

FINAL COPY
Torrance County Board of Commissioners
Special Commission Meeting
May 16, 2024
1:00 PM

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 May 16, 2023, Special Commission Meeting to order at 1:05 PM.

2. **Pledge led by:** Ryan Schwebach – County Chairman

Invocation lead by: Samuel Schropp– County Commissioner

3. **Changes to the Agenda: None**

4. **APPROVALS:**

A. PLANNING & ZONING: Request approval to restructure the upcoming vacant Code Enforcement Officer position to a Senior Zoning Enforcement Officer position, to include setting salary.

Don Goen Planning & Zoning Director: The job description is in your packet. In years past, we only had one position, there wasn't a need for structure. Over the last couple of years, this Commission has added a couple of staff positions for Code Enforcement. Now we have three Code Enforcement Offices. I see a need to add structure to this to where I have someone to supervise allowing me to focus more on my other duties. I'm still involved in this to the capacity that I need to be. The difference between the job descriptions is everything that was included in the standard Code Enforcement Officer job description is included within this. The additions are to address supervisory capacity. Under the summary, he or she will oversee the work of subordinate Code Enforcement Officers to completion. The first five bullet points are also an addition that describes additional job responsibilities, including specifics on supervising the subordinate officers. On page two, there is one spot in there that on the sixth bullet point up, says to develop procedural remedies with legal staff and P&Z Director to effectively use the legal system. That's dealing with reporting directly to me with any of the higher-level stuff that makes the complaints criminal and makes it up to the courts. The second bullet point from the bottom explains the requirements of county ordinances to property owners, tenants, and the public. As soon as you tell someone that something's not going to happen, the first question is, why not? They have to have the ability to clearly communicate under the ordinance. What the conflicts are with what their perspective project is.

Now at the bottom of that page on our knowledge, skills, and abilities, it does address using computer applications such as spreadsheets, tracking all these cases, and discovery. They track that on each individual case. May perform other incidental tasks as needed. You can never anticipate everything that's going to be looked for. Under minimal qualifications required are the last two addresses specifically and the supervision and management experience. The last one was three years of work experience where the primary function of the position was conducting field inspections or investigations for a public agency, or three years of work experience, which required familiarity with codes, ordinances, and or investigations. If they have to take a position where they are the lead prosecutor on a case they need to be able to handle this. We have weekly meetings where I have updates on cases that are being investigated even if it's at the complaint level. Our main goal is, as always, compliance and not just being punitive, but to get people to, ideally, come into compliance. There are always cases where we end up having

to file a criminal complaint and have to go in front of the judge. This gives me a person in between this, directly supervising these activities but still reporting to me.

The suggested salary that I have for this position is the current Code Enforcement Officer entry-level \$17.00. I have suggested that this was either \$20.00 to \$22.00, depending on experience or \$21.00 to \$23.00, depending on experience. Which gives us flexibility. There does need to be a differential because of the additional responsibilities and experiences required for this position.

Janice Barela-Madam County Manager: The reason we're having an upcoming vacancy is due to the retirement of the Senior Code Enforcement Officer, I say senior only because he's been with the county for a long time and because of the length of time that he's been in this position, his current salary is \$22.89 an hour. The pay range that Don is talking about stays very close to that salary, and it wouldn't have a great impact on the budget.

Ryan Schwebach-County Chairman: The person who is leaving is currently doing what's in the job description.

Don Goen Planning & Zoning Director: Yes, and it's not just the management part of it, he is handling the training. Not having an official structure, this is what he's been fulfilling, and to try to prepare the two newer ones to be able to step in. This is updating the description of the position at the present time. There is no addition to staff, I've got three and I will continue to have three. This establishes a differential between a supervisor and a subordinate.

Samuel Schropp-County Commissioner: We've been discussing positions within the county staff and managers. Is this going to be in keeping with the plan? We're discussing updating all of the employment ordinances and descriptions and bringing them all into some kind of update. Is this going in this description? He used the word manager, is that going to be within what we're trying to accomplish going forward this fiscal year?

Janice Barela-Madam County Manager: It is not going to be the same as an Office Manager in other offices, this is going to be somebody who still holds the responsibilities of a Code Enforcement Officer and will still carry out a lot of those same similar duties, they would have the additional responsibility of supervising and training those underneath them. They would not be known as a person that's doing a lot of the administrative work, it would be more of a hands-on Code Enforcement position.

Don Goen Planning & Zoning Director: If I use the word manager, I want to make it clear that the job title is Senior Zoning Code Enforcement Officer. That is not part of the designation for the position. They will have supervisory duties and they will still be active out in the field, just like the other two. One has been with

us for just a little over a year, and another one is approaching the end of their probationary period.

Janice Barela-Madam County Manager: The reason this is coming up before you as an action item today, instead of being part of the budget talks, is that the retirement will take effect at the end of May. We are hoping to get this position filled before the beginning of the next fiscal year, which begins July 1.

Ryan Schwebach-County Chairman: Let's talk about the prosecution side. Who would be joining Mike in the courtroom, would it be the senior who would take the lead on that?

Don Goen Planning & Zoning Director: That is going to vary to some degree because all three positions currently handle complaints. The one that's been here for almost a year can function on his own to where he takes care of all of his cases. The other one is still under probation and has been under the direct supervision of Dan DeCosta who is retiring. For example, we had court yesterday and they both had cases where they were listed as the lead prosecutor on those cases.

Ryan Schwebach-County Chairman: I'm personally good with the concept It makes sense. The question is, do these job duties justify higher pay? The question is what is the pay you are suggesting?

Don Goen Planning & Zoning Director: I had thought \$21.00 to \$23.00 an hour. At another point, I'd said \$20.00 to \$22.00 depending on experience. As County Manager Barela stated currently, you have to figure out, 12 years of experience, is it \$22.86. The person that's coming in is going to have a training and a learning curve, my feeling there is that probably the \$20.00 to \$22.00 would be more appropriate, they're not going to be able to function at his level for some time at the current level that he has. I'm good to do that.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve the restructuring of the upcoming vacant Code Enforcement Officer position to a Senior Zoning Enforcement Officer position, with the pay of \$20-\$22 DOE.

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

B. FINANCE: Discussion and possible approval of the FY 25 Interim Budget.

Samuel Schropp-County Commissioner: There's an article in the Mountainair Dispatch about our last Regular Commission Meeting that covers the discussion of cost-of-living increases, wage increases, and the proposed changes to the county's PERA contribution. The article cites cost of living increases in the private sector in the coming year. Those numbers are not in dispute. I want everyone to clearly understand how I agreed with my fellow Commissioner regarding our plan for the PERA increase, and why I believe it is a prudent thing for FY24-25. There are two basic schools of thought for getting an economy moving forward after a black swan event like the COVID pandemic. I listen to authority. I'm an economics and history geek and I follow the history and the successes or failures of both of those schools of thought. Last year we were riding a wave of stimulus spending programs when we approved our 23-24 budget. This year, much of that stimulus money while still in the pipeline from the federal government to places like Torrance County will begin to sunset. There's \$190 billion of COVID relief money that will sunset this year, and it will be affecting many communities like Torrance County. Most of you don't understand the effects of trade of waterborne shipping. Hotspots around the world the China Sea, Black Sea, and the Red Sea have the potential to affect the prices of goods and fuel in Torrance County. Private sector companies like Ingram Barge Company are ruled by the economic principle of supply and demand when freight rates fall, because there were too many barges to move limited amounts of grain to export Ingram would tie up equipment to correct the surplus and correct the supply and demand ratio. In the meantime, that meant layoffs and reduction of hours. The government does not want to work under that supply and demand matrix. There's no way to correct a balance of supply and demand. Torrance County is expected to provide services and we have to have staff to provide those services. To accomplish that goal, as Chairman Schwebach said last year, we have to plan for those black swan events. We don't want to lay anybody off. We don't want to cut hours, and we don't want to reduce services. In reviewing and speaking with Mrs. Barela and finding the thoughts of my two fellow Commissioners, I agree with the plan that is going to be presented here today.

Ryan Schwebach-County Chairman: Thank you. I appreciate that.

Misty Witt-County Finance Director: On the FY 25, Interim budget update notes. It shows all the updates we have made to the Interim Budget since our meetings with each of you.

Legislative Appropriations budget, fund 803. We adjusted those numbers to be more current and accurate projects.

The road projects, fund 629, were also adjusted to account for our current projects.

ARPA budget, fund 836. We adjusted that for our current projects, it may need a little more adjustment by the time we close out FY24.

Fund 620. That is the county infrastructure fund. That is where you're going to see all of the department requests that were approved in discussions at the May 8 commission meeting. So that includes:

Assessor's request for Pictometry and Eagleview for \$100,000.

Road requests open PO for the base course for \$160,000.

Road request for micro surfacing for \$350,051.

Road requests for new vehicles for the May 8th meeting, we included one new vehicle at \$50,930.

Road requests for three new blades for \$1,050,780.

Clerk's book repair request for \$40,000.

Sheriff's Department requests \$150,000 for new Sheriff's vehicles.

Sheriff's entrance upgrades for their office up to \$75,000.

Sheriff's Department chip seal the back parking lot \$15,000. That's a verbal estimate from our Road Superintendent. That may change a little bit.

Adjustment transfer from the general fund to cover those department requests.

Emergency Management budgets affected funds are 835, 833, 829,828, 628 and 604.

Animal Services: The Carroll Petrie grant agreement was received. We added that for FY 25. That will be coming before you for approval on May 22. On the official

grant agreement approval we did go ahead and put it in the budget for \$50,000 in funding 431.

We got some agreements for the Sheriff's Department that affected fund 805 which is ENDWI, Buckle up, and STEP grants. Those are for overtime for those projects. We also got notices for funding 809, 808, and 802, which are other Sheriff's Department funds.

PERA pickup was discussed in the last Commission meeting on May 8th, which is on the salary schedule. That is in the Interim Budget at the 37.5% pickup. That resulted in a change to the Road Department budget, we had to do more transfers onto the Road Department budget to cover PERA pickups, fund 402.

We included the Deputy Fire Chief's salary increase from the May 8th meeting and also included the Elected Official salary increase for the new incoming Elected Officials, this will be the second half of FY 25. We also added the part-time Kennel Assistant to the salary schedule. There was an increase of \$3,500 for incentive pay for the Assessor's Office for some discrepancies in their certifications and the upcoming certifications.

For the Senior Services meal program funding discussed at the May 8th meeting, we put \$30,000 in fund 631, as a placeholder for that meal program.

There was a small adjustment to fund 561, which is the fund for the County Administration Building Loan, we had to lower the expense number due to loan expenses that we've already paid, and the loan issuance expenses.

We talked about this in the individual budget meetings. We did go ahead and change the Court Compliance position from the 420 fund to the general 401 fund. That will be another difference you guys will see from our last meeting.

I wanted to let you know in your PDF copies of the budget on your desk, there will be one difference from what we have on our Excel spreadsheet. I found a discrepancy in the formula for one of the 911 Operators. I had to adjust her formula. That brought down their salary schedule and expendable \$5,343, just on the 911 salary schedules. Then we added in the beginning balances as best as we could estimate.

The dispatchers are based on the 72-hour pay period instead the formula was calculating one of those salaries on an 80-hour pay period.

Janice Barela-Madam County Manager: 36 hours is considered full-time for dispatchers per week.

Misty Witt-County Finance Director: We needed further discussion on the Dispatch salary increase. Currently, on our Interim Budget, we have plugged in the \$1.00 per hour increase that was discussed at the May 8th meeting for four positions. That was the Director, the two-way Communications Supervisor, and then one of the 911 Operator Communication Specialists. We wanted to discuss whether a \$1.00 increase versus a \$2.00 increase.

Janice Barela-Madam County Manager: I will give some history to the public as well as remind the Commissioners of what happened in the last budget cycle. The Commissioners expressed that they were very concerned about not getting applicants for Dispatch. The decision was made to increase the starting pay of dispatchers by raising it \$4.00 an hour, \$2.00 for the wage increase, and then \$2.00 for the cost of living that was given to everyone across the county. When that was decided there was some wage compression that occurred with some of the positions. You fixed those by giving some increases. The ones that I am talking about here are the three employees in Dispatch who did not receive anything other than the cost-of-living increase, which was \$2 an hour. At that time, and still, we're in the same condition as far as being short-staffed in Dispatch. We have with us our Communications Director, Selena Carroll. During the last budget cycle, our previous Director was unable to attend the meeting so she could not advocate for her department. After the decision was made, that's when the Commission started to receive information stating that they would like to visit with you all in regard to the decision that was made, and they felt it was unfair that they did not also receive the \$2.00 hour on top of the cost of living. They were told to wait until this next budget cycle for that to be revisited. That's why we are discussing separately from all the rest of the salaries.

At the last meeting, it was discussed that \$1.00 an hour would be doable. I asked Misty to run the figures for us as far as the increase would be for \$1.00 an hour and \$2.00 an hour. For \$1.00 an hour, it would be an increase to the Dispatch budget of \$7,571 a year, at \$2.00 an hour, it would be an increase of \$15,141 a year and this is including their salary plus benefits. It's for three positions, Director, Communications Supervisor, 911 Operator Communication Specialist who is also the NCIC Tech. These are the three positions for which we would request the \$2 an hour increase. We know that this is sustainable within their budget. As far as the revenue for this budget, they do have a dedicated tax, the 911 Communications Tax is earmarked specifically to go to this fund, as well as with our MOA we have with other municipalities that are part of dispatch. We're required for the county to transfer \$260,000 a year. Plus there are the fees that the municipalities put into it as

well. There is adequate funding for the \$2.00 an hour increase for these three positions.

Samuel Schropp-County Commissioner: Last week, I attended a roundtable meeting of all the public safety agencies that rely on our Dispatch. I listened at length to the problems in our communications and got a greater appreciation for the experience of our people in dealing with making this work, talking to officers who are in a dead spot, to bring other agencies through that dead spot. Because of the equipment we have, this is challenging. The experience of the Dispatchers is what's carrying us at present. At that meeting, as we concluded, Ms. Odell and I spoke, and she thinks that we will never be able to call the wind tower farms critical energy infrastructure, which would get us into a Terrorist Matrix Funding. There are possibilities to explore. At present, we're relying on expertise and experience. I listened to Ben and Selena and the rest of it before they explained how the equipment works, and the limitations, they know where the dead spots are, and they know how to cope with them as best they can. At this point, I'm an advocate for a \$ 2.00-an-hour raise. This department is in crisis, we are dependent upon the experience of the people that are there to make it work.

Kevin McCall-County Vice Chair: Where I would need some clarification is that I see three positions, I thought it was possibly four to five.

Janice Barela-Madam County Manager: Four positions were impacted, but only three of the individuals who would have received it are still employed with us. For example, the previous Communications Director left, and our Day Supervisor was promoted to the Director position. Our Day Supervisory position is vacant, currently advertised. If the Commission wants to add \$2.00 to it, that's fine. It's currently advertised at the current rate. I would recommend not approving for that position because it's already advertised if you want to make that correction on the next budget cycle, that will be fine. Since we've already advertised it at the rate, it's hard to be in the middle of that advertisement and change it. Unless this Commission is good when we hire somebody, as soon as we hit July 1, they're automatically going to receive that \$2.00 hour increase.

Kevin McCall-County Vice Chair: I wonder what the \$2.00 more would get you in as an applicant? You might get a different quality of applicant.

Janice Barela-Madam County Manager: We are short-staffed in Dispatch; I don't want to delay hiring this position any longer. We have applicants and expect more applicants to apply. The problem is if you want to advertise it at that position, I will have to put that on the May 22nd agenda for that position to have a pay increase. We can't advertise that the decision that you're making today has an impact until July 1st. If you want to approve it as part of the budget, they will automatically get the \$ 2.00 an-hour increase whenever July 1st rolls around.

Ryan Schwebach-County Chairman: Wouldn't that be the best to manage what we're talking about? We have the three currently filled. There's one other position that had that \$ 2.00 discrepancy, but not all of them.

Janice Barela-Madam County Manager: That's my understanding.

Ryan Schwebach-County Chairman: It's been advertised at the \$2.00. The question is, do we implement that \$2.00, now? Do we wait till July 1st? That's the direction I want to go because then we're done. Moving forward, we can assume that the pay structure is good for this year and work on other things within it. Are we good?

Kevin McCall-County Vice Chair: Yes

Samuel Schropp-County Commissioner: Yes.

Janice Barela-Madam County Manager: I want to make sure this is clear, \$2.00 an hour for the four positions we discussed.

Misty Witt-County Finance Director: The next discussion item we have on your list is, that we wanted to bring to the Commission's attention that upon reviewing the Eagleview Pictometry contract, it appears that there will be \$105,250 at \$90,000 for two years in a row. In year one and year two, the original department request was for \$90,000 to \$100,000 a one-time request. We want to open that up for discussion, it is a two-year contract at \$105,000 each year.

Jesse Lucero-County Assessor: I received an email from Linda Gallegos yesterday afternoon, and I read it. She addressed this concern. We certainly appreciate this Commission's generosity and the Assessor's Office is willing to absorb that additional \$5000. I want to clarify the flyover contract and I believe our Attorney can support us through the contract. This will be our third flyover. The contract is built for two flyovers. We've never done a second flyover in any area. We have the ability to not do a second flyover. Even though the contract is signed, there's a clause that says you don't necessarily have to do a second flight. This is their best practice and that's the way they move it. You can look at all our contracts on the first flyover. In the previous two flights, the Assessor's Office paid for it. We didn't have the funding to pay for it upfront. So, we were on a three-year cycle to pay off the first flyover.

Samuel Schropp-County Commissioner: Would I be correct in thinking that by using the flyovers, you have been able to offset that cost with increased revenues and more efficient tax collection?

Jesse Lucero-County Assessor: That is definitely the case with our current flyover over the mountain communities.

Michael I. Garcia-County Attorney: I looked through it, a minor issue. One of the things that it calls for is for us to indemnify. Under state law, we're not allowed

to do that. If there's still some time when you go back to the folks at Eagleview to maybe get that part stricken from the contract, that'd be helpful.

Jesse Lucero-County Assessor: In both previous contracts, the same language has come up. That has been the concern, and we have sent it back to Eagleview and they have modified that particular issue, and then we signed it.

When I took office, as the Chief Deputy in 2014, one of the practices that anybody in the Assessor's Office appointed, or hourly, every property has to be assessed. When they looked at my property, since they were there, the practices looked at everything in the surrounding area. They happened to look at my parents' home, and my parents' home had not been appraised since 1979. That was in 2014. I believe this flyover will be our third and final payment showing dividends. I noticed because I'm getting phone calls from the people in my district saying, "Why are you raising my taxes"? District One and District Two for all intents and purposes being picked on because that's the most populated portion of our county and in District Three, everyone's gates are locked. This software has taken away all of the obstacles. The software doesn't lie. We're able to do better desktop appraisal. It has shown a return on our investment and then some.

Kevin McCall-County Vice Chair: They sent us the original contract we did the first two years. We asked them to modify it, they modified it. So what contract are you reading?

Jesse Lucero-County Assessor: That's correct. I don't believe that Eagleview changes the language in its standard contract to benefit any state or county. However, when Attorney Garcia goes back and says this will be approved, we have an issue with this. It's been my experience with the last few flyovers, that Eagleview's legal team, makes the correction, reissues the contract, and legal reviews it before any signatures are made.

Ryan Schwebach-County Chairman: Given that, we can do that as approved. I'm good with \$100,000. Are you guys? Good with that?

Kevin McCall-County Vice Chair: Yes.

Samuel Schropp-County Commissioner: Yes.

Misty Witt-County Finance Director: Carol Petri Foundation, I wanted to inform you that we did get the grant agreement for \$50,000. That will be coming before you at the May 22nd meeting for official approval of that grant agreement. We did get another grant agreement for the CWPP Education Outreach grant for FY24. That was one of the Emergency Management teams, grants. We did receive a grant agreement for \$20,000, that will be coming before you at the May 22nd meeting.

Janice Barela-Madam County Manager: That has a \$2,000 match. I'm not sure if that is required in kind or if it will be actual funds, but we'll identify that by the next meeting.

Misty Witt-County Finance Director: We are working on both the debt schedule and the PILT schedule, and we'll get those two schedules to you as well.

Janice Barela-Madam County Manager: As part of picking up the percentage of PERA, it will require a resolution by this Commission and the timeliness of this getting done is very important. This will be before you on the May 22nd agenda. It has to go before the PERA Board and be approved. They only meet at certain times; I believe there is only one meeting before July 1st.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve Interim Budget as presented.

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

5. **Announcement of the next Board of County Commissioners Meeting:**
May 22, 2024, at 9:00 AM

6. **Adjourn.**

Action Taken:

Ryan Schwebach – County Chairman: Motion to adjourn.

Samuel Schropp-County Commissioner: Seconds the motion.

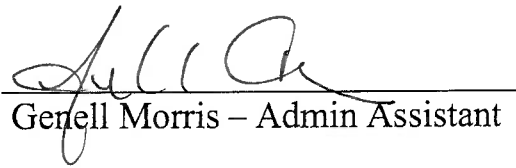
Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

The meeting adjourned at 01:52 PM

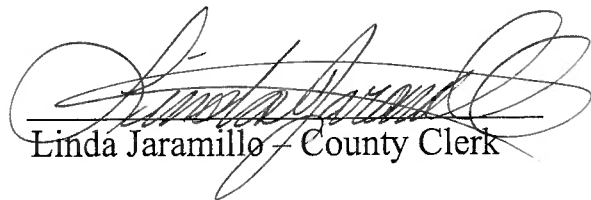


Ryan Schwebach - Chairman



Genell Morris - Admin Assistant

06/12/2024
Date



Linda Jaramillo - County Clerk

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