

FINAL COPY
Torrance County Board of Commissioners
Regular Commission Meeting
April 24, 2024
9:00 AM

Commissioners Present:

RYAN SCHWEBACH – COUNTY CHAIRMAN
KEVIN MCCALL – COUNTY VICE CHAIRMAN
SAMUEL SCHROPP – COUNTY COMMISSIONER

Others Present:

JANICE BARELA – MADAM COUNTY MANAGER
TRACY SEDILLO – DEPUTY COUNTY MANAGER
MICHAEL GARCIA – COUNTY ATTORNEY
LINDA JARAMILLO – COUNTY CLERK
GENELL MORRIS – ADMINISTRATIVE ASSISTANT I
DONALD GOEN – COUNTY P & Z DIRECTOR

1. Call Meeting to order.

Ryan Schwebach – County Chairman: Calls the April 24, 2023, Regular Commission Meeting to order at 9:05 AM.

2. Pledge led by: Ryan Schwebach – County Chairman

Invocation lead by: Samuel Schropp– County Commissioner

3. Changes to the Agenda:

Janice Barela-Madam County Manager: Due to time constraints move 12A before public comment and 13A before 12B.

4. PROCLAMATION:

5. CERTIFICATES AND AWARDS: None

6. BOARD AND COMMITTEE APPOINTMENTS: None

12. APPROVAL

A. FIRE/EMS: Request approval of Torrance County EMS Guidelines set forth by Medical Director John F. Kah.

Hanna Sanchez - County Deputy Fire Chief: Mr. Kah is on Zoom to answer any questions. He has worked hard to get our EMS guidelines together, which we will follow. They are very similar to the state and Santa Fe County guidelines.

John F Kah – Medical Director: I am happy to answer any questions.

Samuel Schropp-County Commissioner: In reviewing the document, it seems that it is clear that it's nothing different than what is required by ethics and law.

Hanna Sanchez - County Deputy Fire Chief: It follows state guidelines.

Samuel Schropp-County Commissioner: There are some things in it, which are beyond my expertise. It was very interesting to read. I didn't find anything there that I would have questions about or that I'd be qualified to ask a question about.

Ryan Schwebach – County Chairman: It looks thorough.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve Torrance County EMS Guidelines set forth by Medical Director John F. Kah.

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:

MOTION CARRIED

7. PUBLIC COMMENT and COMMUNICATIONS:

Linda Jaramillo-County Clerk: I want to announce that all our 22 voting machines have been certified. We got them done in one day. It was a smooth process. We ran 100 ballots through each machine, and with all the possible scenarios, they came up perfectly. They are ready for the 2024 election. I want to thank Sylvia Chavez Chief Deputy Clerk, Senaida Anaya Bureau of Elections Administrator, Kevin Pham, Sammy Chavez, and Herminio Salas voting machine techs. We were able to get this done extremely fast, and efficiently because of them.

Ann Schropp – Resident: Two weeks ago, I listened to numerous people read letters, supposedly from different detainees, claiming, “inadequate or foul water provided to the detainees.” These letters claimed the detainees were thirsty and claimed brutality from staff. They also claimed rotten, spoiled, filthy food, and were all strikingly similar to each other. By the way only, as best I can tell one Torrance County citizen spoke saying she was a prisoner in the county prison.

Commissioner Schropp goes to the TCDF frequently for surprise inspections, days, nights, weekends, and holidays, including the kitchen facilities, the common areas, and even the individual cells. He has always had free rein to speak privately with detainees. They have had no qualms about telling him the things they feel are wrong. Now, thirst is one of the fiercest most primal urges in all mammals. Yet not one single time in just over a year of speaking with detainees has anyone ever mentioned an issue with water? None whatsoever. Never once has a detainee mentioned the brutalities. Sam inspects and has eaten the food served there. He said the quality of the food was like a high school cafeteria. There's scarcely a square foot of that facility that is not under 24-hour video surveillance. Videos are archived and available under HIPAA. Not only have no detainees ever made such claims to Commissioner Schropp, but they have also complained to him about other things. Don't claim they're afraid to speak out. There's no evidence of any of the claims made in these letters.

There has been a movement of misinformation and disinformation from those who want to see immigration halted entirely. Those exaggerations and outright lies from that side of the issue anger me to no end. When the exaggeration and even lies are coming from the side, which I believe supports, that anger turns to disgust and fury. Our immigration system is broken and has a great many problems. Those problems are generated and must be solved at the federal level.

Since citizens cannot sue the US government or ICE, suing Core Civic and its staff seems to be the favorite option. Sue somebody it's the American way.

Jessica Martinez - Policy Director at New Mexico Immigrant Law Center: The following is a statement from a detainee whose name is Edwin Garcia.

I appreciate the open-mindedness and the ability for us to have this discussion and to discuss the actual atrocities that are happening. I ask that you please do the right thing. The right thing is that we all collectively agree that human suffering is not okay. We as humans should do the right thing to ensure that no one is left with mistreatment. Thank you.

Anna Trillo – Former Torrance County Resident: I graduated from Moriarty High School in 2007. I was a part of the FFA program, taught Sunday school at Our Lady of Mount Carmel Church, and volunteered at the public library. I received Rotary scholarships, school board scholarships, and the New Mexico EMW Gas Scholarship when I graduated high school. I am about to be a certified attorney working with the New Mexico Immigrant Law Center.

For the past two years, I have been working with asylum seekers outside of detention and helping them with their process. They're making statements where they're fleeing due to political persecution, where their countries either don't protect them from harm or sometimes the countries themselves are causing this hurt. I'm also part of the detention team where I have visited the Torrance County Detention Facility. It has been really hard for me to go to that center, especially being in my community because it does not represent who we are as a community.

Both my parents are immigrants from Mexico. They have worked their way to have a small ranch east of Moriarty. My mom retired from the Edgewood School District. This doesn't represent who we are. The facility does not represent the human violations that are happening there. It does not represent who we are as a county. I know, and my family knows that we are a very welcoming community to immigrants and that we'd like to provide opportunities. We want to see our future thrive in this county.

Unfortunately, I haven't been able to come back and work in this county, there aren't any jobs available that I feel would satisfy my career aspirations. The only other options I would have are to run for political office or have a government job,

which at this point due to my student loans, and everything else, I wouldn't be able to cover some of the expenses. My brother also graduated from the UNM School of Medicine, and he specifically did a program to do rural medicine. He's graduated now, working in Greeley, Colorado, continuing the rural medicine track because there aren't places here.

I am here to please ask you to not extend or renew the contract with Torrance County Detention Facility and to please consider the human rights violations. I will provide my card so that you all can reach out to me if you would like to speak to me or my family as constituents of this area and to my brother as well. I am more than happy and open to those conversations with you all. Thank you.

Samuel Schropp-County Commissioner: You can expect a call from me. I'd like to talk to you about us being a medical desert and what Congresswoman Stansbury is working toward to remedy that.

Alondra Reyes: Today I'm here to speak on behalf of a detainee at the Torrance County Detention Center. I am an asylum seeker from Venezuela. I'm 22 years old and left my country fleeing political violence. My family stood up for democracy and freedom, and we were targeted by Maduro and his associates. The journey to the United States was difficult. I was constantly targeted because I am a migrant. I was robbed by criminal groups, and even the police in many countries, including Mexico. By the grace of God, I made it through all of these obstacles. I then presented myself at the border to immigration officials in November 2023 and asked for asylum. Instead of protection, I was sent to Torrance to be punished. I was initially denied the opportunity to seek asylum until a lawyer fixed my case. I don't want the nicest cars, houses, or mountains of money. I just want to be given due process.

In Torrance County, I was sexually harassed and assaulted. I didn't want to say anything about what happened to me because I was very scared. The man told me that he would stab me in the neck with the utensils we were given if I said something. This is the worst thing that has ever happened to me. It's because the government detained me here, instead of offering me the protection they promised. I am free now and seeking asylum while living with my family out of detention. None of this was necessary. I didn't deserve this. What I went through is unacceptable. What they did to me is an injustice. Thank you.

Emma O’Sullivan – Attorney: I serve as Executive Director for the Santa Fe DreamWorks project. I am a seventh-generation New Mexican in Valencia County. Today, it's my honor to share the anonymous testimony of a gentleman who is detained in the detention center.

I am a Venezuelan immigrant, I am 43 years old, and I fled Venezuela to escape political persecution. I turned myself in to US immigration authorities at the border in August 2023 and requested asylum. Instead, I was sent to Torrance. Human rights in Torrance are not respected. The officers do not use interpreters to communicate with us. It is impossible to communicate our needs in urgent situations. Some officers speak Spanish but refuse to help us. There's poor hygiene and sanitation. It can take four to five days just to get soap. We are not paid for labor. Those of us who clean are not always paid. Other times we are paid late. The food quality is horrible. It is non-existent here. We get chicken once a month. There are no carbohydrates, no vitamins that could be nutritional from the food that we receive. The cauliflower salad we get is moldy, the potatoes are raw. The chicken has no flavor. The pasta is raw with no flavor, and the meat is unidentifiable. They give us a very small portion for each meal. We are always hungry due to the portions but also the quality of the food.

Allegedly there's a legal library. I once submitted a request to translate my asylum application since they're supposed to help us with translation, but they never responded. As a result, I got scolded by the judge because I did not give anything filled out due to not understanding anything. It wasn't until I met a lawyer that I was able to receive help because here you can't count on Core Civic for anything. They do with us whatever they want to because they can. If someone dies, no one will know or find out. It has already happened. Someone died here in 2022. I won't be surprised if it happens again. Thank you.

Betzaiva Mayorgas: I'm from Honduras, I'm 58 years old, and I suffered many things in the Torrance County Detention Facility. First, they don't treat us the way we should be treated. They treat us immigrants very badly. We are treated differently than those in criminal custody. Sometimes I think we are treated worse because we don't speak English and because we're immigrants. The treatment is very racist by Core Civic. It feels like a madhouse for us immigrants. We have been detained for five months and have had four court hearings. I have had three different judges. I simply want to be here in the US in peace as I seek asylum. The process is not smooth, and I can't find a lawyer to help me with my case. No one explains anything to me. I no longer have water in my cell. The food is very bad.

My deportation officer and Core Civic officials ignored me when I asked for help. Who can save me from this? Only God can save us from this mistreatment.

Jaqueline Zambrano: I want to briefly share a story of the pain and injustice of a broken immigration system that tears families apart. Imagine being a young child standing outside the steel bars of an immigration detention center, desperate to reach out and simply hug your father, but unable to do so. This is my reality. My father, a loving and hardworking man was unjustly detained in an immigration detention center. His only crime was the pursuit of a better life for our family. The trauma of seeing my father behind these bars, treated as less than human, is a pain that will forever be in my memory. I watched helplessly as he suffered mistreatment and neglect at the hands of those who were supposed to uphold justice. The cruelty didn't end there. Despite my father's efforts to fight his deportation, he was so far away from us. They did not care about the impact that would have on my family. The pain of losing my father in such a manner is something that no child should have to ever endure. It is a reality that countless families across our country face every day. Our immigration system is broken failing those who need it most. I sent you today with a message of resilience and hope we will not be silenced. Thank you.

Nathan Dial – Estancia Mayor: I want to make people aware of what Bill King tried to do as far as selling water illegally. He got caught and is now in the process of changing the status of water. This is setting a precedent that anybody can do it. Currently, Bill Wrye has the same application for a well on the other side of CCA, also Jacob Serrano already has two filling stations set up at a property by the transfer station about a mile and a half away. I believe he's already selling water. I haven't proven it yet.

King initially posted in San Miguel, Santa Fe, and Bernalillo County. Wrye posted in Bernalillo County. This is legally right because technically the Independent is not in Torrance County. McIntosh's paper hasn't been recognized yet. People need to be aware these publications are being posted in Bernalillo County which will affect the basin. We need to stay on top of this because everybody that has a big ranch sells half their water because half the water is better than all the water wells. That's not going to stop shallow wells from going dry. I want people to be aware Serrano's are already set up to do it, Bill Wrye is doing the same as Bill King. Thank you.

Valerie Smith - Delinquent Tax Specialist: On Monday, April 22, 2024, the Torrance County Treasurer's Office held its first manufactured home auction. Four of the eight tax-delinquent manufactured homes were sold, which reprobved the previous laws and taxes on those forms. The total purchase amount made was \$16,977.14 with \$7,308.51 in recovered taxes, \$820 in fees, and the remainder of \$8,857.63 going to the State of New Mexico, which will then send this overage to the previous owners.

I believe some small improvements can be made, and our next option is more advertising for a larger turnout, but overall the auction went smoothly. The Treasurer's Office is planning to continue to auction seriously delinquent manufactured homes every six months. The Treasurer's Office would like to make clear that when a tax-delinquent manufactured home goes up for auction, it is because it has been delinquent for many years. Many attempts are made to contact and communicate with the owner. Once all options to repeal delinquent taxes have been exhausted, the home is put up for auction. The owner of the home still has until the moment the auction begins to pay the taxes due, at which point its taxes are not paid. The home will be auctioned.

The Treasurer's Office does not auction homes when an owner is working with them to pay off the delinquent taxes. If you know that you are delinquent, please contact the treasurer's office to speak with Juan Morales or me about a payment arrangement or with any questions, comments, or concerns.

Janice Barela-Madam County Manager: We received a press release from Tax & Rev. New Mexico Taxation and Revenue Department warning taxpayers about fraudulent demand letters going out to property owners who are delinquent on their taxes. The letters tell the owners to call an 800 number by a certain date or the state will seize their property letters have to have been sent to property owners in Valencia County and possibly elsewhere. The letters are not from the State Taxation and Revenue Department. Anyone with an outstanding property tax debt should work directly with the Treasurer's Office in the county where the property is located, or with New Mexico Taxation and Revenue at 505-827-0883. If the debt is over three or more years past due and has been turned over to the state for collection, the Taxation and Revenue Department does auction properties for delinquent taxes when it has been unable to collect debts owed on these properties. The department schedules at least one auction in each county annually. Anyone

who suspects they have encountered fraudulent activity can contact the department through the fraud hotline at 1-866-457-6789 or by email at tax.fraud@tax.nm.gov.

Barbara Schroeder - Member of the Santa Fe Faith Network for Immigrant Justice and a volunteer with New Mexico Immigrant Law Center: I'm asking the Board to not extend this ICE contract. The Torrance County Detention Facility has a long-documented history of abuse of detainees. On March 20, 2024 study found excessive use of force by guards, inadequate medical care, insufficient access to legal information, unsanitary food service, unsatisfactory provision of personal hygiene items, and limited recreation availability for the people detained and asylum seekers detained there describes the deceptions practiced by ICE that led to his incarceration, as well as the poor living conditions and the physical, psychological, and verbal abuse endured by the detainees. These conditions are experienced time and time again by people detained at Torrance. These practices are not only inhumane and against our New Mexican values but are clear violations of national detention standards. Torrance County is violating the law, not upholding it. Please stop this inhumane incarceration of asylum seekers. Enough is enough. Thank you.

Ian Philabaum - Innovation Law Lab: Innovation Law Lab is a nonprofit legal service provider that has served folks detained at the Torrance County Detention Facility since 2019. I'm going to read some excerpts from a January 2024 report entitled Psychological Harm Imposed by Torrance County Detention Facility on migrants in its custody. Written by Humanitarian Outreach for Migrant Emotional health or HOME, an expert Clinton clinical team of fully licensed mental health professionals.

Issues highlighted in the report include but are not limited to the use of punitive solitary confinement, deprivation of drinking water, dehumanization, racism, discrimination, fear of officers and staff, and refusal to address patient needs. This report is available to the public and builds on a 2022 study they conducted at TCDF.

The following is from the report's conclusion. As of 2022, the clinical interviews that HOME mental health professionals conducted at TCDF of detainees and our review of TCDF healthcare records revealed that many organizational practices are harmful and contribute to the emotional suffering and deteriorating mental health

of persons in their custody. Many decisions that promote and sustain these practices are clearly at the organizational leadership level. We are troubled that more than one year later, even after abusive practices were publicly revealed, TCDF has not remitted its punitive and dehumanizing culture. The TCDF organizational culture poses a substantial psychological risk for all persons detained there and also poses a risk of perpetration-induced traumatic stress for staff and officers. For these reasons, HOME recommends the release of current detainees to save communities, and the closure of the TCDF facility to prevent additional abuses.

With this report in mind, I would refer the commission to Article Six of the 2019 contract with ICE and Section 4.3 of the ICE PBNDS for further understanding of how Core Civic operating TCDF in violation of the contract is, we hope you'll decide against any extension or renewal of the contract with ICE and stop this harm. Thank you.

Natalia Ocampo - Colorado College student researcher: This past November and December, I conducted interviews with migrants detained at Torrance County Detention Facility. I was able to interview a 41-year-old Venezuelan migrant who sought asylum in the United States after facing persecution from a political group in his home country. During our conversation, he recounted his experiences at the facility which I felt compelled to share.

He stated, “We are constantly hungry due to the small portions and poor quality of the food. During my time here I have been serving moldy and raw food. If you make friends with those who work in the kitchen, they give us bigger portions, but the Sheriff did not allow it. Everyone is mistreated here. The officers abuse their power, and they don't like to fulfill their rights. We only go outside whenever the guards feel like it or when they're in a good mood. They only take us outside two or three times a week for about an hour, the rest of the time we're locked up. I'm always afraid and no one is safe here. The officers do with us whatever they want because they can. If someone dies here, no one will know or find out. It has already happened. Someone died here last year. He was put in solitary confinement, and he took his own life there.”

Most of the testimonies I take echoed this one. These testimonies highlight the importance of not renewing the ICE contract with Torrance County Detention Facility. Thank you.

Faith Yoman: I live in Santa Fe County and have visited Torrance County Detention Center about 10 times in the last 18 months as a VIDA volunteer. I want to urge you not to renew the contract with Core Civic. Core Civic is ill-equipped to provide even routine medical care, let alone urgent situations that might arise. Ibuprofen is the remedy for any situations that arise for medical care. I sat next to a young man who told me he was diabetic and that he was hungry all the time. His blood sugar was low. His hands were shaking when he held them out in front of himself. I could tell that he was also suffering psychologically from the lack of enough food and care for his diabetic condition.

Another middle-aged man that I met had broken toes, he was barely able to walk. Other detainees were helping him walk. Again, the remedy given for his broken toes was Ibuprofen. People who have mental health, anxiety, depression, and even suicidal ideation, are afraid to go to the medical nurse. The cure for anxiety and depression is to put the inmates into solitary confinement, which only makes it worse. So they're afraid to say that they're suffering from depression because they don't want to be put into solitary confinement. If other inmates tried to advocate for their fellow inmates who are depressed or ill physically or mentally they are punished by being put into solitary confinement or even removed from the detainee ICE population and put into the general population. I urge you not to renew the Core Civics contract with Torrance County. Thank you.

Diane Buda - Colorado College student researcher: This past November and December I interviewed migrants detained at Torrance, hearing firsthand people's accounts of the facilities' inhumane conditions. Through these interviews, it became blatantly clear that the rights, safety, and well-being of migrants are gravely jeopardized by detention. Honduran migrants shared the impact of being locked up during counts at Torrance. He stated, "I sleep locked in the cell and then I am locked up again and again throughout the day. Being locked up during counts has negatively affected my mental health. I dream of bad things; I feel that I'm going to die locked in the cell and that the whole structure will fall on me during counts. I feel that they will keep me locked up forever." The migrants also shared concerning conditions regarding the food served at Torrance, he stated the meals are three slivers of protein that have no taste, and often aren't cooked correctly. The food is not enough to satisfy one's hunger. I eat it because I need to continue to survive. My stomach is not used to this food, and it has been a struggle. My diet is restricted due to my appendix bursting about nine months ago. I think it is affecting my stomach aches with pain. They only provide us with an appropriate meal when

there are inspections taking place, but it should be happening all the time. We don't deserve this type of treatment. We are human beings. Thank you.

Casey Magan - Attorney at the New Mexico Immigrant Law Center: We have assisted hundreds of people and represented hundreds of kids in Special Immigrant Juvenile status cases in New Mexico. The federal government awards Special Immigrant Juvenile status to immigrant kids under 21, who have a state court order determining they've been abandoned, abused, or neglected by a parent in their home country and have a legal guardian here in the United States. It is a pathway to permanent status. We also provide legal presentations to people detained at Torrance County Detention Facility every week or every other week. Every time we go, we see kids as young as 18 who have been separated from their families at the border by DHS. These kids are subjected to expedited removal proceedings and denied the right to seek suggestions which they're allowed to do in New Mexico under New Mexico House Bill 15 passed last year. ICE routinely detained kids and took some from their families. We please ask you to not extend Torrance County's contract with ICE as they in their out-of-state corporation partner routinely violate the rights of immigrant kids in our state. We urge the Commission to not be complicit in family separation and in blocking access to justice. Torrance County has the opportunity to do the right thing. Thank you for your time.

Jovanny Sabastian Hernandez - Southern New Mexico Manager at the New Mexico Dream Team: I'm here advocating on behalf of the New Mexico Dream Team urging to end contracts with Torrance County Detention Facility. We've heard many testimonies and articles describing the inhumane conditions of this place. It's sad to see that places like this are still operating because of profit motive over human dignity. We have to understand that asylum seekers are seeking a place to feel safe and call home, not being placed in horrible places like this one.

Detainees are treated badly, they're fed poorly. Health care is denied, and their mental health and physical well-being are put at risk day to day. New Mexico residents should not live in fear of being detained in a federal immigration detention center, or seeing their families go through the horrors of detention. No asylum seekers should have to question why they were placed here as public servants. We hope you stand by your community's values. Together we can envision a New Mexico that does not thrive off of caging vulnerable populations but welcomes migrants and asylum seekers with dignity. Thank you.

Miles Tokunow - Deputy Director of Ole: We focus on workers' rights, immigration, and more. I'm representing thousands of members across the state, many of whom have been affected by our immigration system, all of whom are workers in New Mexico. They dedicate countless hours advocating for an economy that works for all of us and urge the Commission to put forth our shared values of dignity and opportunity. Please vote not to renew or extend the contract with ICE. We believe all workers and all New Mexicans deserve dignified jobs and dignified lives. Thank you.

Nina McKenna: I share this statement on behalf of the Immigrant and Non-Citizen Rights Clinic at the CUNY School of Law. For the past nine months, my colleagues and I served nearly 100 individuals detained at TCDF, who come from four continents in 14 countries across the globe. Being legal advocates at TCDF means bearing witness to the steady decline of our clients, both physically and mentally, week after week, while being completely unable to help them due to procedural and structural barriers.

Though this is a failure at every level, I will specifically address three of the most egregious shortcomings that we have witnessed. First TCDF is fundamentally unable to implement proper expedited removal procedures. Structurally, TCDF does not have private locations for our clients to participate in their credible fear interviews, something that is required by law, organizationally, understaffing at TCDF and the asylum offices has led to widespread processing delays and thus the prolonged detention of our clients. Secondly, clients consistently report inhumane living conditions such as sewage backups in living areas and the presence of worms or mold in their food. Moreover, Core Civic dramatically and unlawfully underpaid and overworked individuals who are detained, as evidenced by recent violations documented with the New Mexico Department of Workforce Solutions. Finally, our clients state that in the rare instances when medical attention is provided, the facility lacks the resources and capacity to offer comprehensive care beyond prescribing basic medications for sleep or pain, and the psychological evaluation conducted for one of our clients. The evaluator states, that it is my medical opinion that if the client were to stay in TCDF, he could further decompensate leading to severe suffering, or even death by suicide.

If Torrance County Commissioners choose to renew the contract for Civil Immigration Detention at TCDF, beyond its expiration in May 2024, they are effectively choosing to prolong suffering, exacerbate trauma, and deny legitimate

asylum claims. Torrance County Commissioners must refuse to continue funding the cycle of harm and injustice inflicted upon the individuals who arrive at TCDF seeking safety and refuge. Thank you.

Samuel Schropp-County Commissioner: ICE regulations require all of you to give 24-hour notice to the detainees who wish to speak as legal representation. As a County Commissioner, I can walk into the prison on demand at any time because I have taken your concerns to the warden. The warden has agreed that I can come in anytime talk to anyone at any time and inspect any portion of the prison. Having said that, last night I received a call and an email from Leonardo Castenda of the ACLU of New Mexico, regarding the renewal of the county's contract with ICE. Mr. Castenda sent me a letter that the ACLU of New Mexico had written to the Secretary of the Department of Homeland Security regarding the death by suicide of Kalsey Vial in August of 2022. Once again, the events described in a letter took place nearly two years ago and do not reflect the conditions in prison, which I have witnessed in my random and unannounced inspections of the facility. During that time, I witnessed the quarantine and treatment of detainees with Coronavirus and with chickenpox.

The accounts we heard except for Miss Reyes and Betzaiva Mayorgas are not credible, contradictory, and are hearsay as defined by the Civil Rules of Procedure used in US courts. The accounts that you attribute to the federal government will not be changed by the closing of TCDF. Those detainees will be moved to another facility. There will be no one like me appearing on Christmas morning, Fridays, and times when supervisory personnel isn't there for the program, the process of the things that you are the inhumanity of holding people without charge, and any reasonable expectation of adjudication of their claims will continue. TCDF has nothing to do with that. This Commission will continue with random inspections of the facility and make its decisions based on the current conditions and the facility and credible facts, not hearsay.

8. APPROVAL OF MINUTES

9. APPROVAL OF CONSENT AGENDA

A. FINANCE & PURCHASING: Request approval of payables.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve payables.

Kevin McCall-County Vice Chair: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:

MOTION CARRIED

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

11. ADOPTION OF RESOLUTION:

A. SHERIFF: Request approval of Resolution 2024-17, A Resolution Setting Law Enforcement Personnel Overtime Threshold, Superseding Resolution 2024-02, and Maintaining the FLSA §7K Exemption.

David Frazee-County Sheriff: We are here today because we have a problem with staffing in our department, we have lost some deputies recently. We had gone before you with a resolution to go to a 12-hour shift, and we are now requesting that we change that resolution so that we can go back to the way we originally had it. We could still keep sufficient coverage for the county. Undersheriff Reynolds is here and will give you some more details.

Stephanie Reynolds-County Undersheriff: We hired uncertified deputies, two have resigned, one immediately and one has provided a two-week notice. We are down several deputies. This is not something that is isolated to Torrance County. This is a state and nationwide issue. We have gone back to the 10-hour shifts. With the previously adopted resolution, we were on the 12-hour shifts and then 86-hour reporting. We were requesting that you would consider allowing us to go to the 40-

hour work week again, while we try to staff and provide the coverage that our community needs. If we were to stay on the 12-hour shifts, we will all be burnt out. The Sheriff, myself, and other administrators are all on shift. It is getting to be too much on all of us.

Ryan Schwebach – County Chairman: I thought when we passed this I gave you the flexibility to do both?

Michael I. Garcia-County Attorney: What we did mostly with the previous resolution was adopt FLSA section 7 K exemption for law enforcement that allows us to pay overtime at a higher number of hours per week, specifically 43. That was the focus of that particular resolution. What this one does is maintain that exemption under the FLSA. We are still not liable under the FLSA for overtime, about 43 hours, but it also gives us the flexibility of paying overtime at 40 hours in seven days.

Ryan Schwebach – County Chairman: Now we have the flexibility with this resolution. When you get full staff again, go back to 12-hour shifts, because what I remember is the deputies liked that 12-hour shift better, but it doesn't work when you are down deputies. Is that correct?

Stephanie Reynolds-County Undersheriff: Correct.

Kevin McCall-County Vice Chair: Will there be hours not covered by the county?

Stephanie Reynolds-County Undersheriff: The schedule has a four-hour window around two in the morning. The Sheriff, myself, the lieutenant, and our investigator are covering those hours. There will be no time that there is no coverage.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve Resolution 2024-17.

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:

MOTION CARRIED

12. APPROVAL

- A. **FIRE/EMS:** Request approval of Torrance County EMS Guidelines set forth by Medical Director John F. Kah.
- Agenda item heard before public comment.

13. DISCUSSION

- A. **MANAGER:** Central New Mexico Electric Cooperative (CNMEC) would like to discuss broadband build updates, presented by CEO, Alena Brandenberger.

Alena Brandenberger – CNMEC CEO: CNMEC's vision moving forward is to help with the need for broadband in the county. In the 1940s, the Rural Electrification Movement was for the lack of electricity in rural areas. This movement of citizens brought electricity to the rural areas where we are today. Central New Mexico Electric feels that this is a time and place to get involved. We're not trying to chase out small entities, that is not the goal.

We are positioned in such a strong way that we have the infrastructure available with the poles and wires. We can stream fiber very quickly once all the steps have been taken in our system to be able to do so now. We have been awarded several grants, and we're working on a third one that we're hoping to get from the state. The second one is Rural Utility Service, which we're very familiar with. The third one we are currently working on is also through the Rural Utility Service. We don't know if we're going to get that or not, we haven't sent an application yet.

We do have some maps to share with the Commission (the maps are not public records). We can answer any questions that you might have. I'm going to turn it over to CNMEC IT Manager Ed Burkhart. He's going to share some of the areas based on the grants that we have received thus far. We've already done the design on some of it, and we're working on the rest of it as we speak. The grant process is not fast, unfortunately. The way that they're set up is we're supposed to be part of what the grants are applicable for based on when they're awarded by the end of

2026. I don't foresee, based on both at the federal level and state level, they're having difficulty trying to get this money shuffled around with everything going on. I don't know what's going to happen as far as them extending those. It will take a while to build all of this out and with it will come supply chain issues. Finding the contractors and things of that nature. It will take time. We're very excited and hopeful that with the deployment of broadband in a mass way, we're hopefully going to be able to grow our economy, among other things.

Samuel Schropp-County Commissioner: You're aware that the FCC maps on coverage areas are not accurate for Torrance County, and this Commission has formed an Ad Hoc committee to rebut those FCC maps.

Alena Brandenberger – CNMEC CEO: Yes, I am aware of the maps but not aware of the committee, I hope that we can all work together. At this point, we are trying to build based on feasibility, budget, manpower, materials, contractors, and so on. We would want to first go according to the grant provisions and build that out first. I'm not certain how that's going to look down the road.

Ed Burkhart – CNMEC Information Tech Manager: I've been working closely on this project and I'm here to show you screenshots of the mapping from our consulting firm. This first slide shows that the black border is the boundary of Central New Mexico. The vast area of New Mexico will eventually have coverage, that is about 9300 square miles. The green line runs up from Mountainair to the north side of Highway 40. This is what we call the middle mile, the middle mile is an artery that's hooked to the internet that would provide branching off into other connectivity. This is a 288-pair fiber line that is going to be on the poles. The cheapest way to get fiber to an area is on the poles. It's probably 1/5 the cost of going underground.

There are eight substations, we have two other switching stations that are not on the map. The next slide will give you what we call the last mile, the last mile is the veins, if you will, that are tied to the artery, those blue lines are the subscriptions that will be tied into the main line. Roughly 900 subscriptions or so in that area. You will notice that there is a connection to that substation, and we will be running the line to the substations to use for something we call SCADA. This is a system that is used to control our equipment in the substations. That's something we're moving toward in the future which will aid in outages. That's another subject. The other section of what we call the last mile is right here in this community these are the streets being tied in. If you see the white line around everything, that is the constraint that we have from this state grant, we can't go outside of that, or else we

might forfeit funding. The white line is the constrained area by the rule of the state grant.

Ryan Schwebach-County Chairman: What does that represent? Why is that the boundary?

Ed Burkhart – CNMEC Information Tech Manager: When the consulting firm processed the grant, they were constrained to certain areas of New Mexico based on what we call a panacea. If you look at the map for everybody who has gotten grant money from various grant sources, there are just little pieces of what is available. By going to this middle mile project, that consultant was able to tie that middle mile and a very thin line through two major communities, all the way past I-40. If we had veered off of that, even five miles off of that, we probably wouldn't have gotten the grant. It was all controlled by the state broadband service.

The FCC maps are not very accurate. They have made some major changes to that map in the last year. I'm fairly sure that our consultant was using that as well as other factors.

Ryan Schwebach-County Chairman: Would the grant you're referring to partially fund hooking up to a subscriber if you're inside that white line? If you're inside the white line, does it prevent you or change the cost?

Ed Burkhart – CNMEC Information Tech Manager: It keeps you from being able to use the funding to get outside of the system.

Ryan Schwebach-County Chairman: Just the funding?

Ed Burkhart – CNMEC Information Tech Manager: Yes. It changes every day because everything's going up, about \$10,000 and probably \$50,000 for underground. It is possible through private funding; we can't use the Co-op funding. There is very little area that is not protected by funding.

Alena Brandenberger – CNMEC CEO: Even those who are doing grants are having difficulty trying to determine based on awards. They look different in addition to the FCC maps, but there are other considerations. All the grants can be somewhat different. I'm familiar with the ones that we have chosen to participate in. When we're looking to try to determine what area we think are going to get, each grant works off of a scoring application. Whoever puts in for an area and an applicable grant, gets awarded that grant in that area based on their taking score.

Mr. Burkhart was explaining when you're looking at the FCC maps and other things that go into consideration when you're trying to go in for an area. There are maps out there that we can see where other grants have already been awarded. They have some of the areas already spoken for, not to say you can't go in for them. You will get a zero or a very low score for that being a success. They're trying to spread the grant monies and not be redundant. There are a lot of players and a lot of folks trying to go after the money.

I want to reiterate to the Commission, staff, and guests that CNMEC is not in this to make money. We're not for profit, we're member-owned. Our board is elected by you the members, and we see that there is a lack of good, reliable, affordable broadband.

Ed Burkhart – CNMEC Information Tech Manager: I want to say something about the FCC. First of all, we had a situation where we filed for a grant through the RUS, and we were close to getting a grant but lost the grant because another player lied to the FCC about how much bandwidth he had. He had more than was even possible. I made some calls, the FCC has no authority to do anything to this guy, you'd think they'd put him in jail for that because it was dealing with millions of dollars. Turns out, we lost the grant, and the relationship with that guy. That's the kind of stuff the FCC is not capable of up-policing. They have started getting a little more interested in accuracy, but they still don't have the handcuffs to deal with those people.

Ryan Schwebach-County Chairman: It's not exclusive on who can tie into it and who can use it. It is simply where the funds are used with these lines.

Ed Burkhart – CNMEC Information Tech Manager: Correct.

Samuel Schropp-County Commissioner: It was the intent of this Commission when Resound came to us and we formed the Ad Hoc committee to promote competition and it is going to be counter to the wishes of this Commission to have exclusive territories so that's something that I thank the Commission as we look at grants and supporting different grants that we are remaining with our intent to promote competition and not protected territories.

Ed Burkhart – CNMEC Information Tech Manager: I want to say something about Resound, they are a fixed wireless operation, correct fixed wireless works, but doesn't give you the bandwidth that hooking up to the fabric does. I can tell you

right now that we just had a meeting yesterday with some people who sell broadcast equipment. You go beyond two miles; it's dropping way down low. That's a constraint. We want to provide something up to around 100. It will depend on usage. You load up that fiber, it slows down the speed. We think with this particular design, it's going to be a lot faster, at least to these communities that are north of I-40.

Kevin McCall-County Vice Chair: Are there any ways we can get those maps? I'm having a hard time with that projector.

Alena Brandenberger – CNMEC CEO: I would be happy to share this with the County Manager, but it's not public information.

Ryan Schwebach-County Chairman: What do you need from us?

Alena Brandenberger – CNMEC CEO: Support, we're not asking for you all, to support us more than the next person. We are trying to get the word out. Our goal is not to be the only game in town, but just to help provide a service that we lack in this area.

Ryan Schwebach-County Chairman: Based on what we've seen, you have letters of support when needed.

- B. SHERIFF:** Request approval of the Modification of Grant or Agreement between Torrance County and the USDA, Forest Service, Cibola National Forest, and Grasslands for patrol of the Cibola National Forest. (Grant Committee review not required)

Cheryl Allen-County Sheriff Executive Assistant: I am seeking approval for this ongoing agreement. We signed the agreement last year with your approval, and it is for a five-year plan. Each year they do give us a modification of that agreement that tells us what money would be available. It is planned for \$5,000 a year. Last year because of staffing issues and other circumstances we were unable to spend the full \$5,000. In discussions with USDA officials, and administrators that work on this grant and myself, we were able to convince them to roll over all the monies leftover from last year and that we would be committed to utilizing these funds. It pays for Peace Officers to patrol specific areas that are designated in the grant but

it's up in the forest in the grassland areas. During those patrols, in addition to doing any kind of legal work that would be necessary there also, it's designed so that the officers need to get out and speak with the hikers in the area and try to identify any climbing trends or anything that might be happening or needs that need to be addressed by law enforcement or fire personnel. One of the things that we need to make a change modification for this agreement is that they had submitted with it the list of the officers that was based on when we did the first application.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve Modification of Grant or Agreement between Torrance County and the USDA, Forest Service, Cibola National Forest, and Grasslands for patrol of the Cibola National Forest.

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:

MOTION CARRIED

C. GRANTS/CLERK: Request approval to ratify the Grant Agreement from the Office of the Secretary of State for improvements to the voting machine storage warehouse, including cameras and security, total amount awarded is \$50,000.

Amanda Lujan - Grants Administrator: In the last meeting you approved this application, the process was very quick. We submitted the application, it was approved, and County Manager Janice Barela signed it last week. I'm here for ratification and approval of that signature.

Action Taken:

Ryan Schwebach – County Chairman: Motion to ratify the Grant Agreement from the Office of the Secretary of State for improvements to the voting machine storage warehouse, including cameras and security, the total amount awarded is \$50,000.

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach
– County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:
MOTION CARRIED

A. COMMISSION: Request approval to authorize County Manager Janice Y. Barela to execute an Amendment to extend for four (4) months the current Intergovernmental Services Agreement between the United States Department of Homeland Security U.S. Immigration and Customs Enforcement Office of Enforcement and Removal Operations and Torrance County.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve and authorize County Manager Janice Y. Barela to execute an Amendment to extend for four (4) months the current Intergovernmental Services Agreement between the United States Department of Homeland Security U.S. Immigration and Customs Enforcement Office of Enforcement and Removal Operations and Torrance County.

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach
– County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:
MOTION CARRIED

13. DISCUSSION

B. MANAGER: Central New Mexico Electric Cooperative (CNMEC) would like to discuss broadband build updates, presented by CEO, Alena Brandenberger.

- Agenda Item heard before 12B.

C. MANAGER'S REPORT:

Janice Barela-Madam County Manager: We advertised for the Project Manager contract position, requesting letters of interest. We received one letter of interest from an individual who was the only one who met the qualifications for the scope of work. He misunderstood that it was a contract position. He thought it was a position full-time with the county. Once he learned that it was indeed a contract position, he withdrew his letter of interest and said if you ever do advertise he would be interested in the position. Currently, we do not have any applicants for that position. We were scheduled to move forward with an RFP for the Project Manager. I'm hoping to get that in place at the beginning of the fiscal year July 1. It doesn't have to coincide with the fiscal year. It can be at any time.

Samuel Schropp-County Commissioner: The other day I saw an advertisement for the New Mexico Tech Project Manager Course/Program. We can reach out to them and find someone who would be willing to do practical or clinical hours through New Mexico Tech.

Janice Barela-Madam County Manager: I'd like to let the public know what positions we do have available. Summer Intern Coordinator Lead. That would be the individual who would be in charge of all of that program, open until May 7. The rate of pay for that is \$500 a week. Please direct interested individuals to our website to apply. We also have positions open for Emergency Communications Director, Facilities Director, EMS/Fire Lieutenant, Equipment Operator, 911 Dispatcher, and Float Clerk.

D. COMMISSIONERS' REPORTS

- 1) Kevin McCall – County Vice Chairman, District 1

Kevin McCall-County Vice Chair: I'd like to thank Pilot Truckstop for their efforts in cleaning up the area around the truck stop on Abrams and Hwy 41.

2) Ryan Schwebach - County Chairman, District 2

Ryan Schwebach-County Chairman: None at this time.

3) Samuel Schropp – County Commissioner, District 3

Samuel Schropp-County Commissioner: You have a copy of the Torrance County Fair Board Special Board Meeting Agenda for Monday, April 21, 2024, before you. I attended the special meeting for the Torrance County Fair Board; all board members were in attendance. There was a quorum. I witnessed numerous violations of the New Mexico Open Meeting Act during the one-and-a-half hours I was in attendance. The Open Meeting Act was enacted into law to ensure transparency in the way public meetings are conducted so that citizens can participate in the making of rules and regulations. To ensure that taxpayer money is well spent, and we have a considerable amount of money that is going to be involved in county fairs and stuff so there is going to be oversight at times. The meeting agenda failed to meet the requirements of the law or the meeting itself strayed from the written agenda. The meeting agenda was not posted for the public to see as required by law and was poorly attended. This commission has received calls from constituents after that earlier meeting in which there were changes to the rules governing the livestock show because of the violations of the Open Meeting Act.

On Monday, the board repeated the mistakes of that night despite the change of Madame County Manager as to the proper way to write an agenda and conduct a meeting. The five board members began a rewrite of the rules, 105 days before the show and after the tag-in, as part of what had been described in the agenda as, “discussion and action regarding changes and updates to the rules adopted by the Fair Board since the 2023 Torrance County Fair”. However, rather than having a discussion, a contemporaneous re-writing of the rules began. During this discussion board member, Johnny Perea made the statement “We write our own rules”.

After listening to the discussion for a few minutes, I warned the board that this is not the way that this is supposed to be done. I pointed out the process that this

Commission uses to introduce changes to county ordinances, the packet which we and the public have access to before the meetings, and the motion to adopt changes to the rules. I was told by Mr. Perea, “You haven't been here long”, “this is the way we've always done it”, and, “We do this every year”. The board then continued with a process that violated the OMA. Martha, Torrance County Fair Board Secretary was having trouble following the process as she attempted to write new rules as they were being formulated in real time.

I left after an hour and a half because I'd seen enough for an objective report to this Commission. I recommend that the business conducted at the April 21, 2024 meeting be declared vacated, and the process be redone in compliance with the requirements of the Open Meeting Act.

Ms. Wallen brought to me the rule changes that were agreed upon on that night. Those rule changes should be published and should then be presented at the next meeting. A discussion of the rule changes and a motion made to adopt. That was not the process that was being followed. This is a criticism, but I'm not beating up on that. These folks work hard. This process has to be followed. It's a requirement of law.

I will be attending the New Mexico Association of Counties Commissioners Affiliate Retreat this week. The discussion of the Bureau of Land Management and the United States Forest Service's final rule regarding the leasing of public lands for conservation and restoration purposes will be the main topic of the meeting. I'm going to be representing this Commission.

I read the final rule published by the BLM, on the BLM and USFS websites. The current mandate of those two agencies is to manage our public lands for timber mining, drilling, grazing, and recreational interests. The new rule adds conservation to that mandate, adding stakeholders to the management of our public lands. I worked for a grazing Association in Montpelier, ID. United States Forest Service District, and the Logan UT. USFS District. We have spent weeks camping on BLM ground in the Price, UT, BLM District. I work for an outfitter in the Washakie wilderness on the south border of Yellowstone National Park. We have packed horses, fished, hunted, and camped extensively on public lands.

In my opinion, the new rule is necessary to ensure that our public lands remain healthy and able to sustain the use mandated by Congress. The wording of the final rule expressly names the protections of all the stakeholders. The same type of

tactics that we are seeing regarding the Torrance County Detention are being used by groups opposed to this rule. I urge you to read at the very least the Executive Summary, if not the entire 178-page document.

In my experience on public lands, unless there's a mining or drilling operation, other uses continue to work. We rode horses, I hunted and fished, grazing, allotments, timber, leases, all of those. The exclusion, which makes good sense, is a mining lease or a drilling lease. This final rule maintains the rights except for those two parties mining and drilling maintaining those rights and explicitly names that none of those other uses will be interfered with.

For instance, the Sun Zia is running across BLM ground. Sun Zia can then lease a piece of property to offset the environmental impact that their hours will have. They can restore that lease, Riparian areas do that to be restored, or hold that lease to keep other mining interests or drilling or more extractive interests from using that to offset the impacts of what they're doing. That's one of the uses of this when getting into heavily trafficked areas. There's a lot of snowmobiling being done on public land. Towards the end of the year in spring, as things are melting, some damages are done by irresponsible people. Four-wheelers and side-by-sides are a big thing. These leases will be available to entities that want to mitigate and restore the impact.

The District Ranger and Range Manager for the Montpelier District complimented us on improving the habitat and improving the range. Those are the types of things that are being recognized. Rocky Mountain Ramsdens can lease a piece of property and improve its habitat. Trout Unlimited can do the same thing with the headwaters of the Logan River. There are explicit protections written into that 178-page document. When I go to Ruidoso next week, that is the position that I will be taking, that this is a well-written law. That doesn't mean that when I went into the Logan Ranger District, or the District in Yellowstone wearing boots and a hat, but I wasn't treated differently than I was in the Montpelier District. I'm not saying this is all going to fix everything in a big rosy deal we all have to keep an eye on what's going on. On the face of it, this is not nearly as threatening as some groups are making it out to be.

Janice Barela-Madam County Manager: I apologize Commissioner Schropp that I didn't follow up with you on this afterward. I checked into the posting of the Fair Board Agenda on the county website, and the publishing of it was done on Thursday, the 18th of April. The county did properly notice that the meeting, as

well as posting it on the bulletin boards on the outside of the county building, is exactly what we do for the publishing of the County Commission meetings. The one difference would be that the community would not be looking for this, particularly since it was a special meeting. There used to be a consistent time every month. It would be incumbent upon the board members to notify people. As far as the requirement of the Open Meetings Act, the county did meet that requirement.

Samuel Schropp-County Commissioner: Miss Wallen has a document with all of the changes at this point, which can be posted for review, and then introduced in your proper form at the next meeting.

14. EXECUTIVE SESSION:

15. Announcement of the next Board of County Commissioners Meeting:
May 8, 2024, at 9:00 AM

16. Signing of Official Documents.

17. Adjourn.

Action Taken:


Ryan Schwebach – County Chairman: Motion to adjourn.

Samuel Schropp-County Commissioner: Seconds the motion.

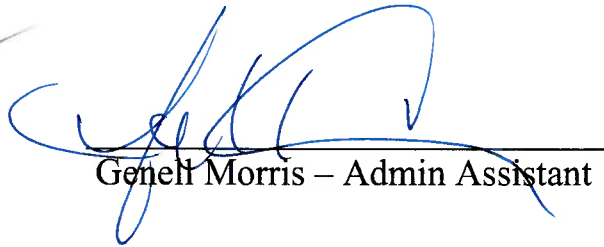
Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:

MOTION CARRIED

The meeting adjourned at 11:08 AM

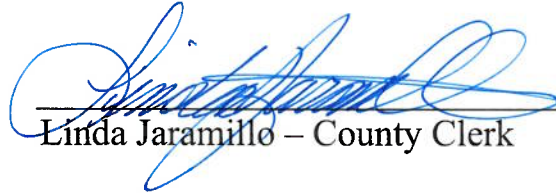


Ryan Schwebach - Chairman



Genell Morris – Admin Assistant

5/8/2024
Date



Linda Jaramillo – County Clerk

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