

FINAL COPY
Torrance County Board of Commissioners
Regular Commission Meeting
August 28, 2024
9:00 AM

Commissioners Present:

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

Others Present:

TRACY SEDILLO – INTURUM 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 August 28, 2024, Regular Commission Meeting to order at 9:10 AM.

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

Invocation lead by: Kevin McCall– County Vice Chairman

3.Changes to the Agenda:

Tracy Sedillo-Interim County Manager: Defer agenda item 11C and move 13D to when they arrive, due to time constraints.

4. **PROCLAMATION: None**

5. **CERTIFICATES AND AWARDS: None**

6. **BOARD AND COMMITTEE APPOINTMENTS: None**

7. **PUBLIC COMMENT and COMMUNICATIONS:**

Anne Schropp - Resident: I'm the wife of Commissioner Schropp. I'm speaking as a private citizen of this County. We are in a severe water crisis, and there are two issues highly relative to that which will be discussed today. A major one is the over-issuance of cannabis grow licenses. We the people must work together for change. I will again state that I am not opposed to a properly regulated, legal cannabis industry here, but the current regulations surrounding cannabis control in this state are inadequate. Senator Liz Stefanics and Representative Stephanie Lord will be working together to draft a bill to rewrite the Legislation regarding the issuance of cannabis licenses with much tighter controls. However, nothing can change until the State Legislature meets again in the fall. We need help right now, I am asking everyone to contact the Governor's Office via phone, leave a message, or email. We must tackle this problem using the law, not emotion. Your personal feelings regarding cannabis and its use have no place in this action. Please do not include them that will only weaken our position. We've got to stick to the law. I have outlined the gist of the statement that the governor needs to hear. I can pass out copies of this. Copy them yourself and pass them around. The gist of the statement, I am asking the governor to place a temporary moratorium on new cannabis grow licenses. We do not have the water in our aquifer to support them. The State Legislature needs time to enact controls on the over-issuing of cannabis grow licenses before our aquifer is destroyed.

As for EMWT, no one can even survive in this county without adequate water. Time for control of the water to be placed in the hands of people elected by and answerable to the people whose lives depend on this water.

Augustine Montoya – Resident: I'm here to give public comment before the court of public opinion. Since our consistent pleas for real water solutions have continued to fall on deaf ears, I'm here to plead to the people here today to stand in unity against EMWT's continued attempts at stealing our water. Moreover, I'm here to prosecute the case that EMWT, over its lengthy and controversial history, has had no interest in protecting our water and is much more interested in selling it out to the highest bidder. As farmers in our community, our culture, families, and livelihoods are built from water, and yet, despite this fact and this narrative, it's very interesting to see that this organization is still being pushed forward, despite its continued history of incompetence and inability to protect our water. I'm here today because the history books will remember this. Will remember an organization being put in place that is from selected people and not elected people. People who have no interest in actually protecting this resource in this community are more interested in selling us out. If you want your families to be protected, I

ask that you stand with us in unity against an entity that has again, over many years, proven that it is incapable of protecting our water, and stand in the interest of real solutions in standing up an organization, an entity that is elected and not selected by a commission who intentionally keeps itself small. Thank you, and please remember this day, because it could be one for the history books.

Lenord Howell: The last two days, I was in Socorro at the State Water Board Meeting. First time I've been to one of these. I found it interesting. I got to meet a lot of our Senators and Representatives and got to spend time with them and talk to them about the things that are going on here in the Estancia Valley. It's surprising how few of them knew that we are a closed basin. It's even more surprising how few of them knew how some of these cannabis farms have gotten so far out of compliance and nothing's been done. In talking to them they've asked my office, which, until my board tells me differently, will continue to work with these folks that I met over the last couple of days and give them information on what's going on here. Mrs. Sayer from the CCD pointed out that they do not have any policing authority over these farms. They were kind of surprised to hear about that. They were taking notes and listening. I know is an election year, and maybe they were just doing it to pacify me, but they generally seemed interested and concerned. I've talked about and made it very clear, that even at the State Engineer's Office because Mrs. Anderson was just hired, It's going to take her a month or two to even figure out what her office is doing. She admitted the same thing that the CCD admitted they are underfunded and under-staffed. When I talked to them. I got them the tools that they needed and gave them the laws that they needed to control these cannabis farms. On Monday, when these things first came up I got to talk to a couple of our representatives. Senator Stefanics said in one of her statements that it's probably a good idea to start looking seriously at a moratorium on licenses.

Anna Hindi - Resident: I'm from Duran, New Mexico. I am here to plead for some help for our County Road 14, which is better known as the Pinos Wells Road. A road crew was out a month ago, and the road is in much worse shape than it was when they got there. They continued to just flat, blade the road. They cut out all turnouts. We get one more good rain, and Pinos Wells Road will be impassable. There is a five-foot Arroyo, about two feet from the road. We've been asking for years to please fix our road, and it just gets worse and worse. They bladed a month ago, and a week later was the Pinos Wells Fiesta. Four people got stuck on their way to the Pinos. They were sending out notices to everybody who was coming to the Fiestas. Instead of going from Highway 54, 10 miles to Pinos Well, they needed to go to Corona, to Cedarville and then around to Pinos Wells because the road was impassable.

Samantha O'Dell-County Emergency Manager: We will be hosting an Emergency Preparedness and Evacuation Workshop on September 12, at 9:00 am here in the Commission room. It'll be approximately three hours. We'll be doing some preparedness information, and then we'll be completing evacuation workbooks together. At the end of the workshop, each household will be able to receive a free starter go bag. I have flyers if you're interested, and we're requesting registration, just so we can ensure that we have enough materials for everybody that attends that day. Thank you.

James Winham - County Fire Chief: Torrance County Fire information has changed since we took over the Superior Ambulance area, which is up north of our response area. From the time we took over until the 15th of August, our average run time summary has increased by two to four transports a day, and two to four EMS calls. These are all EMS that are not fire-related. We're running an average of 6.2 per day. That's 186 calls total. Our average response time is 18 minutes. Our average on-scene time is 26 minutes, and our average time to destination is 51 minutes. Once we're at the hospital, it's another 25 minutes to drop off the patient and another 30 to 40 minutes to get back into service. Our mission times for EMS services are 50 minutes to 60 minutes to complete a mission. The time they get the call, to the time they're back in service. Our push is two and a half hours. With that, you have to supplement it. You have to backfill that because you're out for two hours on one particular type of call. That's 4000 square miles. Our closest one is Kaseman, which is the number one that we transport to, and that's in the city of Albuquerque. The next one that I have is our area name, where we run most of our calls. These are not actually within the city. These are the addresses that are outside of the municipality. There are areas in McIntosh, north of our station, Moriarty, addressed within the city, but up north around Moriarty 63 runs in this period which is 33%. 34 runs with 18% McIntosh area, 25 runs 13% Mountainair, 20 runs with 10% Edgewood, we cover some in our District Two area 14 runs 7%. In Clines Corner seven runs, which is 3.76% and Encino was five runs with 2.69%. Our District runs are also District three is our busiest, which is 47.31% 44 runs out of District 5. Out of District Two, eight out of four, two. 177 runs in Torrance County. We had five in Santa Fe County and one in Lincoln County.

Our busiest hour of the day is noon to one o'clock. That's where the majority of our calls happen, and our busiest days of the week are Monday and Wednesday. They both show 31 runs, and about 16.6% of all types of our calls. Our presumptive diagnosis of sick person was number one at 19, and 10% of chest pain was very close with number two which is nontraumatic cardiac-related. Respiratory Distress

was 14. Motor vehicle collision was 14. Abdominal pain, diabetic falls, med evaluation, seizures, and suicidal attempts are all listed out. This is not the best way to look at cardiac arrest. The best way to look at cardiac arrest survival is to follow that patient for up to a year to see what happens once they're discharged from the hospital. The other way that some services look at this is the return of spontaneous circulation. We had five cardiac arrests during this time frame who did not get a return of spontaneous circulation or pulse. We had one that was greater than 20 minutes, if you look at it from that aspect, 20%, one out of five is consistent with the industry standards. It's not apples to apples. That's apples to oranges. For comparison, Seattle is just over 54%, and for comparison, Oklahoma City and Tulsa running at 42% cardiac arrest survival. That's where they go home. They're fine and live a productive life after that.

We just started with a new medication that we administered in July to a patient who was hemorrhaging. It's called TXA, and what that does is it helps slow down the bleeding. It's used across the country. We are the first to use it in our region, and I don't know this for sure, but we may be the first to use it in the state of New Mexico, I don't have that data, but I know for the Albuquerque area, we are the first EMS service to be able to use that and had a good outcome with it.

We met with the Metro County Chiefs, which we do monthly. It was brought up by Moriarty Fire that they are concerned about mutual aid calls. They normally run seven to 12 a month, and they said within the last month, they're up to 26 so far. Based on that, they've had to increase their overtime, and their City Council is considering charging the county for any time after a certain amount of mutual aid. They are considering charging our service to the County, for mutual aid calls for EMS, and possibly for fire. This is what I've heard from a fairly reliable source, and I wanted to make the Commission aware of that. That possibility may be coming down.

Denise Shirley - Estancia Municipal Schools Mental Health Team: We are expressing our deep concern regarding the growing accessibility and normalization of cannabis in our community, particularly as it relates to our children and students. The increasing visibility of cannabis farms and dispensaries, coupled with the legalization of cannabis, presents significant risks to our young people. We are asking that you please address these challenges to safeguard their health and well-being. Since New Mexico legalized cannabis for adult recreation use, perceptions of the risks, benefits, and social acceptability associated with this use have changed, especially among adults and children. There is significant data that shows that cannabis, and marijuana use, is the most widely used illegal substances among

adolescents. The key issue at stake here is that our human brain continues to develop until the age of 25 the harmful long-term effects of children and adolescents using marijuana are increased. Cognitive problems, specifically with attention, concentration, problem-solving, learning, and memory, reduce coordination and reaction time, a greater likelihood of dropping out of school, and finally, an increased risk of depression, anxiety, and suicidal thoughts.

We're also concerned about the long-term impact on the water table. Our families and community need water to sustain life. We recognize the benefits of legal cannabis farms and dispensaries, specifically as it relates to employment for our families and revenue for our community. However, the presence of large-scale growth operations poses a continued threat. We would like you to consider the following questions, can funds from these and tax revenue be allocated for a community center and or youth activities to provide education about cannabis use and is there a plan moving forward to eradicate illegal cooperation in Torrance county to operate after a license has been called for these reasons and more. We appeal for your support and attention. Thank you for your time.

Melinda Harvey: Elementary, Dean of Students: Dr Simms, the Superintendent of the Estancia Municipal Schools, has asked me to present a summary of a letter she sent to the Commissioners dated August 16, 2024. The largest concern of the Estancia Municipal School District is the safety of our students. With the increase in access to cannabis and THC products in the community, we have seen a related increase in student use. As reported on the 2021 Youth Risk Survey administered to middle school and high school-aged children, 20% of those surveyed indicated current use of cannabis, and 11% indicated they had tried cannabis before the age of 13. 6% of students admit to vaping synthetic THC products, and the correlation between cannabis and mental health issues has been well documented. The research on the long-term effects of cannabis tells us marijuana also affects brain development when people begin using marijuana as teenagers. The drug may impair thinking, memory, and learning functions.

On August 14, at the Commission meeting, Dr. Simms gave testimony about the issue of strangers to our community being on the school campus during school hours. She was again alerted to a concern with a man from the neighborhood watching children at play during recess. He had his phone out and appeared to be either taking pictures or filming the children. Following a report from a custodian, the School Resource Officer approached the gentleman who ran away getting into a car around the corner from the school. Officer Vasquez pursued the car and pulled it over. There were foreign men in the car, none of whom had identification

papers or work visas in English, everything was in Chinese, using translation through dispatch, the men were told to stay off campus and to not take pictures of or film the children on school grounds, While we can understand and support different cultures having different norms. It is never acceptable to stalk or film children. Thank you for your time. Dr Sim's letter is available to anyone who wishes to read it in its entirety.

Cayton Gardener – Resident: I'm going to speak a little specifically about Torrance County because I think we have a zoning wreck right now in Torrance County that we should go after aggressively within our zoning ordinances. It's been claimed that Agricultural Preservation land can be used for cannabis farms. If you look at Torrance County, you can see we're going to have Agricultural Preservation lands. We have them everywhere. Therefore that means we can have cannabis everywhere. These companies have shown they don't care about the laws. Once they get zoning, they will start growing. It doesn't matter. I reached out to Cannabis Control; we have 35-plus farms right now that are licensed in Torrance County. There are about five or six that are in the licensing process. So that's over 40 farms. I looked at zoning committees and saw how many have gone through zoning. I think we have one zoning member here, Mrs. Johnston, I'm glad you're here. I wish the other zoning people were here. Less than five of these have gone through Planning and Zoning. Most of these are getting signed off by the Director of Planning and Zoning, Donald Goen. That's an issue, we need oversight. These shouldn't be just signed off. That's a big concern. I asked in an email because I'm putting these numbers together on my own, how many were signed off, and how many got put through Planning and Zoning? I didn't get an answer.

I'm going with the best information I have available. Let's clean up zoning ordinances. One of the big things our zoning ordinance says is the standards. This is Section Nine, Agriculture Preservation District. The standards provided for this district are intended to preserve the open character of the area and thereby protect the business of agriculture. It's not very open, I feel sorry for people by these hoop barns, because, this land is unmarketable. Cannabis Control's General Counsel said we had some really good tools and ways to mess with zoning. I'd like to ask the lawyer, if you talked to Cannabis Control, have there been some plans? I think there needs to be some plans to attack this from a local level.

I was advised to talk to the Governor's Office. I was told he didn't know what she could do about it, which gave me a lot of faith in her. The states left us on this issue. Fortunately, I think we have some people working, some Legislators who know. This is crisis mode, and I'd never trust the state to take care of something. I

think this is a huge point, the state, through the State Engineer's Office, is recognizing this as a commercial product because they need commercial water rights to grow cannabis. It's not ag irrigation. This is not an ag product because it's not being used as a product. It's a recreational product. It's a commercial product, and the State Engineer's Office is recognizing that, even if the State Legislator didn't recognize that. I think we should be aggressive in doing a local moratorium. We should be aggressive in changing our zoning laws. I think Liz Stefanics indicates if we do local moratoriums, the state's not going to go after us because they're in a position of weakness. They look like fools on this issue. They're not going to go after us and the EMWT deal. I just think there needs to be public scrutiny on anything that's decided. Thank you.

*Comment by Zoom

Aurora Arreola - Policy Manager, Economic Justice Coordinator at the Increment Grant Law Center: I'm here to read the testimony of a detainee in the Torrance County Detention Facility. My name is Eugenio Castaneda, and I am from Cuba. I fled because I protested and was tortured and threatened. It's been a year since I've been in Cuba. I have been in Torrance since May 23, 2024. I am not in a detention center, I'm in a maximum-security prison. This place is for criminals. We have no freedom whatsoever. We're only allowed to go outside one hour a day. It is a prison for criminals, not for immigrants. There is little liberty, and we have minimum food. All the officials and guards are racist. Even if the guards speak Spanish, they will lie and say they don't understand you or completely ignore you. If you speak in Spanish, they also mistreat you. They only give you attention when they feel like it instead of when needed, even if it's an emergency. Had I known the reality of what seeking asylum in the US was like, I would not be here. We have a misconception that it is safe to seek asylum here, but it's not true.

With the mistreatment here, officials will find excuses not to conversate with us, such as saying we have a contagious infection, which is not true. Officials only come once a week, and they do not give you any information. Inside all resources, I see a lot of racism and lack of medical care here. We have no rights, and it seems like everything illegal is allowed. I have high blood pressure and diabetes, and medics have completely neglected my needs. They also tell me it's not a big deal or to just leave as if I had that choice. The medical care at the facility is the worst I have ever experienced in my life. It is a life-threatening situation where those of us can have necessary medical needs. We are not fed frequently enough for my

glucose levels to be stabilized. I want the County Commissioners to know about the lack of medical attention.

Alondra Reyes Policy Partnerships Manager here at the New Mexico

Immigrant Law Center: I'm here on behalf of a detainee currently at the Torrance processing center. I am Kevin Alejandro Castillo Ramina. I am from Ecuador. I am fleeing my country because my family and I have been receiving death threats, and one of my aunts was targeted and almost killed. After being kept for almost six months here in Torrance, my wife and I were separated at the border. I have suffered being apart from her for the last six months. I have no contact with her. I'm not allowed to speak to her. I know nothing of her, and I don't know if she's alive or if she's doing okay. I have been transferred from various detentions and am in Torrance now. It is mentally hard to be in Torrance. No human person is used to being detained like this. I try not to get into trouble here. The food here is disgusting, and we get very little, but we have no choice but to eat it. We do not receive enough food to have a healthy diet. Sometimes we have to wait very long to eat. If you miss breakfast at four in the morning, you don't eat until 1 pm then dinner is now until seven. I have realized that I have no choice but to stay positive, to survive. I'm grateful to still be alive, but I miss my life dearly. I have lost weight, but I'm grateful for the little food I get. I never thought I would be detained here; it is like a jail. I did not expect to be treated like a criminal for seeking asylum. I have no choice but to wait for my court hearing in September and hope for the best legal counsel because I can't afford it. I will be representing myself in court. I pray the last six months will not be a waste and I'm able to get asylum. They gave me an asylum application to fill out, and I filled it out as best as I could, without any legal advice or counsel. I have lost all contact with my family in Ecuador, the only person who sometimes contacts me is a cousin here in the US.

Tiffany Wang - Innovation Law Lab: Today I'll be playing testimony. My colleague will then translate it into English.

Victor Romero-Hernandez- Innovation Law Lab: The following is a translation of the recording in Spanish that we just heard from Raul detained in TCDF. Hello. Good morning. My name is Raul. I'm here in Torrance Detention Center. I have

been here for three months. I am sick, and I would like to get out. I would like for you all to hear this so that they don't bring more people here to be detained. I'll tell you; I don't know what's going to happen with my process. I am sick. I have a bacteria in my stomach that causes gastritis and ulcers. The food is very bad. Lockdown makes me phobic. Arriving at the cell at 8 pm I get nervous. I start to get short of breath, will the guards open it? No, they don't pay attention to me. Sometimes it takes them an hour to get to me. I feel like I'm dying because I want to go out. I want to be free but, I'm not. They are not giving me the medication that I have to take because I don't remember the name of the medicine. I have all of that information on my phone, and I feel bad, very bad, I tell you, very bad. I want to go out already. I want to know what's going to happen to me.

Ian Philabaum – Innovation Law Lab: A nonprofit legal service provider that has been supporting hundreds of people detained at the Torrance County Detention Facility. At the July 24 Commission meeting, the Commission discussed priorities for the 2026 to 2030 Infrastructure Capital Improvement Plan, quoting from the meeting minutes, the Chairman stated, “It rubs me the wrong way, saying that our inmates in a detention facility don't have the right medical care, and the tax paying citizens in this room don't have the right medical care.” My colleagues and I have spent time meeting with dozens of folks from all backgrounds and political views on the community in Torrance County. We wholeheartedly agree that local access to medical care is a top concern for people in the community. Folks deserve this. Meanwhile, Torrance County contracts with ICE in the multi-billion-dollar company, Core Civic for the operation of TCDF, because they are legally bound to provide adequate care to people in their custody. They claim they are not doing so. It matters that people detained there and those who support them return to the Commissioners to seek attention and remedies for the extensively documented harm and medical neglect they have experienced at that facility and to ask the Commissioners to put an end to contracts for the facility's underlying operation. We would like to challenge folks to think beyond the premise that either the local community outside the prison walls or those inside the walls must suffer a lack of medical care. Everyone in Torrance County deserves dignified medical care. Period. The question should not be whether the residents of Torrance County should have health care. But rather, why does Torrance County continue to pay a private prison company to fail to render medical services and Elected Officials at

all levels of government could be focused on investing in medical services systems for the residents? Thank you

Rick Dean – Resident: I'm sorry I'm not there in person this morning. This is about elected board members, as opposed to self-appointed board members because that would allow the citizens of this county to remove those who are not doing the job that has been requested of them. The County Administrative Offices taking over any type of work for EMWT, I think, could get into some legal issues. I don't know what kind of rules and regulations may have been violated by this happening. I would love to see an elected board. This way the citizens have recourse, just like we do with all other Elected Offices. We need water, we've got very little, and like many others, don't have a well anymore. I'm wheelchair-bound, but I still have to haul my water. This has gotten worse over the last few years with the increased growth of a lot of things, not just cannabis. We need to look at that very carefully before we make any decisions about taxpayer dollars in the Administrative Offices going toward the EMWT, which is a Domestic Nonprofit Corporation.

I want to thank Torrance County Fire and Rescue for their excellent service yesterday that took me to Albuquerque. We need to fund them as much as we can to make sure that the people of this County are properly taken care of in medical situations. Thank you all for the time this morning. Thank you.

8. APPROVAL OF MINUTES

A. COMMISSION: Request approval of minutes of the August 14, 2024, Regular Meeting of the Board of County Commissioners.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve minutes of the August 14, 2024, Regular Meeting of the Board of County Commissioners.

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

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. GRANTS: Resolution to enter into agreement SAP 24-12482-GF with the NM Environment Department and authorize Ryan Schwebach, Commission Chair as the signatory, Tracy Sedillo, Interim County Manager, and Misty Witt, Finance Director as authorized representatives for disbursements and all other documents and Amanda Lujan, Grants Administrator as designated employee to update CPMS and submit notice of obligations under this agreement.

Amanda Lujan - Grants Administrator: This item is a Capital Appropriation that has gone through the New Mexico Environment Department. They require a Resolution to name the authorized individuals. This is \$125,000 to plan, design, construct, purchase, and install water collection and storage systems for the fire department in McIntosh.

Michael I. Garcia-County Attorney: I was looking at the resolution language that was going to be added to the ambient result part. It is not on this copy.

Action Taken:

Kevin McCall-County Vice Chair: Motion to table till we have proper documentation.

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

B. GRANTS: Resolution to enter into agreement SAP 24-12479-GF with the NM Environment Department and authorize Ryan Schwebach, Commission Chair as the signatory, Tracy Sedillo, Interim County Manager, and Misty Witt, Finance Director as authorized representatives for disbursements and all other documents and Amanda Lujan, Grants Administrator as designated employee to update CPMS and submit notice of obligations under this agreement.

Amanda Lujan - Grants Administrator: This Capital Appropriation goes through the New Mexico Environment Department. This is \$100,000 for the plan, design, and construction of the Duran Water System. The language is very broad, but we are in construction right now. The tanks are about to be delivered and the one tank that we are installing. We have an update with Bohanon Houston this afternoon. This is an additional \$100,000.

Michael I. Garcia-County Attorney: There is the same issue with the resolution language at the end.

Action Taken:

Ryan Schwebach-County Chairman: Motion to table till we have proper documentation.

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

C. GRANTS: Resolution to ratify the agreement signed by former County Manager, Janice Barela for Appropriation 24-215036-65 for \$1,312,500.000 over three years to be utilized in accordance with the provisions of HB2 to hire full-time firefighters and EMT positions.

Amanda Lujan - Grants Administrator: This is the Firefighter Recruitment Fund. We have received the grant to fund existing and new positions for the Firefighter/EMS, etc., it's a three-year grant. The first year we'll get 100%, \$750,000 then the next year and tear down. We will match whatever is needed for that. This did go before the grant committee.

Action Taken:

Kevin McCall-County Vice Chair: Motion to approve Resolution 2024-26, to ratify the agreement signed by former County Manager, Janice Barela for Appropriation 24-215036-65 for \$1,312,500.000 over three years to be utilized in accordance with the provisions of HB2 to hire full-time firefighters and EMT positions.

Ryan Schwebach-County Chairman: 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. DISPATCH/FIRE/EMS:** Request approval for title change from Administrative Assistant to Administrative Assistant II to include salary increase from \$17.75 to \$19.75, commensurate with current duties and additional duties with assisting the Torrance County Dispatch Center or approval to hire Communications Deputy Director for Dispatch at \$30.50. (Deferred from 08/14/2024 meeting)

Selena Carroll-County 911 Communications Director & Amanda Schroeder 911 Supervisor: We're requesting some extra help over at Dispatch because of the staffing shortage. We have two different proposals, one to have a Deputy Director and the other one to budget for the Fire Department's Administrative person who will help with our bills. The Deputy Director would be a Certified Dispatcher as well but wouldn't have to be.

Samuel Schropp-County Commissioner: There was some conversation when I was at Dispatch this week about where we will put this person, and logistically that's doable. It is a good short-term fix, but for the long term, we need to look at a Deputy Director.

Ryan Schwebach-County Chairman: Where did we come up with the salary?

Selena Carroll-County 911 Communications Director: This would be the amount of money that's in between the highest-paid supervisor now and myself. I've got the other supervisor to agree to move into the training room office. If this gets approved.

Ryan Schwebach-County Chairman: I understand the needs right now. At the last Commission meeting, we were looking at a part-time hybrid model. I made a statement that maybe you need a full-time individual to assist you who has come into a much higher-paid position as Deputy Director. I would like to know the reasons what the whole thought process is and how this works with the department.

Selena Carroll-County 911 Communications Director: It would be someone who would also know the full Director position job, just in case something were to happen to me it would be seamless. Dispatch could continue going on as it is right now, it would also provide me with another higher-paid position, which then would free up a Supervisor position if one of them were to move up.

Samuel Schropp-County Commissioner: This would improve morale because people can see that there's a place to move up to. Move the Supervisor to a Director and move a Dispatcher to a Director. People can see their future with Dispatch and the reason for staying there long-term.

Selena Carroll-County 911 Communications Director: That's one of the reasons why they leave.

Kevin McCall-County Vice Chair: How many other supervisors do you have below you?

Selena Carroll-County 911 Communications Director: Two. One is on the day shift, which is Amanda, and the other one is Ben, who I have on the night shift. They have different roles to play in their strengths. Counseling is one of them. They counsel the other Dispatchers if something comes up. Ben's main thing that helps me out is his IT skills, and he knows all the machinery, anything technical. I have Amanda doing scheduling. She helps me with training, she is a certified trainer. She also was on the floor full-time dispatching. They both help me with pulling IPRA's.

Ryan Schwebach-County Chairman: All of this stems from the reality that there are not enough Dispatchers, and the Supervisors and Director are covering for Dispatchers. The number of positions we have, by design, Supervisors, and Administrators should never be Dispatched unless somebody is sick or in case of extreme urgency.

Selena Carroll-County 911 Communications Director: Correct, it's only getting worse.

Tracy Sedillo-Interim County Manager: We had a lot of issues when our last Director left because no one knew the full role of being the Director. Selena stepped up into that position. It's been a learning curve. My bigger concern is there is no continuity of business in the Dispatch Center if the Director were to leave or to be sick. The Supervisors do not know the whole spectrum of what needs to be done.

Ryan Schwebach-County Chairman: It still doesn't solve the problem of getting Dispatchers in the chair.

Selena Carroll-County 911 Communications Director: I haven't gotten any applicants since we had the pay last meeting.

Ryan Schwebach-County Chairman: This position may be warranted, but it's not going to solve the problems. It'll help. As a Commission, when we look at the overall budget, we need to get Dispatchers in there. I'm looking at another \$94,000. If we fill those Dispatchers, there may not be a need for that position.

Selena Carroll-County 911 Communications Director: I wouldn't say that as time goes on, everything gets busier, and more people call in for more things. Even when we can fill in just everyday Dispatchers, there'll be busier days, and we would have swing shift people working. We would have extra people to cover in case someone called in sick or went on vacation.

Samuel Schropp-County Commissioner: We are building up a public safety department to see good organization and structure, and support from this Commission is going to be a selling point to bring in experienced Dispatchers. Experienced Dispatchers who look at us now see a department in chaos, and so we're dependent upon hiring entry-level. If we start building this out and have some structure, it will make us more attractive as we try to hire.

Selena Carroll-County 911 Communications Director: Yes.

Ryan Schwebach-County Chairman: As Director, you reevaluated Dispatch, and these are the solutions you're coming up with. Seeing it from the Director's point of view. Dispatch has been struggling for years for multiple reasons.

Samuel Schropp-County Commissioner: A \$94,000 a year investment is trying something new, but we're going to build professional quality emergency services in the County. These are things that we need to start doing. We need to be looking at changing things.

Ryan Schwebach-County Chairman: How many vacant positions do we have right now?

Selena Carroll-County 911 Communications Director: I have five, but two of the positions that are filled right now are a person who's been there for six days and the other is at two and a half months. The next academy is in October. That's going to be a three-week academy. They'll be certified, come back, and start on-the-job training. At that point, we'll see if they can do the job.

Kevin McCall-County Vice Chair: I let my thoughts be known at the last Commission meeting, I have no further thoughts.

Ryan Schwebach-County Chairman: My hesitation comes in creating a position that can't be reversed. This concept has come up in two weeks to us. I'm trying to think it through the long term. I hear the reasoning of a Deputy Director to where we have fluid consistency. I'm also hearing for the last six years; the issue is that we have not had Dispatchers. I'm trying to hone in on is, what are you seeing differently now that your Director and the past Directors have not.

Selena Carroll-County 911 Communications Director: I think the number one thing is that it seems the previous Directors didn't branch out and talk to anyone, didn't go to meetings with different agencies to get a whole, well-rounded idea of what's going on and ways to help ourselves. We stayed in the building, and that was it. I've been able to reach out and talk to different people and get different ideas on how they do things. I came up with different ideas. Two days ago, I was shadowing the Dispatch Director for Valencia County, and the way that he's doing things made me reevaluate how we do things, to do it a better way. I started to try to do things a different way to make it more efficient for all of us at Dispatch.

Ryan Schwebach-County Chairman: This Commission is being hit with this whole restructuring within Dispatch, and it's different from what we've seen. It doesn't mean I'm opposed to it. I would like to think it through and see some possibilities before we permit the County to a classified position that may need to be morphed into a different position because we've seen that in the past in other departments. I need you to understand why I am hesitant. With that being said, I can think of a couple of options. One, cut the pay down because it's in between the Director's position and Shift Supervisor. Have a clear definition of the rules with intent to do the same thing as the Deputy. I don't know if this salary warrants it.

Selena Carroll-County 911 Communications Director: What are your thoughts on what the salary should be?

Ryan Schwebach-County Chairman: What are the full definitions and descriptions and job duties of the individual? What kind of training do they need? At first, you said they don't necessarily have to have Dispatch training. What do you envision if they don't have to be a Certified Dispatcher?

Selena Carroll-County 911 Communications Director: I would make them a Certified Dispatcher, but you don't have to be one to be the Director.

Ryan Schwebach-County Chairman: A Certified Dispatcher needs to come into the role of being certified with a higher salary. Not on-the-job training. How about administrative skills? What do you envision as a Deputy Director? This position is going to be covering a lot of your needs to where you can do your job.

Selena Carroll-County 911 Communications Director: What I would imagine for it to be, is they know every single thing that I know, they need to be at the level that I'm at, and that way we can share those duties. If you have a different suggestion, we can look into that too.

Ryan Schwebach-County Chairman: I'm not opposed to that.

Selena Carroll-County 911 Communications Director: The whole point of this is, if something were to happen to me, the other person can just take over seamlessly, and it wouldn't be, so chaotic, as it is right now, with me not knowing anything about the Director position, except for what I'm starting to learn, it could just continuously flow.

Samuel Schropp-County Commissioner: Do we have a comparison with other Counties that have Deputy Director positions? What I'm looking at is, could we advertise this and pick up a Deputy Director and attract someone new?

Selena Carroll-County 911 Communications Director: I don't know the answer, but I could look into that and let you know I haven't reached out to any other counties about whether they even have this position or not, but I will.

Samuel Schropp-County Commissioner: That would be a prudent thing to do because we may be able to hire someone at this salary.

Ryan Schwebach-County Chairman: But to what end? How does that solve the problem of putting Dispatchers in the chairs? That's the root of the problems of this structure.

Samuel Schropp-County Commissioner: The Fire Chief has been finding out you do what has to be done. That means you have a Certified Dispatcher who can sit in the chair, and who can work Excel programs as administrative duties. You have someone in a manned position who's flexible and can work, and when Selena needs a day off, you have somebody who has that continuity of service.

Ryan Schwebach-County Chairman: All the other Dispatchers don't get any time off, because we still need to fill the positions. I'm trying to get to how this goes down the path to solve the problem. The alternative, from a finance point of view, is to take this suggested \$94,000 and throw it at Dispatchers.

Kevin McCall-County Vice Chair: Is that going to solve the problem?

Ryan Schwebach-County Chairman: I don't know.

Selena Carroll-County 911 Communications Director: It's not going to solve it, but I think it'll help it in the long run. There's going to be a new position that would be open at a higher rate, higher quality, better-looking applicants to try and fill that position, plus they would then free up another position, possibly, or at least, I would have a fourth person to help me with all the different tasks that need to be completed.

Tracy Sedillo-Interim County Manager: The problem right now that we're seeing is that Selena is spread so thin between dispatching that it's been really difficult for her to get requisitions done, to get bills paid, but she is not available at

this point to go to any hiring events, to try to promote dispatch, to try to do recruitment because they're so short staffed, and we're thinking that another administrative person, to assist her, would also allow them time to go to hiring events and maybe reach out and do PR with the schools and the community colleges. We thought about reaching out to people who are coming out and looking to go into some type of emergency services type career, but that would freeze some of that time right now, and that's just not a reality for recruitment.

Ryan Schwebach-County Chairman: The concept is to bring somebody in with all the Directors' training to where you can focus recruitment.

Selena Carroll-County 911 Communications Director: Not necessarily me, it could be me, but yes, it would free me up to do other things.

Kevin McCall-County Vice Chair: This Commission unanimously passed a raise for dispatchers from \$17 to \$19, uncertified, certified from \$19 to \$2. I understand there's a shortage. I'm not sure that this is going to fix the shortage of dispatchers.

Selena Carroll-County 911 Communications Director: I reached out to Workforce Solutions, to make sure that they were still handing out my cards. I explained to her the shortage of our staff, and she said that if I create a flyer for her, she'll pedal it out at every single work event.

Tracy Sedillo-Interim County Manager: The Director's salary currently is \$31.50 an hour, and the highest-paid Supervisor is at \$29.25 that's where the middle of this came from, and a Certified Dispatcher, is \$21 an hour.

Ryan Schwebach-County Chairman: If we jump the salary up we may get applicants that may not be a Dispatcher, but they're willing to be on the top end. We have more problems than we realize, in the entire workforce. Another thought process is to take one of the dispatch positions and apply that money towards this position, not necessarily as a Deputy Director, but with intentions to fill the Deputy Director. How much time does it give to the Director to further some of the needs? Understand why we're elected to just put a \$95,000 tab on the County that may not fix a problem, because, in the grand scheme of things, we may have to look beyond just Dispatch to solve this problem. Shortage of labor is not unique to just Dispatch.

Tracy Sedillo-Interim County Manager: We can put whatever qualifications we want into the job specs. They need to be certified and have many years of experience at Dispatching to have a Deputy Director position.

Samuel Schropp-County Commissioner: If we look at item 12B, approval of MOU with Moriarty Police for picking up basic dispatching and looking at it like the PRN that the Chief is hiring, we will be able to cover shifts. We will be able to fill those vacancies with qualified part-time workers. That covers that problem. We're back to providing continuity and institutional memory at the top. For the time being, we can cover these shifts. We can add personal power to the radio and move someone into this position and have them able to fill in as well. PRNs, we won't have benefits except for the PERA.

Kevin McCall-County Vice Chair: I feel two weeks have not been enough to let these raises kick in and see what happens. Let's wait a little longer to see if we can fix it by raising the rates of Dispatchers.

Ryan Schwebach-County Chairman: I have to agree with what Commissioner McCall is saying. Two weeks isn't enough time. What we were posed with last Commission meeting was, that the financial impact was around \$50,000.

Tracy Sedillo-Interim County Manager: That impact is minimal, but after we have been awarded this Fire Grant to hire additional staff, I'm not sure that the Admin Assistant for Fire is going to have time to take on these additional responsibilities.

Kevin McCall-County Vice Chair: I know this is short term. I did have a conversation with Chief Winham, he is willing to send an employee over for the short term to help you get caught up with some of the duties you're behind on. I don't know if that's a help. I do not want to short the EMS and Fire of their employee coming over the long term.

Ryan Schwebach-County Chairman: I would like to defer, but I would like to have a plan so that it is not deferred again. We need to take advantage of the Fire Chief's position; I think that's doable under the Management's direction. I would like to come over to Dispatch and visit with you in your time frame. I think at the end of the day, it's still going to take more money for Dispatchers.

Action Taken:

Kevin McCall-County Vice Chair: Motion to defer till have more information.

Ryan Schwebach-County Chairman: Seconds the motion, with the intent at the next meeting we have something we can pass.

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

MOTION CARRIED

13D. GRANTS: Discussion of current Fairground Improvement plans with Studio Southwest Architects.

Amanda Lujan - Grants Administrator: I also wanted to clarify from the last meeting that, as you alluded to, there was a miscommunication internally, which is why some of the scope of work that they've done went a little bit astray, they worked diligently to correct that.

Laurie Anderson - Studio Southwest Architects: Three things that we want to share with you today is that it was our understanding you would like to see the revised plan. We have four options that we'd like to present. We also want to talk about the schedule, and we have provided cost estimates for each one of those options. The four options that are in front of you include option one: which shows the most original plan with the original 22,500 square feet that would fit between the existing barn and the covered area. We wanted to show what this would look like. You could connect to that existing covered area and potentially close it in the future as well. The difficulty with this option, maybe you would consider is that with a 10-foot alleyway between the north part of the multi-purpose building in the existing barn, you would have to build a firewall. There would have to be fire protection for that 10-foot out. The cost related to that one is that's this first cost estimate from Bayless and company for 22,500 square feet. Total cost includes general contractors, overhead and profit bonds, insurance, escalation, contingency, and New Mexico gross receipts tax. It's at roughly 5.4 million dollars. There could be cost savings if you add a fire suppression system to this 22,500 square feet, you will not need the CMU firewall. You would see a cost savings of about \$180,000 of a cost savings.

Ryan Schwebach-County Chairman: The firewall is in between the existing barns?

Laurie Anderson - Studio Southwest Architects: You would have to build it on the north face of that existing barn and the west wall as well, wherever you need that separation. You will not need the firewall if you have a fire suppression system in the new Multi-Purpose building.

Ryan Schwebach-County Chairman: Option one, this estimated cost of \$240,000; \$2 per square foot.

Laurie Anderson - Studio Southwest Architects: That includes the metal frame building and the earthwork that you'll need to do because we also have to raise the floor slab. It includes concrete, metal doors, water distribution, HVAC, electrical, fire alarm, and the paving around it. This estimate does not include fees for architectural and engineering, which could be estimated at 5% of the construction cost, and it does not include parking or restroom fixtures or the office building out. This is just the square footage for the 22,500 square feet and you'll see that that's similar to all the other options. Option two would represent an independent building with 30-foot alleyways, which is what you would be required to have without firewalls and a fire suppression system.

Ryan Schwebach-County Chairman: No.

Laurie Anderson - Studio Southwest Architects: Option three represents the multi-purpose building with its north wall in line with the existing multi-purpose building and covered arena and a portion of the covered arena taken out. The portion that was saved there is the 4,200 square feet that is an existing lower roof that matches the multi-purpose building's roof. We selected that line. It makes sense from a structural standpoint. We also provided a 30-foot clearance between those two buildings, and this one includes 10-foot alleyways around the existing barn to the southeast.

Samuel Schropp-County Commissioner: Option one, the north wall of the building. How much distance is between the north wall of the building and the existing fence?

Laurie Anderson - Studio Southwest Architects: I don't have the exact dimensions, but I'd say it's about 15 feet.

Samuel Schropp-County Commissioner: Is option one laid out on the GPS mark, which we provided to you.

Laurie Anderson - Studio Southwest Architects: Yes, this matches the GPS given to us.

Collin Schumacher - Studio Southwest Architects: This option currently goes over the existing road that you have to the north of the building. That cost estimate also includes rerouting the road.

Laurie Anderson - Studio Southwest Architects: Option four represents the smallest square footage Multi-Purpose building. It takes away a little bit less of the existing covered arena. This is for you to be able to see that, see that as an option. This is the least expensive at 4.4 million. On the handouts, the schematic design is in green, the one below shows design development at six weeks in purple, the construction documents at about 10 weeks, and construction represents a full year to construction. This schedule would not include procurement for architectural and engineering fees, nor contractors. That would be something we would want to discuss with you on how you want to procure the contractor without that included. It shows an end date of January 8, 2026. Based on how long the contracts took for the survey, I would recommend that there's a way that we could have procurement happen faster because this also assumes you have an architect contracted in place today to meet the schedule.

Kevin McCall-County Vice Chair: Do we know when appropriations are set on some of these?

Laurie Anderson - Studio Southwest Architects: Yes, \$700,000 whose reversion date is June 30, 2025. \$268,000 reversion date is June 30, 2026, \$1,050,000 in 2027 and 2.9 million in 2028.

Ryan Schwebach-County Chairman: Option one, not quite as far away by about 10 feet, eight feet, give or take. I don't know how wide that building is, but I thought we were talking that we had more than 20 feet of clearance to bring in equipment.

Samuel Schropp-County Commissioner: Option three, they're showing a 10-foot alleyway in that area.

Laurie Anderson - Studio Southwest Architects: An arena for horse cutting would be about 90 feet X 90 feet.

Ryan Schwebach-County Chairman: 90 X 90 of usable horse space.

Collin Schumacher - Studio Southwest Architects: Most of these layouts go off of the 30-foot nominal list to match the existing covered area girder widths, so you

can use the same structure throughout the building. When talking about the structure it's easier for them. We had it going out about five feet more from where you had drawn because you had 85 feet, we bumped it so that it's 90 feet for that width. That's why it's 15 feet to the side wall, instead of the 20 feet that you had.

Samuel Schropp-County Commissioner: You need 90 X 90 for cutting but you don't need that much space for Western pleasure or team penning events. We wouldn't book cutting horse shows. We could book other types of events. Cutting horses is a speed event.

Laurie Anderson - Studio Southwest Architects: There is also a structural narrative included, we can send you the email with the updated cost savings information as well as our civil narrative.

Ryan Schwebach-County Chairman: I'm leaning towards combining a little bit of option three and option one. Saying we're going to remove some of these existing covers.

Kevin McCall-County Vice Chair: I hate to take structures down at the fairgrounds if we can keep from doing it. Until I look at the price analysis of the different options. I'm not ready to make that decision.

Ryan Schwebach-County Chairman: I would like to look at this, go to the Manager, to where it can be sent off to you saying this is what the Commissioners want to do. You can analyze it, and we go from there.

Laurie Anderson - Studio Southwest Architects: That sounds good. Thank you.

B. DISPATCH/MANAGER: Approval of MOU with Moriarty Police Department for officers providing dispatch services at Torrance County Dispatch.

Selena Carroll-County 911 Communications Director: As you know, we're extremely critically low-staffed right now. The Sheriff's Department is also critically low staff. In the past, we've had Deputies who would come in and Dispatch and help us out. Since they don't have the manpower to do that anymore, they put together a MOU to try and see if we can get some Moriarty Officers to come in and help us Dispatch to try to get us off the floor.

Samuel Schropp-County Commissioner: Benefits, is this straight pay, no PERA contribution?

Misty Witt-County Finance Director: This would be Moriarty PD overtime pay, plus applicable taxes. Moriarty PD will invoice us each month for the overtime that their Officers are putting in, there would not be any PERA. It will just be overtime plus taxes. On Schedule A which is the last page of the MOU in the packets. These overtime rates came directly from the Moriarty Police Chief.

Selena Carroll-County 911 Communications Director: These are the four rates of the people who are interested in dispatching. We have four for right now. Hopefully, we can get more interested.

Kevin McCall-County Vice Chair: As an officer, do you come in as a Dispatcher knowing what you need to know?

Selena Carroll-County 911 Communications Director: Depending on who's training the Deputies, they'll send them to Dispatch to do a day at dispatch. Two of these four people are on schedule A and have already done that. On top of that, they know the CAD system. They're able to work with CAD systems on their side, they're able to see NCIC information. They're also able to run off their leads if they need to because they already know how to do all of that, how to read all of those runs, how they look. They already have the radio ear. They know how to operate the radio. It's answering phone calls and teaching them how to ask proper questions, which they also do in their line of work already, to investigate things. It's using the CAD system the way that we use it on our side because it does look a little different on their side.

Kevin McCall-County Vice Chair: Would it be safe to say that they would be certified?

Selena Carroll-County 911 Communications Director: No, well they wouldn't be Certified Dispatchers equal to certified.

Kevin McCall-County Vice Chair: We upped you to \$21 an hour for a certified dispatcher and this rate is much higher. Would they be considered certified?

Selena Carroll-County 911 Communications Director: No, they can't do as much work as we do. It's not a new thing, because we've had deputies for quite a while.

Kevin McCall-County Vice Chair: You say it's not going to be long term. Are we putting a sunset date on this MOU and number two, the ceiling of how many of these can be used or shifted per week, per month?

Ryan Schwebach-County Chairman: I would like to approach because we have so many different dynamics going in Dispatch at the moment. I know it's going to be more of a pain for you, but I would like reports at Commission meetings with this as a standard agenda item to convert and change. We're not going to get so far out in two weeks. I think it'll also help facilitate what looks like actual long-term fixes. I'm ready to move forward, essentially at the discretion of the Director to utilize this as needed, but with a very simple bi-weekly report, it doesn't necessarily have to be given to make sure the information gets here.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve MOU with Moriarty Police Department for officers providing dispatch services at Torrance County Dispatch.

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

11A.GRANTS: Resolution to enter into agreement SAP 24-12482-GF with the NM Environment Department and authorize Ryan Schwebach, Commission Chair as t signatory, Tracy Sedillo, Interim County Manager, and Misty Witt, Finance Director as authorized representatives for disbursements and all other documents and Amanda Lujan, Grants Administrator as designated employee to update CPMS and submit notice of obligations under this agreement.

Amanda Lujan - Grants Administrator: We have the information for 11 A and 11 B. On 11 A. A corrected resolution that corrected the warehouse or Now, therefore?

Michael I. Garcia-County Attorney: It probably should say, Now, therefore be it resolved that the Governing body of Torrance County.

Ryan Schwebach-County Chairman: I'm going to insert the Governing body Torrance County authorizes the above name, Commissioner, interim county

Manager, Finance Director, and Grants Administrator as authorized signatories and official representatives.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve resolution 2024-27, 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

11B. GRANTS: Resolution to enter into agreement SAP 24-12479-GF with the NM Environment Department and authorize Ryan Schwebach, Commission Chair as the signatory, Tracy Sedillo, Interim County Manager, and Misty Witt, Finance Director as authorized representatives for disbursements and all other documents and Amanda Lujan, Grants Administrator as designated employee to update CPMS and submit notice of obligations under this agreement.

Ryan Schwebach-County Chairman: Item 11B, I inserted, Governing body of Torrance County authorizes the above name, Commissioner, Interim County Manager, Finance Director, and Grant Administrators as authorized signatory and official representatives.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve resolution 2024-28, 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

C.FIRE: Request approval to utilize Tablet Command services for the Fire Department. Services include mobile software that increases awareness, incident response, and incident management, improving firefighter accountability. The agreement is yearly for the amount of \$2,995.00 for three end users. (Deferred from 08/14/2024 meeting)

Deferred

D. CLERK: MOU with the Secretary of State for projected costs of \$60,000 for the 2024 General Presidential Election.

Linda Jaramillo-County Clerk: This Memorandum of Understanding is entered into between the Secretary of State and Torrance County. This is the last meeting before the MOU deadline to be submitted to the Secretary of State. This MOU is for the purpose of specifying the use of \$60,000 appropriated by the Legislature for the 2024 Presidential General Election. For the Primary Election I was approved \$50,000. I went over by about \$5,000. They reimburse me for that. I think that's why they came up with this figure of \$60,000 for the General. On the last page, it tells you what I can use this money for. I use it mostly for Precinct Workers to pay them a good wage for the important work that they do. I included the last Primary Election reporting to the Secretary of State, it will give you an overall view of how I spent the money for the Primary Election and the amount of the overage.

I wanted to mention that I lost one of my dearest precinct workers, Margie Shanfeldt, last month. She worked with me for 25 years, and she must have been sick for the last election in June because she passed away last month. I couldn't go see her because they didn't allow that, I understand that, but I sent her a nice bouquet of yellow roses, to brighten up her day. She called me and thanked me, and I thanked her for all her years of service.

I did want to mention this flyer that's going out of the Secretary of State's Office on my behalf. It is paid for entirely by the Secretary of State. It's all the information that you need for the General Election. All 10,222 Torrance County voters will get this flyer. I encourage everybody to read this flyer because it gives you valuable voting information. Thank you.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve MOU with the Secretary of State for projected costs of \$60,000 for the 2024 General Presidential Election.

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

E. ROAD DEPT: Request approval to pay Wagner invoice S10W0921650 dated 06/21/24 in the amount of \$1,551.03 for services provided in the prior fiscal year.

Leonard Lujan-County Road Superintendent: When closing out the budget. We emailed everybody and tried to get all of our invoices in. We closed everything out to start the new fiscal year, and this one showed up after the fact.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve approval to pay Wagner invoice S10W0921650 dated 06/21/24 in the amount of \$1,551.03 for services provided in the prior fiscal year.

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

F. FINANCE: Request approval to pay Estancia Valley Solid Waste Authority for invoice number 2029 dated 7/12/24 in the amount of \$68,256.73 according to the EVSWA FY24 Final Budget-County Net Ordinary Income.

Misty Witt-County Finance Director: These invoices were received from EVSWA in July for payment. These are for prior fiscal years. We have asked Danette Cabber with EVSWA to speak on these. I know she and County Manager Barela were in communication about these.

Danette Cabber - Interim Director for the Estancia Valley Solid Waste

Authority: These are actuals that are on our budget for running the County collection program. We were short in the year FY23 by \$111,000 and in the year FY24 by \$68,000. We were in discussion with the prior County Manager. We invited her to our Budget Committee Meeting, and Commissioner Schropp was available at one of our Budget Committee Meetings that we had, and we went over the budget thoroughly.

Ryan Schwebach-County Chairman: Why were these not paid before? If they're invoiced, why are they before us now, from two years ago?

Danette Cabber - Interim Director for the Estancia Valley Solid Waste

Authority: I just invoiced him. When I spoke to Janice Barela in July, she asked me for an invoice.

Ryan Schwebach-County Chairman: We just now received them because it's in the past fiscal year. That's why it's before us.

Danette Cabber - Interim Director for the Estancia Valley Solid Waste

Authority: In county collections we received \$921,000 in revenue. In expenditure \$1,000,043 for the year of FY23 leaving a balance of \$111,000.

Ryan Schwebach-County Chairman: The collections you referred to are the money received from quarterly payments. The quarterly payments are collected through Solid Waste per the County Ordinance that is applied to the County budget. There's tipping fees on top of that. That is actually what is hauled from those centers to the landfill.

Danette Cabber - Interim Director for the Estancia Valley Solid Waste

Authority: That is separate from the tipping fees. That's for the landfill. This is for the County collection. This is the amount that we are short-running the County collection system. We have eight different collection stations around the County. We also own and operate the landfill that's east of Moriarty.

Kevin McCall-County Vice Chair: What's the agreement? Is it based on tonnage?

Danette Cabber - Interim Director for the Estancia Valley Solid Waste

Authority: No, there's not an agreement right now. We don't have a County contract right now. We did have one. There was a study done in 2015 on how much the County Collections would cost the County. We haven't raised the rate since 2014 it's still \$60.50, a quarter. It's still the same price. They set it at \$800,000. It cost a million dollars to run this. That was nine years ago. If you're looking at it, I have \$600,000 in payroll, alone.

Ryan Schwebach-County Chairman: What Ms. Caber is speaking of is, is there is no counter contract, it expired in June of 2021. What is in place is a fixed cost for the tons of trash hauled, that's the tipping fee. This represents the County's responsibility to its citizens to provide a collection service to get the trash to the landfill. In theory, it's paid through collections from the quarterly payments that all residents pay. In the past Solid Waste has been contracted through Torrance

County to do this. Since that contract expired there are multiple reasons why it hasn't been renewed. It has stayed status quo. What we're seeing now are actual numbers applied to those transfer stations. That's why there are invoices that we have not seen. We have one that is in the amount of \$68,256, and another that's just shy of \$112,000. I sit on that board and have gone over these numbers time and time again.

In the past, there have been concerns that one thing is subsidizing the landfill. I can assure you now, that has been separate. That's why we're two years in arrears on this. In simple terms, this is the actual cost for those services. At this point, we can say we're not going to pay them, in which case, Solid Waste absorbs it, or we can say we're going to cover this and essentially subsidize through our General Fund. We must start having this discussion because there are several different options we can do down the road. After all, the collections are not covering the cost. We can raise collections, we can subsidize it, or we can cut services. Those are our options, that are not on the table today.

Kevin McCall-County Vice Chair: Why the discrepancy between \$111,000 and \$68,000?

Danette Cabber - Interim Director for the Estancia Valley Solid Waste

Authority: There was significant savings in fuel costs from one year to another. We had received a grant to get CNG trucks, our natural gas trucks. We saw a significant decline in fuel, almost \$40,000. Also our insurance with New Mexico self-insurer fund. Our workman's comp went down. Our property and liability coverage went down.

Ryan Schwebach-County Chairman: I've been involved with Solid Waste as a board member when this was coming up and was something we've been dealing with to try to get realistic costs. It has been my approach that Solid Waste is responsible for that landfill. They can run that landfill as efficiently as possible, but they can't take what we hired them to do to get County trash to that landfill. They can't pull from that. In the past several years, since Ms. Cabber has been here, the Board has been directing her to separate actual costs. The previous contract was an arbitrary number saying, these are the collections we get so that's what we're going to make the contract with Solid Waste. The board has been very adamant to increase efficiency. That's why you see the difference in costs. That's why you see the change in the maintenance schedule. That Board and that entity have jumped up a lot of their efficiencies and how they do things and how they plan it. In the future, yes, there will be a contract where it is more streamlined. It was difficult to

try to get to this point. This is a mechanism to make it aware to the Commission, because we have responsibilities and services, we render versus the responsibilities from Solid Waste. Now that we see the actual numbers, we can start attacking.

Samuel Schropp-County Commissioner: In the meantime, we're going to need to subsidize at \$68,000.

Ryan Schwebach-County Chairman: Or we can make them subsidize it. We don't have to pay for this. I don't think that's right, but I'm just telling you the options right now, full disclosure.

Kevin McCall-County Vice Chair: As far as procurement without a contract. How does that work legally?

Michael I. Garcia-County Attorney: Part of it is because we have the MOU, that's the main basis for the arrangement because Torrance County is part of EVSWA. It's two government entities that are exchanging money. I could probably get you a more specific answer. I think that's the basic answer.

Kevin McCall-County Vice Chair: Do we have a time frame for a contract?

Ryan Schwebach-County Chairman: The County needs to figure that out and discuss that. I have voiced my concept of a contract. I envision more of a monthly fee. Solid Waste has increased its efficiency. Now it's our turn to increase our efficiency, within that, our mechanism is, one look at our ordinance, and communication with the landfill. The prime example is municipalities that don't enforce all trash in a trash bag. When the truck comes and picks up loose trash and blows everywhere, all of a sudden, we're paying a good chunk of money to go pick it up off the neighbor's lawn. That's the landfill's responsibility, but in turn, it is our responsibility to say we're giving them trash that they can handle to help their efficiency. That's just one example. We can also play with services when we open and close these transfer stations. We're talking about cutting services or adding services. At the end of the day, what I envision within this contract is the County contracts with Solid Waste to do X number of jobs. This station opens this many hours a week, and this is what it costs to take a ton of trash from this station, and then our tipping fees, so we have a constant number coming in.

Kevin McCall-County Vice Chair: You're saying the County has the opportunity to cut services, add services.

Ryan Schwebach-County Chairman: Absolutely. We have been running based upon the last contract, and MOU.

Danette Cabber - Interim Director for the Estancia Valley Solid Waste

Authority: Also the fees. We haven't changed the fee since 2014, that's 10 years.

Kevin McCall-County Vice Chair: Your fees to us, but have the fees charged for the customer?

Danette Cabber - Interim Director for the Estancia Valley Solid Waste

Authority: The County Commission is the one that sets the fees.

Ryan Schwebach-County Chairman: Financially speaking, Solid Waste is in a very good position.

Action Taken:

Ryan Schwebach-County Chairman: Motion the approval to pay Estancia Valley Solid Waste Authority for invoice number 2029 dated 7/12/24 in the amount of \$68,256.73 according to the EVSWA FY24 Final Budget-County Net Ordinary Income.

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

G. FINANCE: Request approval to pay Estancia Valley Solid Waste Authority for invoice number 2028 dated 7/12/24 in the amount of \$111,966.50 according to the EVSWA FY23 Final Budget-County Net Ordinary Income.

Action Taken:

Ryan Schwebach-County Chairman: Motion the approval to pay Estancia Valley Solid Waste Authority for invoice number 2028 dated 7/12/24 in the amount of \$111,966.50 according to the EVSWA FY23 Final Budget-County Net Ordinary Income.

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

H. GRANTS: Approval and signature of Privacy, Equal Employment Opportunity Plan, Assurances for Justice Assistance Grant (JAG) with NM Department of Public Safety.

Amanda Lujan - Grants Administrator: At the last meeting, the Justice Assistant Grant was approved, but the assurances were not signed, and the assurances are standard, that our policies and procedures meet the contract standards, like drug-free workplace, no texting and driving. We will comply with all the crime reporting standards for the State, and our grant reporting, etc., will be anonymous, basic assurances that we are complying with the standards of the State.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve and signature Privacy, Equal Employment Opportunity Plan, Assurances for Justice Assistance Grant (JAG) with NM Department of Public Safety.

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

- I. **DWI:** Approval of MOU between Torrance County DWI Program and City of Moriarty Police Department for DWI enforcement activities, including directed patrol operations and underage drinking operations.

Deanna Lopez-County DWI Program Coordinator: The next two MOUs per the local DWI grant program administrative guidelines, the program funds overtime only, no benefits for Law Enforcement Officers to support sobriety checkpoints, and directed patrols warrant roundup and operations targeting underage drinking. This first one with the city of Moriarty will be for underage drinking operations and directed patrols for \$7,000 throughout FY25.

Samuel Schropp-County Commissioner: Are we responsible for that time and a half above their hourly rate or the entire rate?

Deanna Lopez-County DWI Program Coordinator: For overtime.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve MOU between Torrance County DWI Program and City of Moriarty Police Department for DWI

enforcement activities, including directed patrol operations and underage drinking operations.

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

J. DWI: Approval of MOU between Torrance County DWI Program and Torrance County Sheriff's Office for DWI enforcement activities, including directed patrol operations and checkpoints.

Deanna Lopez-County DWI Program Coordinator: This would be used for overtime, and this would be for in the amount of \$6,000 with the Sheriff's Office.

Ryan Schwebach-County Chairman: The previous one had underage drinking operations, but this one doesn't for a reason.

Deanna Lopez-County DWI Program Coordinator: Yes, because the City of Moriarty will only do underage drinking operations. They can't do checkpoints. The Sheriff's Office does not do underage drinking operations, they do checkpoints.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve MOU between Torrance County DWI Program and Torrance County Sheriff's Office for DWI enforcement activities, including directed patrol operations and checkpoints.

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

A. GRANTS: Discussion and possible approval to be the fiscal agent for Duran Mutual Domestic Heritage Society and submit an application in the amount of \$15,000 for the City Park Improvements Fund with the NM Department of Finance and Administration.

Amanda Lujan - Grants Administrator: The Department of Finance and Administration put out a call for grant applications for park improvements. I thought it would be a good fit for the Duran Mutual Domestic Heritage Society to do their feasibility study on that building, which is part of what they've asked us for on the ICIP. I put this on the agenda, and after doing some more research, I was told that we could not do it because we don't own the building, it has to be our property. I did consider this for the Fairgrounds, but it didn't work because it has to be open to the public. Interim County Manager Tracy Sedillo and I decided to keep it on the agenda because we wanted to let you all know that if we do eventually get funding through the ICIP or through the Capital Appropriations, we will have to start discussing becoming their fiscal agent and an MOU. It's a heads-up.

Ryan Schwebach-County Chairman: For Duran Mutual Domestic Heritage Society. We can be the fiscal agent with an MOU in place.

Amanda Lujan - Grants Administrator: Yes. Not for this fund, for this funding, we can be their fiscal agent, but we're not going to be. They don't qualify for the money.

- B. GRANTS:** Discussion and possible approval to be the fiscal agent for Estancia Moriarty Willard Torrance (EMWT) Water Association and the following funds:
1. Mid-Region Council of Governments - GRO Fund Appropriation to purchase water systems and rights.
 2. Department of Finance and Administrations - Legislative Appropriation to purchase water systems and rights.
 3. New Mexico Finance Authority - Water Trust Board Funding for Phase I design professional services for the McIntosh Water System Project

Ryan Schwebach-County Chairman: Is this an all-or-none? You listed three separate funds.

Amanda Lujan - Grants Administrator: We have a different MOU for each pot of money to be a fiscal agent. The GRO funds are \$320,000, the Water Trust Board is \$491,050 and the Capital Outlay is \$600,000.

Samuel Schropp-County Commissioner: I think I can save some time on all of this. On Monday, August 26 I called the New Mexico Auditor's Office to ask for an audit of the EMWT Water Association based on the failure to file and misfiling

of documents with the Secretary of State's office over the last 13 years and 10 months. The failure to publish meeting minutes is required by the Open Meeting Act and the lack of transparency of financial records. As of yesterday morning, the EMWT website is gone, and the domain name is for sale. Yesterday, I talked with an investigator from the Auditor's Office, and they will begin the process for an audit. I have a letter from Representative Stephanie Lord, sent to James C Kenney, Secretary of the New Mexico Environment Department dated April 2, 2024, which I will read into the record.

Dear Mr. Secretary, during the recently completed 2024 legislative session. I appropriated \$100,000 in Capital Outlay Bill, Senate Bill 275 for EMWT Regional Water Association to acquire water rights for and to plan design, and construct water infrastructure improvements for the Estancia Moriarty Willard and Torrance Regional Water Association in Torrance County. It is my understanding that the total cost of this project is \$600,000 and Governor Lujan Grisham designated \$500,000 to provide the remaining needed funding. All Capital Outlay allocations were appropriated to the Environment Department for proper disbursement and administration. However, since the completion of the 2024 session, I have learned that the EMWT Regional Water Association has several organizational issues and may not have the capability to undertake the water infrastructure improvements for which I provided funding. For example, according to numerous local constituents, EMWT Regional Water Association is not compliant with various filing requirements of the Secretary of State Office and may not be a political subdivision of the state.

The proposed project is creating concerns among residents that water will be diverted out of the Estancia basin and not kept in the valley. Questions have arisen about who the current board members are, and there is a lack of community input and information on the exact plans of this project. I am requesting; therefore, that the Environmental Department conducts a thorough investigation or inquiry of EMWT Regional Water Association to determine whether the entity is following state licensing and filing requirements, adhering to annual audits and other operational standards that all state political subdivisions must abide by and complying with all other applicable state laws before dispersing any Capital Outlay funding to the association. I believe such an investigation or inquiry would clear up concerns about the ability of EMWT Regional Water Association to properly receive these Capital Outlay dollars and ensure this funding is a prudent use of taxpayer money. Further, if such an investigation or inquiry confirms the concerns of my constituents, I would request that my \$100,000 Capital Outlay allocation be withdrawn and not provided to EMWT Regional Water Association. Thank you for

your consideration of my request. I can provide any additional information or assist in this matter in any way. Please do not hesitate to contact me. I look forward to receiving the results of the department's investigative inquiry. Respectfully Yours,
Stephanie Lord.

This Commission decided not to give the County staff a pay raise this year, and now you want to increase their workload by taking on the responsibilities that belong to EMWT. This Commission is considering becoming a fiscal agent for an entity for which we have no oversight or regulatory authority. This Commission is considering propping up an entity that will control the sale and distribution of a public resource, water, which is essential to life. That entity is governed by a board of directors which is not answerable to the people of Torrance County. I am on the record on three occasions as having pointed out the failings of EMWT. You have the votes to do what you want on this proposal, but if you vote to approve this, I will be in the courthouse at the end of this meeting to begin the process of an injunction to prevent you from moving forward as we prepare a lawsuit against this commission and this plan. Everyone in Torrance County will have standing in this lawsuit.

I'm sure that the County Attorney will preserve all communications, contemporaneous notes, and building records between this Commission and his office for discovery, where the attorney-client privilege will be considered by a judge. Mr. Garcia will also advise this Commission of the requirement to preserve any emails, phone records, and text messages on both our County phone and email accounts as well as our personal accounts. This proposal is more of the slipshod half-baked good old boy practices that have typified EMWT over the past 14 years and have kept the people of Torrance County from having a system for the equitable distribution of water. EMWT is incapable of moving this project forward and needs to get out of the way. The proposal on this agenda will only enable further incompetence. It is time for a rural water district that is a political subdivision of the County. Chartered under the New Mexico constitution, Chapter 73 article 21. Doing so will bring in federal and state resources, which will bring a water distribution system to the people of Torrance County in a timely manner. Thank you. You all do what you want.

Ryan Schwebach-County Chairman: That was a hell of a bombshell.

Samuel Schropp-County Commissioner: This was a hell of a bombshell to see this on the agenda.

Ryan Schwebach-County Chairman: Once again, we are into a conundrum of not fixing the problem or coming up with a solution, yet lawsuits are thrown out. Mister Ortiz, I would like you to speak upon this, please.

Bobby Ortiz - Chairman of EMWT: It is disheartening to hear. As an organization, we are all volunteers. I don't know where he thinks we are a good old system. We all donate our time to help get water to the folks who need it. I have no stake in the game. I have no water rights that I own in Torrance County or anywhere else. I'm not sure where all this comes from. We are not required to do an audit at this point, because we do not meet the income level to do an audit. Once we get some of this grant money in place, we will be required to hire an auditor and do an audit like any other extension of the state. We're no different than a municipality. We follow the Open Meetings Act; we post our agendas. On our website, we went through some administrative changes, and we were not able to get into our website. We are in the process of getting a new website. We are in good standing with the Secretary of the State. We did fall behind on that. You have to understand that we're a board of volunteers. We don't have staff yet. We've got some great traction to get some water to the folks in the valley that need it. Our bylaws strictly state that we do not export water out of the Estancia Basin. I'm not sure where all this comes from. Respectfully, Commissioner Schropp, you've never attended one of our meetings, I'm not sure where you come up with a lot of your information. Whether it's hearsay or what, you haven't been part of the process.

Let's get back to the agenda item. We're here to respectfully ask if you administer some of our grant monies that we have so we can become a brick-and-mortar company and we can assist the folks of the valley in getting good clean water, which I believe everybody should have.

Ryan Schwebach-County Chairman: Does your position still stand?

Samuel Schropp-County Commissioner: It does because you have the votes. You do what you think is best, and I'll do what I think is best. This is not good for the people of Torrance County.

Bobby Ortiz - Chairman of EMWT: If I may ask Commissioner, Why do you think that?

Samuel Schropp-County Commissioner: I'm not going to debate this here with you. That's my position.

Ryan Schwebach-County Chairman: I think it does need to be debated, because there's a threatening lawsuit if we move forward with it, with the votes. You've made that very clear; I would like to hear it a little bit more.

Samuel Schropp-County Commissioner: For 14 years, EMWT has been trying to get a water project off the ground. My personal experience with getting a water project off the ground in Calhoun County, Illinois, took seven years. You all canceled three meetings so far this year because you can't put together a quorum. Your filings are wrong and mismanaged, and I do not want the County to be broiled in a mess, which is EMWT.

Bobby Ortiz - Chairman of EMWT: Our filings are up to date. They were a little behind.

Samuel Schropp-County Commissioner: You nearly got your charter revoked, on more than one occasion.

Bobby Ortiz - Chairman of EMWT: That is not the case. As far as you doing it in seven years, maybe you should come to the table and be part of the solution. Then we would have got it done quicker. Once again, appointed by our local Elected Officials, sometimes their personal life gets in the way. They can't attend meetings. You guys have two representatives on the board. Sometimes, they have events in the evenings, they can't attend meetings. It is just the way it is. When people show up, we appreciate when they do, because it's donated time.

Ryan Schwebach-County Chairman: I need to address it right now because this good old boy has been thrown out time and time again. Commissioner Schropp, if you want to talk good old boys, you're one of the only Commissioners who has been appointed and not elected. I have issues with that comment Commissioner. I do. You're incorrect.

Samuel Schropp-County Commissioner: I've made my position.

Ryan Schwebach-County Chairman: I made my position.

Michael I. Garcia-County Attorney: One of my concerns about preparing for the meeting is that. I don't intend to contradict Mr. Ortiz at all, but one of the things that calls out is that EMWT is in good standing. It indicates that Torrance County is in good standing. I don't know how to independently verify that yet. I'm not contradicting Mr. Ortiz. I would like to be able to do that if it means talking to the

State Auditor, another independent state organization, other than Torrance County, or EMWT. I'd like to be able to verify that myself. That's my chief concern about that particular aspect of this agenda. It may be that a deferral would work to have enough time to do that. That's what I would ask for if you're asking me to independently verify that.

Ryan Schwebach-County Chairman: This is, like anything else when the County gets involved my perspective is, that all parties are in good standing. It needs to be verified. I'm okay with deferral to verify all that. I'm not okay with a lot of the misinformation that's out there. I have explained my point time and time again. It seems that it gets twisted time and time for various reasons, and the voices that are twisting have yet to bring anything to the table to solve it. It doesn't change the fact that there are hundreds of people hauling water because they can't afford to drill a new well. It doesn't change the fact that our economy is going downhill because there's no delivery system for water. Every New Mexican has a right to access water. They don't have the water right. There's a big difference. This is a mechanism that can solve that problem.

Bobby Ortiz - Chairman of EMWT: It's a mechanism that you all are a stakeholder in. That's where I get confused. You all have appointed members of the board throughout the years. We have had grants but haven't been able to make the matches on them. We've worked our tail off for no fee. I'm here from my regular job, taking my time, my leave to be here, just like I do every month in meetings. When we look for Capital Outlay money, it's all on our own time, on our dime. I'm not sure what else we can do to help the folks get the water they need.

Ryan Schwebach-County Chairman: I don't know. It seems like there is a push here to keep water from going to people.

Bobby Ortiz - Chairman of EMWT: One of the main objectives of forming this board was to keep the water from being exported out of the valley. I'm not sure where all information comes from, that we're going to export water somewhere else because that is not the case. That is 100% false. It's strictly written in our bylaws. That is not our intent. Our intent here is to get folks in the Estancia Basin that need clean water.

Ryan Schwebach-County Chairman: You are correct. I'm not opposed to being a fiscal agent. I still believe that.

Bobby Ortiz - Chairman of EMWT: I believe in due diligence, also, whatever you all need to do to do your due diligence, I appreciate that. I feel we keep being told that we're not transparent. I don't know how much more transparent we can be. Nobody's come to our board meetings. Nobody wants to be involved. They just throw jabs out there and spread rumors. I'm not opposed to the council doing its due diligence and making sure that we are as compliant as we should be.

Kevin McCall-County Vice Chair: I'm going to make a statement that is speculative, in a way. Tomorrow 5800 acres are going up for auction. In this case, we don't know who could buy that and where that water could go. I just read an article in Arizona that New York firms bought \$100 million worth of land and water in Arizona, you know what they're going to do with it. This right here is what you just said, Bobby, get it verified, keep this water in this valley so it's not moved, and it's used for the people in this inside of this community.

Bobby Ortiz - Chairman of EMWT: What people don't understand, is it's a conservation effort, by default. When we buy water rights, we plan to buy them for agricultural uses, which, then you convert that to domestic use. For one acre-foot, you get about a third of that acre-foot. Two-thirds of an acre-foot stays within the aquifer. I just encourage people to educate themselves and do their due diligence on their part as to what we're doing, how we're put together, how we're structured. Somebody mentioned we're just a self-appointed board. That is not the case. We're appointed by Elected Officials from Municipalities. It's very disheartening when you put in a lot of time and effort, your own time, your own money, your effort, and this is the outcome you get. You get folks pointing the finger at you for doing something wrong. We're trying to get people water.

Kevin McCall-County Vice Chair: What you just said, prior Commissions. This has been on their radar, it's not these two guys idea, it's not your idea, it's been happening for many years.

Ryan Schwebach-County Chairman: If you look at the history, you made a comment they've been out here for 15 years. You continually had money in front of you and the potential to get it going. Then you look back and you look at the public meetings from years back when there was a measure of a private entity to move water up to Santa Fe. We had organizations through EBRA, which is nongovernmental, within the water planning committee. Shoemaker is here, and they can speak to the timeline on when this aquifer was going to be in dire need. That was 2020, guess what, it's 2024. In the past, we have had Elected Officials in here similar to what you're seeing today, who shut it down and had no clue what

was trying to be accomplished. Never took the time to go back to drive through the places that are hauling water, to see it. Essentially, it's not their problem. That's how it's viewed. We have volunteers trying to fix it. I'm not saying it's perfect. I'm saying it needs to be done right.

Samuel Schropp-County Commissioner: This is not the way to do it for the County to take on the administration of EMWT.

Ryan Schwebach-County Chairman: Where does it say administration of EMWT?

Samuel Schropp-County Commissioner: Item number three on 13C. The County is going to put out an RFP for a Project Manager. You are talking about us becoming embroiled in something for which we have no authority over. If you want to pass ordinances to do this and outline our duties and our responsibilities and our authority to regulate, then we can go through that.

Ryan Schwebach-County Chairman: Let's talk about the concept. 13C the concept of this Project Manager is not to manage EMWT.

Samuel Schropp-County Commissioner: 13C discussion and possible approval for RFP for EMWT Project Manager. Why should we be approving putting out an RFP for something that doesn't belong to us?

Ryan Schwebach-County Chairman: If you'd allow me to explain the concept. This Commission has devoted funds to buying water rights.

Samuel Schropp-County Commissioner: Because we had to, if you remember, because, when we were trying to encumber ARPA funding, EMWT was not qualified to accept that funding and we would have wound up in a bunch of trouble.

Ryan Schwebach-County Chairman: The concept of this Project Manager, is for the County to hire a contractor to make sure the County's best interests are at stake concerning the funds that we have allotted for the purchase of water rights to EMWT. To ensure that EMWT and help facilitate them to become fully functional. EMWT is a volunteer board. These are part-time guys with the concept that they are fully aware that once they become brick and mortar business, that they need a manager to manage these funds to make sure everything is taken care of appropriately. The concept that I had for the County, and what I was going to ask

the Commissioners is to hire an individual for that interface, not to manage EMWT, but to manage the County's interest, to ensure EMWT gets up and running. To manage the project in making sure the paperwork is done, to the right funding, to the right funding sources. Essentially, this was the ask to cover the fiscal agent responsibilities in this discussion.

Samuel Schropp-County Commissioner: Not to Manage EMWT but a Project Manager, is what it says. If you remember, in January, Mike Anaya called and asked me to write a letter of support, and they were not a member of good standing at that time. I told them that because of my oath and my fiscal responsibility, I would not do that, but EMWT went ahead with it. They're not worried about the filing. If you remember before, I brought up EMWT and problems with it and said that if we organized as the Torrance County Rural Water District affiliated with the County, we could get a lot of USDA help. To help us plan and get this thing going, but we want to keep going it alone. I say it's enough.

Bobby Ortiz - Chairman of EMWT: To clear the record we have gone to USDA. We've been allocated grants. We couldn't come up with a match at that time. I think the entity that you're speaking of, that's exactly what we are. We're an extension of Torrance County, Moriarty, Willard, and Estancia. I'm not sure where there would be a big difference. You've got to understand, we've been a board of volunteers. We are not administrators; we've had the learning curve of having to figure out how to report to the Secretary of State. Yes, we do get behind. We've got all that fixed now. We're in good compliance with DFA and others. That's why we're able to pursue this Capital Outlay, we spoke with the Governor's Office. They vetted us to make sure we complied, and that's why we got allocated some of those funds. I hope you will do your due diligence. Instead of trying to throw a roadblock into it, try and be part of the solution. All we're trying to do is get folks clean water.

Ryan Schwebach-County Chairman: Speak of a water district, because that was talked about in years past, and there are pros and cons to both. Why is the water district not moving forward? What's the difference between a Water District versus EMWT concept?

Bobby Ortiz - Chairman of EMWT: I don't know what the difference would be. EMWT is the Regional Water Association. When it was proposed and it was created, we brought strength as a region, and we're trying to get water to folks that need the water within our region. Rather than Moriarty, going after some grants, or

Estancia Willard or Torrance County, we thought we could become a strength altogether, to put all of our clout behind it as a regional entity and get a foothold on some of that funding to get folks clean water.

Donzal Worthington - Bohannan Houston: I live in Edgewood, New Mexico, and have kids who have graduated from Moriarty High School. I agree with things that are said here today, on water is life. There are many ways to form districts. If you look throughout the state, on the Lower Rio Grande Water Association, and Eastern New Mexico Water Authority's, they do cooperative associations which is one method to do it. One of the most common ones around the state, typically, is under the Sanitary Projects Act. They have the Mutual Domestic Water Consumer Association Act that allows you to put these together. Those were all looked at, as was mentioned before EMW Gas originally started doing this as a legal entity. Because EMW Gas is incorporated under statutes of the state that was incorporated in 1963 as a very specific and kind of unique organization. Through their citation, they were organized under a municipally owned water or gas association that was nonprofit. In doing that, there are quasi-public entities. They qualify for any funding that meets state and federal funding requirements, just as if a municipality or someone has the full rights of a subdivision of the state. That was one of the appeals at that time. They went forward, and there was an application through the Water Trust Board. Through the Attorney General's Office at that time, the EMWT organization was a fully public entity that qualified for all state and federal funding. Due to that, the actual Water Trust Board and the New Mexico Finance Authority changed the actual policy and bylaws to include the incorporation as an entity that qualifies for public funding through their programs and other state funding.

EMWT has received awards through the Water Trust Board, and they met full substantial closing criteria. They met all state and federal standards to receive water transport funding in that time. It was deemed due to the powers and authorities of all the various organizations. My understanding is that the board with legal counsel fits them best, to acquire federal and state funding, through this organization. The stakeholders on the board are represented by Estancia, Moriarty, Willard, and Torrance County. To my understanding, correct me, if I'm wrong, have two seats each at the table, and I believe EMW Gas is the one that started this and got it off the table. Those are all appointed by the Elected Officials of those various bodies, and they can be part of it as per the bylaws. That's something that you can verify on that end. Initially, the EMW Gas Association was legal to move forward and do this, and it was pretty successful to access over, I think, \$100,000 worth of grant funding through both the USDA Rural Development and also

through the state Capital Outlay, or Environment Department through their funding. The problem was when they went for funding with the name being EMW Gas Association's water division, it was difficult for anyone to look at that and make the difference between what's a gas company, and what's a water company.

At that time, the Governor's Office and some of the board pulled us aside and said that the association should look at organizing in a way that has water in their name, no matter how they're organized, to ensure the clarity of what the project was. This started 18 years ago, in 2007 and then 14 years ago it was reincorporated under the EMWT organization. Various organizational structures would work. At the time, there was quite a bit of research, public input, and discussion, working with the state organizations and funding entities to see which one they felt was most effective to move this project forward and the citation that the EMW Gas and later EMWT Regional Water was organized under a period to meet those needs the best and give the community two things they wanted.

One was a local representation of the board, and number two was the fact that they could receive full federal and state funding at that point and put together their bylaws that represent their district. No water could be exported out of the basin was a big part of that. One other significant part, at least it was for me as a citizen/resident here, is that part of the bylaws stated that the water would only provide water at a competitive rate with other water systems. It's not difficult to provide water if you're willing to work. We have associations right now paying \$150 a month for 1500 gallons of water because that's the only way they can haul water and get there. The association's bylaws of the time stated a maximum of \$75 a month, with the idea that that wasn't even ideal. When USDA Rural Development provided their funding three years ago, they approved it, and we did have the funding in place for the match. The way they work now is they look at whatever the local cost of that commodity is, and they require it to be the maximum amount of grant that they could stand, which pushed those rates up above the rates that the local body wanted to provide. Since then, through grant funding through the Water Trust Board and the other entities. We can assure that they can keep the water rates at or below the standard rates in the state, which are established through the water survey that the Drinking Water Bureau performs every year. That was my understanding, having been working with the group these years, and watching the Association and the rules and their work, really what was driving, was trying to find a way to provide water locally, managed at a cost, effective or a lower cost, to serve the residents of the area.

Ryan Schwebach-County Chairman: That's a concept. I'm not saying that it's perfect. Why not a water district? I don't like that answer. Can anybody answer? Why Water District versus what you just heard? What's the difference?

Samuel Schropp-County Commissioner: The Water District is chartered under the New Mexico Constitution. There would be oversight and safeguards for the taxpayers. First, we would know where the money is going. Second, if we're going to be the fiscal agent.

Ryan Schwebach-County Chairman: Why don't we know where the money's going now?

Samuel Schropp-County Commissioner: In talking with Manuel Luna yesterday, EMWT has been taking in a lot of money and is still reporting \$10,000 in revenue. There's a big discrepancy between the grants that you've gotten and what you're reporting.

Bobby Ortiz - Chairman of EMWT: We haven't received any money from the grants yet. That's why we're asking you all to administer them, and that would be the oversight for you to administer them. That's also another mechanism.

Samuel Schropp-County Commissioner: The money which was ARPA funding that came out of the four million that we had, not the money that we set aside for buying water rights, but the previous expenditure. Where did that go? The money that was used for the feasibility study. During that budget meeting, we had originally had about \$4.3 million and some of it had already gone to EMWT. Then we had to encumber the rest of the money.

Bobby Ortiz - Chairman of EMWT: We did receive some funding for the study.

Donzal Worthington - Bohannan Houston: I think you're referring to the match participation that was provided by Torrance County to support the project. EMWT in FY22 received an award through the Water Trust Board, a 100% grant, \$491,050 for the design of phase one of the water system. None of that money awarded has been accessed. It's to move forward once water rights are resolved. What made that possible was that Torrance County was in a situation, that had ARPA funds that were available that could potentially support the project, and a match was needed to keep a grant. There was \$981,000, that was provided by Torrance County as a match that was identified, and the criteria and the parameters of it through resolution at that point. That's a record in my documents including

\$981,000 that was budgeted tentatively for up to \$50,000 for water rights, investigation, and due process. This work is with the County. By statute, the Water Trust Board is not allowed to use Water Trust Board funds for the acquisition of water rights and purchase of water rights, which is why they were supportive of the concept with the County or another entity, one of the owner entities, providing support for this. They approved that based on the County's participation, that allowed a budget, amount of \$250,000 for water rights acquisition, \$50,000 which, was turned into a contract, approximately \$40,000 that was working with the County, not through EMWT. There are no contracts related to water right through EMWT. The contractor through VHI with the County of Torrance, has a roughly \$40,000 agreement, \$17,000 of which has been invoiced and either paid or pending payment to date for services, Our sub-consultant, which is the Premier Hydro Geologic Firm in the US, was used for verification of the water rights negotiation. The remaining funds have been identified, and there's a contract with the County for additional engineering and design services for the range of the project in McIntosh. That's the only money that's moved hands, and that's directly between the County and Bohannon Huston and our sub. That's not in any way involved in EMWT or their funds.

As I mentioned before, there's about \$100,000 of funding studies and monies received through grants through the years. Those were grants like the local government planning fund through the finance authority, which is a conveyance from the government to the owner entity that doesn't go through EMWT, it's paid directly to the consultant. To my knowledge, I'm not aware of any of the grant funds that have been provided or made available or accessible to EMWT through all this time.

Samuel Schropp-County Commissioner: Does EMWT have any outstanding bills with Bohannon Houston?

Donzal Worthington - Bohannon Houston: I don't believe so. I'm not aware of any at this time.

Ryan Schwebach-County Chairman: Back to my original question. What is the advantage of a water district? It would appear that what has just been presented with EMWT, there's nothing to report to the auditor, and with an audit coming out, they're going to come up with the same findings. We assume.

DonzaL Worthington - Bohannon Houston: Virtue Najar was this sub-consultant for the water trust. The court has legal counsel review all the

applications and some details over a year-long process. Once those funds were awarded, we went through another year where they worked with verifying how that worked, that we had the match, and that the project was viable. The Office of the State Engineer was involved in verifying the area that had potentially accessible and acceptable water. Their criteria is that they have to have water rights in place for the association before they release any funds, to ensure that no money is spent that doesn't fit the project's not viable without water rights. That's what's slowed the project down, is to get the water rights resolved on that end.

Ryan Schwebach-County Chairman: What is the advantage of a water district? Commissioner Schropp has suggested a water district multiple times. This is a point to the state of New Mexico, not Utah, not Illinois, but the state of New Mexico is where the water district business is. I want to vet this out.

Donzal Worthington - Bohannan Houston: A water district, to my knowledge, is a Special District. They qualify as a Special District, much like a Homeowners Association, a water district, or a Sanitary District. There are many types of districts. Each of those has separate powers and authorities. A water district potentially has ad valorem taxing, that's a legal question. That was one of the things when they formed. They weren't very excited to be able to buy property or anything for that. That was to go through an association where people choose to be part of that association and a membership.

Ryan Schwebach-County Chairman: The water district has more authority?

DonzaL Worthington - Bohannan Houston: I can't tell you if they have more or less, but they have specific and different authorities, and each one has slightly different ones. EMWT when they formed under this citation had one of the biggest pluses of having to sit in those meetings and watch the discussion, listening to legal counsel in the state was that it's run by a local body that's representative of the community being served. They were the shareholders or stakeholders. It was appealing to the association. If you look at some of the larger water districts in our area, you've seen them change from Mutual Domestics to Water Districts to Authorities. A lot of those are based on the potential for funding to receive acceptable funding through that time. Most of it as I've seen it, the organization has been to ensure accessible funding and subsidize water rates in the areas that are in our sparse Country. It's difficult to come up with the funds to make these projects without a substantial amount of subsidy. In fact, without substantial subsidy grants, it would be very different when giving these projects in New Mexico going to rural areas.

Samuel Schropp-County Commissioner: What we have would be a political subdivision of the state. Chapters, 73 21-1 hereby declares that the organization of Water and Sanitation Districts, having the purposes and powers provided in this Act will serve a public use and will promote the health, safety, prosperity, security, and general welfare of inhabitants of districts. It goes on through another 55 parts which define our authority, our oversight, our obligations, our taxing ability, and our ability to pass bonds. There are a number of protections and advantages and ways to move a project along much more quickly than this project has moved. I lived all around the country, seen this before. This was not a good way to go about this from the very beginning. I don't think the County should be embroiled in it.

Donzal Worthington - Bohannan Houston: That agreement is with Torrance County, the water rights would be owned by the County, and the water rights would stay with the County. As far as the money, there were no changing hands, or none of that was being moved to EMWT, to my knowledge. that would be county-owned.

Samuel Schropp-County Commissioner: I voted in favor of that plan and told my constituents it was because we would then have control of the water, and we could hold EMWT accountable.

Ryan Schwebach-County Chairman: How does that change?

Samuel Schropp-County Commissioner: We are now going to become a fiscal agent for someone who we have no written authority over there are no ordinances.

Ryan Schwebach-County Chairman: It's no different than us being a fiscal agent with some of the land grants. We have no authority. We could just ensure the money as needed.

Samuel Schropp-County Commissioner: They are a political entity. We have no authority over it, but the state agencies do. As an independent entity, this is not a good thing for the people of Torrance County.

Bobby Ortiz - Chairman of EMWT: We are also an extension of the state. We follow the same laws as every other municipality or County Commission, so we fall under the same thing.

Ryan Schwebach-County Chairman: It's no different than Solid Waste it's very similar. I'm not buying that argument.

Samuel Schropp-County Commissioner: Solid Waste is included here as well because it talks about water districts.

Ryan Schwebach-County Chairman: I need to look into districts. I'm not opposed to it, but I would have to go back in my memory pretty far when the water districts were brought up through public comment. One issue with water districts is the potential ability for certain eminent domain and taxation. That is something our citizens didn't want, and the concept of being forced to tie into this pipeline, not being able to have their individual wells, and being taxed to pay back bonds. The structure of this was to get itself sufficient to pay for ourselves with public funds, building infrastructure, but not taxation to keep it operating. That was one of the deterrents to going to a water district. This became clear to me after I became a Commissioner, because of the volunteer dynamics of the EMWT. To understand you get involved at an EMWT level to sort out all these problems. It's much easier to go ahead and stir the pot and get it shut down because we are dependent upon funding to get it started. That is why I have openly said the County needs to be involved, for the purpose of getting up and running and moving. We will have a say so, as we have an appointment to the board. We retain ownership of the water rights which has not been done yet but that's something this Commission will talk about if you get to that point. The act of buying the water rights gives us the control to use them or not, or to retire them, either way it facilitates the furtherance of this offer. The County has that ability. If EMWT gets it, they may have that ability too. Within EMWT, it's about as tight as you can get to not shipping it out of the valley for profit, which I hear all the time. We heard they are bound to do it at cost. That's all they can charge, is at cost.

Bobby Ortiz - Chairman of EMWT: The reason we cannot pay dividends to our owners, is we can make a little bit of money for expansion maintenance and that type of thing. We have a little bit of money set aside to match grants or to take on capital projects ourselves for expansion as an example. Our main project right now is in the McIntosh area to try and get water to those folks who don't have wells. You and I have both seen those trailers driving down the road carrying water totes. That's a shame, shame on us. We're letting that happen. If we can get those folks water, that's all we're trying to do, as well as encumbered in this Estancia basin. That's our goal.

Samuel Schropp-County Commissioner: I grew up with a cistern. My mom washed the whites first, then the colors, then the work goes recycling the wash. I understand it is a tragedy that those folks in McIntosh don't have water. But EMWT has been inept and unable in 13 years, and 10 months to deliver water there. We do not need to be involved in this. EMWT needs to straighten out their own house or get out of the way.

Bobby Ortiz - Chairman of EMWT: I believe our house is in order, and we're a group of volunteers trying to get this thing off the ground. My personal opinion is we're closer right now than we've ever been to be in the brick-and-mortar water business. We're asking the County to help us get over that hump by facilitating these grants for us. It helps keep our house in order. It helps you be accountable. Realize that the money we're spending from public entities is administered correctly. Our goal is to get us over that hump and get us going.

Samuel Schropp-County Commissioner: I still don't see why the people in this building should have to take on that additional workload for you, hire your people, rent a building, hire an administrator, hire an assistant, and then you will have a mailing address and brick and mortar. You can start receiving these funds for yourselves.

Bobby Ortiz - Chairman of EMWT: That is correct, Commissioner. First, we've got to get in the business so we can have an income stream.

Samuel Schropp-County Commissioner: Notice people complain about government, government waste, and running things and doing stuff. This is a good opportunity to be an example of that. I do not think Torrance County should be involved.

Ryan Schwebach-County Chairman: You have put me in a unique position because you made it very clear that either we move forward with this and you turn around in potential litigation within the County, which I just find fascinating to try to solve the problem to satisfy some inaccurate accusations.

Samuel Schropp-County Commissioner: Try to solve the problem within the parameters of EMWT, as they are chartered and set up, not involving Torrance County. You guys got to carry your weight. As far as I'm concerned.

Ryan Schwebach-County Chairman: They don't have the financial capability at the time to carry their weight.

Samuel Schropp-County Commissioner: Then let's disband them, take over their assets, and have Torrance County.

Ryan Schwebach-County Chairman: You want Torrance county to be the Water Authority?

Samuel Schropp-County Commissioner: Yes.

Ryan Schwebach-County Chairman: I don't agree.

Kevin McCall-County Vice Chair: You just said you wanted the County out of this.

Samuel Schropp-County Commissioner: I do not want the County involved with EMWT.

Representative Lord: This has got to be the most heated thing I've ever had come up with Capital Outlay, that's the main thing I want to say. I have given out millions of dollars. I give out two, which, by the way, is not a lot of money to divvy out between all of Torrance County and Bernalillo County. I had to be very frugal and very careful with my money. This is the only time I have gotten bombarded by giving out Capital Outlets. My money goes out. Nobody has issues. This is the first time I got bombarded, not by one person. I have groups of people, and now I feel like I'm in the middle of this weird divorce, and I'm the little lawyer, and I'm trying to figure out what's going on because there seems to be a very, very long history and a lot of issues that go along with this. My main issue for me is if I'm going to give Capital Outlay money, which is also very frustrating, because Ambrose is the one who first came to me about this, and he said, Hey, this is in Moriarty. This is not in your district, but it's going to affect your district, and I want you to pony up some money. I'm like, okay, he gave me a bunch of information on what I did. Then it turns out that he and Senator Stefanics did not give money to it. I ended up giving the only money to that along with the Governor. When we researched, are they eligible to receive money, in their standing, our lawyers on our side could not see that they were able to receive Capital Outlay money. Did you guys receive Capital Outlay money? Was it able to be given to you in the way that you stand right now?

Bobby Ortiz - Chairman of EMWT: We have not got Capital Outlay money.

Representative Lord: I understand how important water is. I'm listening very carefully to everyone that's speaking here. What I need for you guys to do, what I think you should do. This is my personal opinion. Since this is so heated there seems to be a lot of misinformation, and people have different stances on what should be done. To me, it appears that possibly there should be an open meeting. So all these people, the people that come to me, yelling at me, why did you give money for this? X, Y, and Z need to be addressed. I don't know how to deal with X, Y, and Z, because I just got to Torrance County, and I'd never heard of your organization until this last session when I gave you Capital Outlay. There appears to be a lot of history that has spun a lot of people up. It's frustrating for me because I'm trying to do the right thing to make sure that people get water. After all, that's all that matters, right? You guys need water. We lack water. I think you guys should be more upset about the cannabis growth, but here we are with this issue.

Please figure this out for me, because this is way too much information for me to have to process and decide who's on the right side of the road. I need to know, is this a viable project? Is this a project that's going to move forward? Are they eligible to receive Capital Outlay? I need way more information because I deal with facts and stats, not opinions. Please help me, so I can help you get the water you need, I would suggest having an open meeting so that all these angry people invite them, invite the angry people because you just addressed a bunch of information and that's how this is going to have to be addressed. It's going to have to be addressed with, okay, here are the questions that people in the community have, instead of coming to me, because I don't have the answers. They need to come to this meeting and say these are all the questions we have and see if they can figure them out. I can't get in the middle of this because there's just, I don't know where you guys are going and what you want to do, and I don't have enough information. The money is still there, but it has to be that they are eligible to receive that funding. At the next session, I highly recommend you come to me about this project because this didn't come from you guys. This came from Representative Ambrose Castellano. He's the one who came to me about this situation. I jumped in the middle of this trying to help with water and whatnot, and now I'm in the middle of a dog fight. Can you please figure this out for me so I can help you in whatever way possible? You can get some water because that's what matters at the end of the day. Thanks.

Ryan Schwebach-County Chairman: I'm not opposed to an open meeting. I'm not opposed to any of this. I am opposed to just kicking this down the road anymore.

Action Taken:

Ryan Schwebach-County Chairman: Motion to defer items 13B and 13C.

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: Discussion and possible approval to RFP for an EMWT Project Manager.

*See motion under 13B

D. GRANTS: Discussion of current Fairground Improvement plans with Studio Southwest Architects.

*Heard after 12A

E.FIRE: Discussion of State Fire Marshal inspection at Duran Fire Department.

Hannah Sanchez - Deputy Fire Chief of Torrance County: I was made aware at the last commission meeting on the 14th that our Fire Marshal's Office had conducted an inspection of Duran Fire Station with Chief Crab on the 13th. Upon his inspection and his entrance into the door, it is mouse infested, feces infested, along with bats, mice have chewed through our apparatus wires. It has chewed up our brand-new SCBA equipment. There's a lot of problems. The issue here lies in that I don't believe Torrance County owns the building. I do understand it's a historical marker in Duran as it's the old schoolhouse, so I don't believe that we can

make adjustments to renovate the building. The State Fire Marshal's Office recommendation is that it be thoroughly cleaned to take care of the rodent problems. Monday was my two-week mark to supply them with a plan on what we're going to do. I planned to bring it to the Commission so I can get some input, maybe a direction on how you would like us to attack this issue.

Ryan Schwebach-County Chairman: It's not our building, we can clean out the infestation. Can we put measures in to prevent future infestation?

Hannah Sanchez - Deputy Fire Chief of Torrance County: I believe we can. I know that Mrs. Sedillo did let us know that we could get in contact with Orkin, to see if they could go out there and help with the infestation. I do know that approximately two and a half years ago, Chief Crab did ask at the time Toni Lowry to get some bat bait. Since then, nothing else has come that we're having these issues with our department. My ultimate concern is that this station has been deemed unsafe and non-operable. With the issue of wires being chewed through on our apparatus now they're not safe to drive on the road. We have mouse nests in our apparatus, in our compartments.

James Winham - County Fire Chief: The simple solution that we're considering and bringing forth is to move out of this station. We have a substation. It's in Duran, and this particular district averages one call a month. The most I've seen down there is three since I've been here. This substation would have a tanker engine and a brush pumper that would be there that is leased to us, as long as it's a fire apparatus or a fire building that's there. It's not staffed. It's a volunteer department, or it's a volunteer area. These problems are going to reoccur. When I first started and saw the stations, the problem was there. Then asked to get it cleaned up. Not sure how well it got cleaned up, but the problem came right back. You can get rid of all these rodent problems that we have. We would have to do some construction to the building, which we're not allowed to do since it's historical. My recommendation is to just move it out and go over to the secondary station.

Ryan Schwebach-County Chairman: Based on what I'm hearing. I would agree with that simply because, if we have damaged equipment, we got to stop that.

Hannah Sanchez - Deputy Fire Chief of Torrance County: We wouldn't be able to put a tender, an engine, and a brush pumper. We have a two-bay building, which is owned by the County, so we would be able to put either an engine tanker or a brush, but we can't put two big trucks in there.

Ryan Schwebach-County Chairman: Is that doable for what's going on over there?

Hannah Sanchez - Deputy Fire Chief of Torrance County: Yes, the excess apparatus that we have stationed at the main station in Duran, we would request the State Fire Marshal's office to relocate that apparatus to other districts within the County, which could also assist in their ISO, because it would be water on hand.

James Winham - County Fire Chief: I don't want to speak for the Interim County Manager, but I think it would be our responsibility to get it cleaned up and then return it to its original state.

Ryan Schwebach-County Chairman: I would agree with that.

F. MANAGER'S REPORT:

Tracy Sedillo-Interim County Manager: We had a meeting with the architects concerning the new Administrative building. They are making some minor tweaks. They will be at the September 11 meeting to present the preliminary design to make decisions on how the site is going to be laid out and can keep moving forward with this project.

I wanted to announce I will be retiring on September 30th, I have put in my official notice.

Ryan Schwebach-County Chairman: We will miss you. Congratulations.

G. COMMISSIONERS' REPORTS

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

Kevin McCall- County Vice Chair: Yesterday, I got a phone call from a constituent in the third district. There was a gate across the county road AO25, and

he asked, “Do I go with arms?” And I said, No. I called the Sheriff's Department. I believe the gate will be removed if it hasn't already.

2) Ryan Schwebach - County Chairman, District 2

Ryan Schwebach-County Chairman: I was also addressed about this issue. I called Leonard to check it out. He stopped by it was closed. The individuals were there, and he informed me that they didn't have the authority to close that gate. They said, “We'll open it and leave it”. He commented that if it's closed again, he will then go there with his equipment and Law Enforcement to remove it. The problem should be solved.

3) Samuel Schropp – County Commissioner, District 3

Samuel Schropp-County Commissioner: Since our last meeting, I've been in contact with the General Counsel for the Division of a Department of Environmental Quality, discussing with them, getting air testing equipment out here to check to see what the by-products that are being vented from the cannabis growth. I've also talked with the New Mexico OSHA division, NMOSHA.gov, about getting OSHA inspections out here. Yesterday I got back with the DEQ constituent liaison person, and he told me that if you go to the OSHA website, nmosha.gov. You can make a complaint, and that will open the door for every other inspection of the place. If you see that there's a grow that doesn't have port-a-potties, which are required to be within a certain distance from a workplace. You can make a complaint about that. At that point, they can come in and check for MSDS sheets right to know all the record-keeping on the chemicals and things that are being used there. PPE, wiring, extension cords, fans, they can inspect the entire workplace. That's what I've been working with, with Don. Mr. Garcia and I will be getting the CCD attorney once again, I think we've got some documents that may give us a way to start limiting growth out here. I also spoke at the State Senate Committee on Water and Natural Resources about the need for the OSE to check meters in all of these operations. The OSE needs to collect better data on water use and how our water table is falling. My neighbor, Todd Smythe, went to the OSC office and spoke with them. They have people that will come out and start writing violations. Right down here at Native American, they're flooded irrigating, they're just running water. Tom Gordon had gone out and pulled the fuses. They put him

back in. OSC was aware of it. They looked at the aerial photographs. OSC is not aware of this stuff, so we can get them out here checking water use.

14. EXECUTIVE SESSION:

- A. COMMISSION:** Discussion regarding the purchase, acquisition, or disposal of real property, closed pursuant to NMSA 1978, Section 10-15-1(H)(8).

- B. COMMISSION:** Discussion regarding limited personnel matters, closed pursuant to NMSA 1978, Section 10-15-1(H)(2), filling the County Manager position

Action Taken:

Ryan Schwebach-County Chairman: Motion to move into Executive Session.

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

1:31 PM

Action Taken:

Ryan Schwebach-County Chairman: Motion to move into Regular Session.

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

3:10 PM

15. DISCUSSION AND ACTION ON CLOSED SESSION ITEMS ABOVE

A. COMMISSION: Discussion and possible action regarding Executive Session Item 14.A. regarding purchase, acquisition, or disposal of real property

Ryan Schwebach – County Chairman: No Action, Interim County Manager will move forward as discussed.

B. COMMISSION: Discussion and possible action regarding Executive Session Item 14.B. regarding filling the County Manager position

Ryan Schwebach – County Chairman: No Action, Interim County Manager will move forward with setting up interviews as discussed. A Special Commission Meeting will be held for interviews on Thursday, September 5th, at 9:00 AM in the Commission Chambers.

16. Announcement of the next Board of County Commissioners Meeting:
September 11, 2024, at 9:00 AM

17. Signing of Official Documents.

18. Adjourn.

Action Taken:


Ryan Schwebach – County Chairman: Motion to adjourn.

Samuel Schropp-County Commissioner: Seconds the motion.

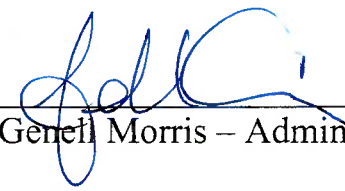
Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

The meeting adjourned at 03:11 PM.



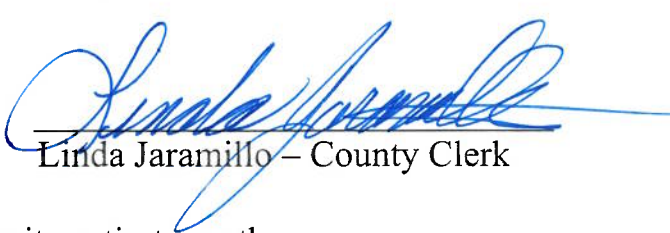
Ryan Schwebach - Chairman



Genell Morris – Admin Assistant

09.11.2024

Date



Linda Jaramillo – County Clerk

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

