knock down the ruts. The road department worked on Spangler Road, and the money used was wasted. When the Road Department was overseen by Javier Sanchez a piece of equipment was purchased which grinds large aggregate into gravel which improves the road base. Post rain event is the perfect time to use that equipment. The County stirred up large rocks in the road. This will destroy tires. The roads are not crowned per county policy and in many places the roads are below the grade of the surrounding land. I urge the Commission to drive the many roads in the county and see for yourselves.

In 2023 federal money will be available for infrastructure improvements. I encourage you to keep that in mind and hire an engineering firm to formulate a plan to improve the roads and prioritize traffic flow.

Ross Yingst – Torrance County Resident: The roads are a mess. I have gone through two sets of tires. Please address the road condition issue.

Pattie Alexander – Torrance County Resident: I was a poll challenger at the election and stationed at the location off Rt 66, we only had about 508 voters. I heard it was chaotic at the Civic Center. I blame the City of Moriarty. They should have known better than to use such a small room. Out of the 508 voters, about 15 people had an issue with their registration. I was one of them. Somehow, I was registered in both Torrance and Santa Fe County, I was able to get it resolved quickly. I don't know if Santa Fe is trying to encroach on Torrance County lines or why this happened. This needs to be looked into.

Sylvia Chavez Chief Deputy County Clerk: Thank you to all the Precinct workers, my early voter precinct workers have been busy since opening day on October 11th. Having the alternate site open earlier was a success with great voter turnout and a great voter turnout on Election Day. There were no major issues and if there were any, they were administrative, and I take full responsibility for them. Everyone that withstood the lines were able to cast their votes. There were long lines, and the Civic Center location will be addressed, by the next election, as far as a bigger room. The last vote cast at the Moriarty Civic Center was around 9 pm. This is the first time that all my polling locations had the ability to do Same Day Registration. This was a great success with approximately 140 this election cycle. If you see any elections workers, please thank them for their hard work. They have worked hard to ensure everyone has a right to vote. With the amount of people that

came out to vote, tells me they believe in the election process and the way it is held. Deputy Clerk goes over Numbers. At the early voting here at the Torrance County Admin Building – 673, at the alternate site – 1424; 598 absentee ballots returned and 48 that were not; 5 UOCAVA voters and 3 returned; on election day: Duran Fire Station – 51; Encino Community Center – 50; Estancia High School – 414; Moriarty Civic Center – 503; Mountainair Dr. Saul Community Center – 510; Torreon Community Center – 106; Willard Community Center – 82; Moriarty/Edgewood School Admin Building – 580; McIntosh Fire Department – 387; Tajique Community Center – 127; Manzano Community Center – 62. In Torrance County we have a total of 10,376 registered voters with 9,618 active voters. With all your totals combined of the entire election process there was 5,567 votes cast. That is over 50% of the active voters. I still have hand tallies and provisional ballots to review. Deputy Clerk explains what an active voter is. An active voter is actively voting and inactive are flagged as not having an updated address or haven't voted for quite a few years. For the purge process: if you haven't voted in the last two presidential elections, then you will be purged from the rolls.

Destry Hunt – Torrance County Resident /Estancia News: We do our best to source anything we report and relay heavily on public record. We are thankful to the County Manager, the Commissioners who support her, the county legal, and the records custodian. If not for their efforts, it would be difficult to make transparent to the public what occurs in government. There are elected officials such as the County Clerk who the County Managers Office via the Records Custodian work with the Clerks office to try and get records. All these records belong to the public. The government body works for us. They are our representatives. We strive to make these records available to the public, the local news. In the resent unofficial audit for the primary election, it was noted that there was a difference between the number of votes counted and the number of ballots found. The difference was about 10%, that was about 250 ballots. We have not seen a final resolution to this matter. What happened to these missing ballots? There was supposed to be a close chain of custody process. It is criminal to tamper with public records. In an article I wrote I discussed the statutes under the criminal code. This has nothing to do with the state or Secretary of State or any other body. Those records belong to the public, and we want to know what happened to the ballots. We are not going to forget about this, in fact we are going to be louder about it. If we don't get justice from this current Sheriff's office, we will be pressing the next Sheriff for an investigation be conducted so the public knows what happened to our records.

Jennette Hunt– Torrance County Resident: Deputy Clerk makes it sound like it was a good thing that we had that many Same Day Registrations. Not a good thing, that is how votes are stolen. Also, happy that that many absentee ballots came back, not a good thing. I have heard a lot of second and third hand accounts of intimidation at the polls, being told people couldn't use a blue pen even though the Secretary of State herself said that you can use whatever color pen you want. People being told the cops would be called on them. Not allowed to take pictures, in New Mexico it is allowed to take pictures of your own ballot. I don't know who is telling us false information, but it is not acceptable. I don't believe Yvonne was legitimately elected and still don't. I don't trust the machines; I don't trust her. I do believe you all were elected. You have Janice Barela do the audit and that is great but what are you doing? I don't feel like you are doing anything. I believe votes were cast by a machine and there were no ballots. I'm going to be very upset with you if you canvass this election without doing a hand tally first. Make sure the Secretary of State's numbers match our numbers, if that doesn't, you need to find out why.

My husband was volunteering at the polls, and it appears someone took a knife to our car. Also, when I voted, I was asked if my address was correct. That doesn't seem like the way it is supposed to go. I would love for there to be voter ID.

Rob Wagner – Libertarian party Chair: Thank you to everyone involved in the election. There was a lot of work that went into it and a lot of hours sacrificed. I appreciate people showing up and doing their civic duties. By expressing things that were done that were incorrect, that does not diminish our gratitude to those people that helped with this election. We want to believe in our system, and we want to show up and vote. It doesn't mean we shouldn't point out the things that was seen as problematic. There was a complaint of a poll challenger not being allowed to point out errors being made by the precinct judge at her polling location. My appointed challenger was told by the precinct judge, that she can only address the judge and nobody else. I have poured through statutes governing challengers and no statute exists. What do we have to gain by telling a citizen they cannot point out errors being made by people in positions of perceived power. Why should someone's free speech be taken from her. What were the errors the challenger was pointing out? Voters taking pictures with ballots. New Mexico 1-12-59 Viewing marked paper ballot reads: A. a voter may, on the voter's own initiative and using whatever form of communication or media chosen by the voter, voluntarily communicate and information regarding 1. The name of any candidate in a candidate contest for whom the voter voted or for whom the voter abstained from voting; 2. The affirmative or negative vote cast by the voter on a ballot question or nonpartisan judicial retention election; or 3. Any other information

regarding the manner in which a voter marked a paper ballot in an election. This error was acknowledged by the Deputy Clerk as a misunderstanding between her and the election official, that a statute was the reason why a person could not take a picture of their ballot. Statute specifically provides for a person being able to take a picture of their ballot. It was seemingly corrected, had this challenger not spoken up, it wouldn't have been. That person's liberties would have been taken away. The next error involved blue pens, that the voters were using to fill out ballots. At this time of legitimate concerns about the accuracies of our machines, patriots across our county, state and country chose to use blue pens to fill out their ballots. Why? Because we have yet to receive a satisfactory response to our concerns about our voting machines ability to print on ballots.

The National Guard was called out to our state to combat cyber threats against our voting system. These hackers must be really talented to hack into a system that isn't connected to a network.

A hand counted audit would allow citizens to have their fears laid to rest. When they see ballots with blue ink and show printing on the ballots didn't happen. If these machines are not part of the problem that caused a 55% discrepancy in our Primary here in Torrance County. Why not allow us to use blue pens. The Secretary of State stated a ballot properly marked with any device other than the marking device provided to the voters shall be counted. Then she tried to convince Clerks across our state that this is against the rules and insist we all use the black markers provided by the election servicing company. Statute 1-12-59 B No person shall solicit a voter to show the voter's marked paper ballot or coerce a voter to reveal any of the information listed in Subsection A of this section. The last complaint came from Moriarty. Local police came by more than once to suggest people go vote at a different location because of the lines. This feels like a lawful order from law enforcement, and feel they have no choice. After yesterday the idea election integrity is completely lost on the Secretary of State. This attitude is bound by those tasked with running the elections because of the attitudes shown by those who trained them.

Shane Lutrick– Torrance County Resident: I couldn't have said it any better than Rob. We need to pay attention to everything he says. I worked yesterday as a poll challenger for the Libertarian party. I recently changed to the Libertarian party from the Republican party. I have asked several times to be involved in the elections and never awarded that opportunity. I went to a party that would put me into a position where I could be of assistance. I hope after our primary audit, a hand count is in the works for this election. This county has been the center of many problems. Our community is coming up to speak about concerns about our elections and there is no one here. I grew up here, we all know each other,

everyone wants to get along. It's time to start addressing this in a professional manner. There is a problem within the Clerk's office with the way our election workers are being taught, as far as dismissing this group of problem causers. Its time to make professional changes within the election school. While I was working yesterday, the Presiding Judge was very helpful. The staff was following their direction and didn't feel they were undermining anything. Our voter rolls and the way they are handled is a disaster. I was surprised by the number of people that had the wrong address or birthdate. There was people that would say, I don't live there but have property there so I'm going to leave that address like that. That is directly against state statute. Another lady requested an absentee ballot, she said she had not received it yet. She was given another ballot and it was ran through the machine. I was happy they were asking for ID; it was not required. Our workers are trying to do a good job. They are doing a good job with the direction that they had. They should be asking your address, not telling you your address. People didn't come out to vote because they have confidence in the election process. What other way are they going to make change unless we show up. I'm frustrated there is no one here from the clerk's office to listen to our concerns today.

Tracy Sedillo – Torrance County Treasurer: To clarify some issues we have been having in our office. By state statute County Assessor is required to turn over the tax roll to the Treasurer on October 1st. With our conversion we loaded that tax roll into the system, there were some issues with the files to the printer because we are on new software and the data wasn't quite the way it should be. We had to send the file to the printers several times to get this corrected. Tax bills were mailed out November 1st. The first half is due statutorily by November 10th with a 30-day grace period. The deadline to pay without penalty/interest is December 10th. Tax information is available on our website once the tax information is loaded into our system, that was around mid-October. If you have any questions, or if your tax bill looks incorrect, please call our office. A payment plan is available, this breaks your payments into 10 payments. This has been a very successful option.

Charlene Guffey– Torrance County Resident: We the people have to watch what happens to our country. I want to thank all the Clerk staff, and poll workers here in Torrance County for their time and effort on the elections. This Friday November 11th is Veterans Day. This date is a reminder that our freedom is not free. Our nation at this time needs to come together and honor the brave men and women that have and still are fighting to protect and save our country's freedom. Across the world people are fighting for freedom like we have never seen before. When we place our hand over our heart to solute our flag, reflect on the meaning of the words we pledge.

Shari Thigpen: I worked the polls yesterday and attended election school. It was wonderful to see all the people out voting, the people were ready for change. I want to encourage people to get involved more, it was one of the most rewarding things I have ever done. People were discouraged by the system. My job was to stand out in the line. I heard over and over complaints about the election process. They were there to prove a point, to vote even though there is cheating. I did not tell anyone to be quiet. They brought in food, people with children and also handicap and ill people were in line. There was a few people that did leave due to the long lines. I informed them of the other polling sites, but they didn't want to drive that far. Everyone across the board was upset about the lines. The Same Day Registration caused things to move slower. A lot of people had messed up addresses. Some people updated 2 or 3 times but was never updated. When I was in the class, we were told people could not use their own pens and would not be able to vote if they used their own pens and could not take pictures of their ballots. I was told there was a statute on the table on the side, I did not see a statute. I looked it up and saw there was guidance saying they can. I do believe that violated people right to vote. It was challenged and it changed.

8. APPROVAL OF MINUTES

- A. Motion to approve the October 20, 2022, Torrance County Commission Minutes.

Chairman Schwebach: Approval of minutes have been deferred.

9. APPROVAL OF CONSENT AGENDA

- A. **FINANCE:** Approval of Payables

Action Taken:

Chairman Schwebach: Makes a motion to approve Payables

Commissioner McCall: Seconds the motion.

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

10. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE:

None

11. ADOPTION OF RESOLUTION:

A. **TREASURER:** Resolution supporting the New Mexico Counties 2023 Legislative Priorities.

Tracy Sedillo – Torrance County Treasurer: I come before you as your New Mexico Counties Board of Directors representative. We had a meeting in Las Cruces and the entire board voted on the 2023 Legislative Priorities. New Mexico Counties ask every county to adopt a resolution supporting their legislative priorities, so when they go to the Legislature to lobby for these items and changes, they will have the backing of all 33 counties. 1. HB 2 Appropriations: an increase for the detention reimbursement fund, currently the reimbursements are not covering the amount spent. To create a line item in the DFA budget with \$750,000 to reimburse counties for prisoner transport and extradition for state prisoners. Also, Emergency Medical Services: to seek funding to assist local governments Emergency Medical Services. 2 The Public Safety Package: this encompasses three areas. The first one is Return to Work; they are looking to change Legislation to allow retirees under PERA to return to work in certain public safety capacities. The reason for this is they are seeing a great shortage of fire, police and especially in detention. The second component is Recruitment and Retention: A public safety recruitment and retention fund would provide local governments with much needed resources to provide detention services to their communities. The last is Staffing Crisis in Fire & EMS: Create a Fire and EMS fund at \$50 million to support volunteers and paid staff. 3 Courthouse Funding: Create a fund for construction and renovations for state district courthouses. 4 IPRA Election Related Records & Data: Clearly define how IPRA relates to election records and data. This is not to suppress more records but clarify what are public records and what are not.

Action Taken:

Chairman Schwebach: Makes motion to approve Resolution 2022-55 supporting the New Mexico Counties 2023 Legislative Priorities.

Commissioner McCall: Seconds the motion.

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

12. APPROVALS

- A. **FIRE:** Discussion/Approval of Memorandum of Understanding (MOU) between the City of Moriarty and Torrance County for mutual aid involving emergency medical services, fire suppression and rescue activities.

Don Dirks – Torrance County Fire Chief: We have the Moriarty Fire Chief and the Mayor of Moriarty here to answer questions you may have. I'm asking for approval of this MOU.

Madam County Manager Barela: There was discussion that had occurred prior to this meeting, there may need to be a removal of certain EMS portion. Superior ambulance may be withdrawing out of Torrance County. A meeting was held to see if we can come up with a solution to our EMS needs. This was a very collaborative discussion. One suggestion was to enter into an agreement with the City of Moriarty to run 24/7 on an additional ambulance. I asked Chief Hart to put together a proposal of what that would cost and how the County and the City would coordinate funding from the county towards this. With that in mind, they would like to withhold the portion that involved EMS until we get a final plan of what is going to happen. Under the current MOU it is Fire suppression and EMS services, this is for a certain boundary they are coming out and assisting.

Don Dirks – Torrance County Fire Chief: The contract is up with Superior January 21st, 2023.

Madam County Manager Barela: We do not have a notice to terminate from Superior. We spoke with Chris Archuleta, the owner of Superior, letting him know we are interested in negotiating a different type of contract. They don't feel they can have two ambulances out here. We are wanting to work out something for one ambulance and it be full time. Chief Dirks has created a proposal for them, we have not heard back from Mr. Archuleta, as of yet. I am scheduled to attend the City of Moriarty's meeting tonight. This will be further discussed on their agenda. We are trying to get proposals and negotiations in place. The Town of Estancia has approved career paid EMTs, to be hired by the Town of Estancia. I believe all the entities are trying their best to help with a solution. We want the commission to know what is going on because this will be coming before you at some point, to possibly add more funds, possibly raising our rates to get more EMTs hired. We are very understaffed with the services we are being asked to provide. This is a bigger issue than just approving this today.

Don Dirks – Torrance County Fire Chief: It has been hard for me to have to deal with Mr. Archuleta from Superior.

Chairman Schwebach: Mayor/Chief Hart, would it be wise to remove it now and add it later or leave it and remove later? I'm inclined to approve it now and amend it later as we figure out the logistics.

Mayor Hart: I think it's important we remove it now because the negotiations will be more involved. Its important we keep some type of MOU in place for both the County and the City or ISO level, which is our insurance level. We don't want to jeopardize that, especially when we go out for inspection. We have been 24/7 for six years now. Our license is just for the City of Moriarty, we don't have transportation license outside the city unless you request us. We need to work hard to find a solution before January.

Juan Torres – Deputy County Manager: MOU is the first step, 90 days after its passed both the city and the County will have to come up with Resolution, this will establish the boundaries.

Chairman Schwebach: In light if losing Superior Ambulance. This includes Emergency Medical Services within this MOU, in 90 days will be drawing new lines and be automatic aid to some areas. We are looking at a separate type of agreement for the Medical Services.

Commissioner McCall: We also need to address the fact we are struggling to get staff.

Don Dirks – Torrance County Fire Chief: yes, we are working on a proposal to address staffing issues. We have lost people because of the rate of pay.

No Action Taken: Continued Discussion at special Commission Meeting November 17th, 2022.

B. FIRE: Seeking additional funding for District 2's renovation due to issues that arose during the renovation.

Don Dirks – Torrance County Fire Chief: The septic system failed inspection and will need to be replaced. This was not part of the original contract. We are asking for additional funds to replace the entire septic system.

Juan Torres – Deputy County Manager: The total amount is \$15, 787.15, this included collapsing the old septic and installing a new septic and new leach field.

Chairman Schwebach: This tank failed inspection by the New Mexico Environmental Department. Why?

Don Dirks – Torrance County Fire Chief: It was installed incorrectly, it was not level, it was an older tank than what was said used. The concrete was starting to crumble.

Commissioner McCall: How old was this system, when was the permit?

Juan Torres – Deputy County Manager: What’s on the permit does not match what is out there. They were guessing it might be 30 to 50 years old.

Don Dirks – Torrance County Fire Chief: They only found one, they had to use a tracer to find it. What’s on the permit is not the tank and system used.

Commissioner McCall: The number seems high; can we get a local septic company to bid on it as well?

Juan Torres – Deputy County Manager: CES is using a local vendor. We don’t have to use CES, we would just have to have the tank installed and pass inspection. This would push back their timeline to get their job complete. They are the vendor doing the remodel and construction. They are the ones that found the Septic issue when working with the environment department.

Don Dirks – Torrance County Fire Chief: They can not continue the work till the septic is done.

Commissioner McCall: The tank we can’t find, when was that permit pulled?

Don Dirks – Torrance County Fire Chief: I believe 1994, it’s not the correct size or location.

Chairman Schwebach: I’d prefer we defer this to the Special Commission meeting and get more information.

No Action Taken: Continued Discussion at Special Commission Meeting November 17th, 2022.

C. FIRE: Acceptance of Fire Protection Grant Awards for:

- Indian Hills District 2 Apparatus (\$300,000)
- Fire-Admin SCBA (\$127,070)
- Torreon-Tajique District 4 SCBA (\$127,070)
- Willard SCBA (\$127,070)
- Fire Admin Stipends (\$25,000).

Madam County Manager Barela: We are asking for this to be approved at one time.

Cheryl Allen – Grant Manager: Chief Dirks and Deputy Chief Sanchez have submitted the applications for the different districts with Torrance County. The awards are for: Indian Hills District 2 Apparatus (\$300,000) type 3 wildland engine. This was the maximum award received. The estimate for this was \$447, 913. A difference of \$147, 913. Chief Dirks has informed me he is looking for a less expensive vehicle. They are looking into using the rollover saved from district

2 to fund the difference. The Second award is for Fire-Admin SCBA (breathing apparatus) in the amount of \$127,070, this is what they applied for. The third award is for Torreon-Tajique District 4 SCBA requested and awarded \$127,070. The fourth award is for Willard SCBA requested and awarded \$127,070. The fifth award is for Fire Admin Stipends requested and awarded \$25,000.

Action Taken:

Chairman Schwebach: Motion to accept the Fire Protection Grant Awards

Commissioner Candelaria: Seconds the motion.

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

D. GRANTS: Approval to submit application for Tracey Master to participate on the National Association of Counties Opioid Solutions Leadership Network to study opioid abatement strategies across the continuum of care (prevention, treatment, recovery, and harm reduction) and share ideas for replicating or scaling strategies.

Cheryl Allen – Grant Manager: The National Association of Counties is establishing this group to study opioid strategies and how to best use the funds nationwide. They want to look at things that can be scaled up or scaled down. They are looking to get input from different organizations. The Deputy County Manager and I discussed a good representative from Torrance County would be Tracey Master. She is the coordinator for the DWI program, she knows the different options being used within the county for prevention, treatment, recovery, and harm reduction. This is a national appointment. We are not requesting any specific funds. They are hosting four different meetings from now to August 2023. Two of the meetings will be virtual and the other two will be somewhere within the United States, they will pay for travel expenses for Dr. Master if she is selected. There will only be 33 appointments nationwide. Tracey has a lot to offer this program.

Action Taken:

Chairman Schwebach: Motion to Approval to submit application for Tracey Master to participate on the National Association of Counties Opioid Solutions Leadership Network to study opioid abatement strategies across the continuum of care (prevention, treatment, recovery, and harm reduction) and share ideas for replicating or scaling strategies.

Commissioner McCall: Seconds the motion.

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

E. **DWI:** Approval of Local DWI Grant Amendment 1, that will allow the county to spend reverted funding.

Tracey Master – DWI Prevention Coordinator: You have before you grant agreement No. 1, Grant No. 23-D-G-31. This agreement is between the Department of Finance and Administration, Local Government Division, DWI, and Torrance County. At the end of FY22 we reverted \$6,473.66 in unexpended distribution funding. We reapplied for that funding and rewarded that money. I'm asking for your approval of this amendment so we can now spend the money.

Action Taken:

Chairman Schwebach: Motion to approve the Local DWI Grant Amendment

Commissioner McCall: Seconds the motion.

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

13. DISCUSSION

A. **MANAGER:** Discussion of concerns regarding road work, gravel, reconstruction, cattle guards on Pinos Wells Road. (Louie Perea)

Madam County Manager Barela: This was placed on the agenda at the request of our constituent, Louie Perea. He has communicated to our road department and to me. I have not followed up personally the way I told him I would. I appreciate the fact that he is here today to present his concerns.

Louie Perea – Torrance County Resident: I live off of Hwy 42 in Cedarville. I have lived out there for about 16 years and the problems have been the same since. It's in the middle of nowhere, there is no school bus route. There is a young mother who takes her three children to Highway 42 in Cedarville, there is a community of about 7 or 8. I understand the workforce has changed. A lot of the issue is staffing, there is not enough people. It seems the county spends a lot of money on equipment and the equipment sits untouched for months at a time. Maybe better scheduling of employees to rotate time throughout the area and better pay. From what I understand the county pays less than the state. Why can we use the same resources or pay the employees more and do with less equipment. If it's going to sit around, what do we need it for. There is a gravel pit five miles from Pinos Wells, the Pounds own the pit and said they can have as much gravel as they need. It's a matter of when and how they are going to get out there. The roads are terrible, there a 10 cattle guards between Cedarville and Pinos Wells. Half of the cattle guards are pathetic. When can we get it done?

Chairman Schwebach: I think it's time we take a different comprehensive approach on actively managing these roads. Without moisture you can't maintain these roads. When we had the moisture, we were not only short on manpower we had some tragedies and accidents within the department. I also hear you with you are tired of the excuses. This Commission has talked about the 4-day workweek, we need to look into that for the road department to give them a more flex schedule, to the time of moisture. That is something we need to look at as long as the pay structure.

Leonard Lujan - Road Superintendent: We know we will keep getting complaints, our roads need work. My truckers that haul gravel are on blades, I do not have enough employees to run everything I have. We are six employees down, I have two out, one is in ICU, another is with his son who is in ICU. We have a mile that is priority will be done by the end of December. I have talked to Louie a few times; I told him since the beginning of the year that by the end of December we will gravel a mile of the road. We tried to build the shoulder up on Spangler Rd. We didn't have anyone to put on roller. We just got a steel wheel; this will help make the roads look better. We can't get employees, we have upped the pay scale, no one wants to work.

Chairman Schwebach: Are your current employees willing to work more hours?

Leonard Lujan - Road Superintendent: They are working Fridays and Saturdays trying to get caught up. We are trying to blade all the roads and then start fixing them. We had roads that had no ruts now have ruts.

Commissioner McCall: Do we have too many blades?

Leonard Lujan - Road Superintendent: We don't when we are fully staffed. We should be running 10 machines, 10 different districts. We are only running 9 currently. We need to figure out how to keep employees. We can contract trucks to haul material but have to stay within the procurement of how much we do, otherwise we have to go out for bid.

Chairman Schwebach: Would it help if we put something like that into place?

Leonard Lujan - Road Superintendent: It would because I can keep blades going while we are trying to fix some of the holes we have out there.

Chairman Schwebach: That is something we can incorporate and have a standing contract throughout the year as needed as this rate.

B. MANAGER: Set date and time of the Special Commission Meeting where the Torrance County Board of County Commissioners will convene as the County Canvassing Board to review/certify the canvass of the 2022 General Election results.

Sylvia Chavez Chief Deputy County Clerk: I need to start my canvass, anytime next week you are available. It needs to be within 10 days from the election.

Chairman Schwebach: From what I saw from the audit, there is no way to canvass what is out there. We had anomalies, do we have any explanations on those ballots, from the primary election?

Madam County Manager Barela: As a follow up to what I reported as the unofficial results of the audit. I had a visitor that had extensive knowledge of elections and was an Elections Director at the Secretary of State's Office under a different administration. This individual brought to my attention the tabulator tapes. In particular, one specific race that I did not address. It was on the Republican ballot for the Public Education Commissioner, write-in. When we were given the canvass, it showed 35 votes were casted by hand tally for this candidate on the republican side. The canvass the commissioners were given showed this candidate received 28 votes. Secretary of States official results showed 29 votes. I was not given access to any of the ballots that were supposedly put into the auxiliary bin. I did not feel that was a race I could audit because I didn't have the ballots to property audit. I included it in the report of what it was in comparison to our hand tally that was done as part of the audit, along with how many ballots the canvass showed that they had that were hand tallied and provisional ballots and how much was reported on the canvass. I did not compare how many votes the tabulator tape showed for that race. When this was brought to my attention in some ways, I thought, okay this might be where the ballots are missing, because I don't have a copy of them. When I find out something new, I find I have more questions. For example: at the Torreon Community Center on the tabulator tape, it has write-in 11, total votes 11, number of over votes 0, number of under votes 79 and they marked out 11 on both the write in and the total votes and entered the number 1 to each one of those. I want the Commissioners and the public to know, these are what was presented to the Commissioners as part of the canvass.

Because there were 5 ballots in the general bin that had write-in candidates, I want to go through all the ballots I have and look for this write-in candidate. Each one have already been included in my audit. So far out of the 284 ballots I have been able to account for 9.

Chairman Schwebach: We still need to operate under our existing statute. This Commission is looking at whether or not we agree with it or have issues with it and how to deal with it. At this point we can give no direction to the Clerk, nor should we because they are operating under a set of parameters. Our current task is to set the date to canvass, how about Thursday November 17th, 2022, at 9:00 AM?

Madam County Manager Barela: I have been in communication with the Sheriff's office in regard to the information I have. I have turned it over to them. In my meeting with the State Police, I made them aware of what we are dealing with.

Trying to take the ballots into custody will require a warrant, this will have to be done through the District Attorney's office and a court order. We are looking at established probable cause is there. This is unchartered territory for our Sheriff's office, we are trying to find every avenue we can to take care of things and to do it the legal and right way.

Chairman Schwebach: Canvass set for Thursday November 17th, 2022, at 9:00 AM

C. MANAGER'S REPORT

1) Change in McIntosh Polling Location – McIntosh polling location is moved from the McIntosh - District 3 Fire Station to the Torrance County Dispatch Center in the Training Room, located at 753 Salt Mission Trail, McIntosh, NM. Signage will assist voters.

Madam County Manager Barela: We were trying to get the word out that the polling location was changed for the McIntosh location. This was published Thursday of last week.

Sylvia Chavez Chief Deputy County Clerk: We needed a better environment for not only the voters but my precinct workers and having them in more of an office space rather than a fire station. I do appreciate the County Fire department for allowing us to use their space for a polling location. We got compliments, it was warmer, they didn't have headaches at the end of the day from the exhaust from the fire trucks. It had to be moved for the simple fact there may not have been heating in the building. I spoke with Cristine Romero (Dispatch) and Samantha O'Dell (Emergency Manager) both were in agreement and as far as I know everything went well. No complaints from dispatch that it interfered with their daily duties.

F. COMMISSIONER'S REPORT:

Commissioner McCall, District 1: None

Commissioner Schwebach, District 2:

Thank you for all the support of all that did come out and voted with almost 50% participation.

Commissioner Candelaria, District 3:

I'm working with DOT district 6; they have some used cattle guards. I'm working to see if we can get some. Our Condolences to Hanna Sanchez for the loss of her mother.

11/9/2022
Minutes
SB

14. EXECUTIVE SESSION:

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

Special Commission meeting November 17th, 2022, 9:00 AM, Torrance County Admin Building.

Regular Commission meeting December 14, 2022, 9:00 AM, Torrance County Admin Building.

16. Signing of Official Documents

17. Adjourn.

Action Taken:

Commissioner Candelaria: Motion to Adjourn.

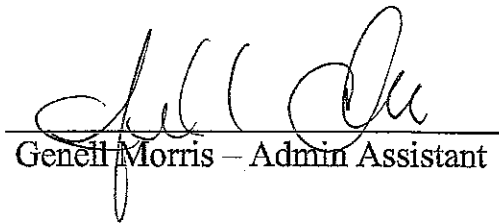
Commissioner McCall: Seconds the motion.

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

Meeting adjourned at 12:11 PM



Ryan Schwebach - Chairman



Genell Morris – Admin Assistant

Dec 15, 22

Date

The Video of this meeting can be viewed in its entirety on the Torrance County NM website.