

FINAL COPY
Torrance County Board of Commissioners
Regular Commission Meeting
September 11, 2024
9:00 AM

Commissioners Present:

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

Others Present:

TRACY SEDILLO – INTERIM 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 September 11, 2024, Regular Commission Meeting to order at 9:04 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 items 12B and 12K and move 13A after public comment.

4. PROCLAMATION: None

5. CERTIFICATES AND AWARDS: None

6. BOARD AND COMMITTEE APPOINTMENTS: None

7. PUBLIC COMMENT and COMMUNICATIONS:

A. PUBLIC COMMENT (Comments limited to two minutes.)

John Humphries – Resident: I live at 331 Riley Road, and my family has been farming and ranching here in Torrance County since 1910. My great-grandparents homesteaded south of Willard. I grow vegetables and raise cattle about a mile south of one of the proposed cannabis operations. I want to come and affirm my support of the Planning and Zoning Board's decision to reject or deny the conditional use permit, among other things. On the purpose statement of The Planning and Zoning Board to protect property values. In terms of conditional use, the ordinance states that the economic noise layer, or the effects of the conditional use on adjoining properties, is a reason to reject the conditional use. I've heard that the Commission may find the Planning and Zoning Board's decision untenable and potentially turn it over because they don't think it's strong enough. I want to make clear that I think that the effects surrounding property values are one of the primary purposes of the Planning and Zoning Ordinance, and it seems like this is a very strong reason for the rejection of those conditional uses. We can expect that if we continue allowing properties to become cannabis grow operations, all the surrounding properties will only be purchased by other cannabis grow operations, because who will want to live next to one of these operations? I want to encourage you, when it comes to the two permits that were denied being appealed in two more meetings that you uphold those denials. Thank you.

Anne Schropp - Resident: The system is stacked against us. It certainly seems that way, if you do not understand how the system works and how to work it. I am thrilled to see citizens getting involved in the management of our water, the cannabis grow licenses, and everything else that affects our lives. However, petitioning our County Commission, Planning and Zoning, or anyone else at the county level regarding cannabis licensing is not going to fix the problem. The problems originated at the state level. They have to be fixed at the state level. Our Commissioners can't do it, but we can. We must flood the Governor's Office with phone messages and emails. The Governor is the only person who can put a moratorium on this petition. The County Commission can't do anything. If you have your heart set on getting a petition, then petition the Governor's Office. Encourage people in other counties to do the same thing. We're not the only County with this problem. Contacting the Governor's Office civilly and concisely will force action as this is a statewide issue. I have copies of contact information and a sample of what your statement needs to be. Your statement should be simple,

direct, civil, and based on legal issues, not personal feelings. I suggest something along the following. “I'm 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 licenses before our aquifer is destroyed. Thank you.

Tiffany Wang – Innovation Law Lab: I will be playing a comment from Edwin from September 4 during his detention at TCDF. (audio in Spanish)

PJ Podesta – Innovation Law Lab: I'll be reading a translation of the comment from Edwin, who was detained at TCDF. All the infrastructure here at Core Civic is dysfunctional and old. It's been around for a long time. I previously reported that the button where you press to flush the water from the toilet didn't work. The water was shooting out on you and came out of the base of the toilet. When I got up one morning and stepped out onto the floor, I slid on the pool of water, and I hit my shoulder. From that moment on, my arm was hurt. I can't apply force with my arm anymore. It hurts me to sleep. I have to take a lot of pills. The doctor tells me, I don't care how many pills you take. I'm Edwin Oswaldo Rivas Torres, I'm Salvadoran, and I would like to let all those people who have taken the time to listen to the laments and cries of the migrants who have been in this place. May this place stop now from causing so much suffering for the migrants. Because this is a place of torture. Thank you.

Arial Prado -Director of Civic Engagement with Innovation Law Lab: We've heard a lot about water in recent weeks in this venue. Community members are discussing the water usage of cannabis grows and water management plans for the region in general. All with the understanding that water is scarce, and water is precious. As many are aware, the Estancia Valley water basin aquifer is depleting each year faster than it can be replenished. As I understand, it is inspiring to see community members work together to address critical water concerns. Meanwhile, as we heard just now, from yet another man detained at Torrance, who suffered a slip and fall, and as has been cited in federal oversight reports, water leaks are commonplace at TCDF. Neglect of this kind keeps leading to harm and it is also wasteful. Documents show that from January through July of this year, TCDF was the fourth greatest consumer of Estancia water, ahead of the County Fair Board and several school sites. TCDF used well over 200,000 gallons of water per month

on average. From January through July of this year, since reopening in 2019 there have been 15 months in which the facility has used more than 1 million gallons of water at times. The facility's water usage has surpassed 2 million and even 3 million gallons per month. Testimonies from people detained inside TCDF have long demonstrated irresponsible stewardship of increasingly scarce water resources in Torrance County. Core Civic is the world's largest private prison company that owns and operates TCDF and profits from family separation and human suffering and have shown that it is only concerned with their profit margin and not the best interests of the residents of Torrance County. Meanwhile, they have failed for years to remedy repeatedly failing plumbing infrastructure that wastes Torrance County's precious water. As Torrance county endeavors to remedy its water management and distribution challenges, responsible parties should prioritize water availability for residents of Torrance County and not the interests of an out-of-state corporation. Thank you.

Larry Crow - Resident: I live at 1311 West Highland. My wife and I moved here four years ago. My wife's family has been here for maybe close to 100 years. My only reason for being here is the concern that everybody has stated and that is the water rights. I love this community. My concern is that what's coming in here may not be desirable. Protect the town, community, and certainly the property holders. I didn't come prepared with a bunch of facts and figures. I come as a concerned citizen, and I want to see it stay viable and prosperous. Not to the extent that it's going to cost people in the town and the property owners problems because it looks to me like I've seen a change in the four years that I've been here. A change that may not be in the best interest of the people in this town. I would encourage you to acknowledge what they have stated and that you would address their issues in a good way, and limit what's taking place. It looks to me like undesirables are possibly moving in here. Thank you.

Andreas Esquibel – Campaigns Manager New Mexico Dream Team: We are a youth-led Immigrant Advocacy Network. I'm here advocating on behalf of the organization urging to end contracts at Torrance County Detention Facilities. I've heard testimonies, and there are many articles describing the inhumane conditions of this place. It's sad to see that places like this are still operating because of profit motive over human dignity. We have to understand that asylum seekers are seeking a place to feel safe and to call home. Being placed in horrible places like the one that is here is not the solution and would never be. Detainees are treated badly.

They are fed poorly. Health care is denied, and their mental health and physical well-being in general are being put at risk day to day. New Mexico residents should not live in fear of being detained in a Federal Immigration Detention Center, or seeing their family go through the horrors of detention. No asylum seekers should have to question why they are placed here as public servants. We hope that you stand by your community values and together we can envision a New Mexico that does not thrive off of caging vulnerable populations but instead welcomes migrants and asylum seekers with dignity.

Samantha O'Dell - County Emergency Manager: I wanted to mention that we still have some seats available in our Emergency Preparedness and Evacuation Workshop tomorrow at nine o'clock here in the Commission room. I wanted to let the Commission know of an incident that occurred over the weekend at the Moriarty building. We didn't see anything, so we don't have proof, but it appears as though a vehicle rammed into the gate, there's extensive damage to the gate. It was bent, the fences damaged, and it was about two feet off of the path from where the gate normally moves. The automatic gate piece is also twisted due to the force, so we've been able to bend the gate back in a way that we can secure it in the meantime until the company can come out and see what needs to be done. We're most likely going to have to be replacing that gate. We did not notice any attempted entry into the building. It doesn't appear that anything was stolen, but we have done some additional locks and some additional securing in the building. In the meantime, we're looking at some other potential security measures until we know where we're going with this building. There's not any light, so you can't tell there's a building there. I don't know if doing something reflective would help.

*Comment by Zoom

Sofia Genovese - Managing Attorney for the New Mexico Immigrant Law Center: Dozens of organizations, community members, and even elected members of Congress have visited the Torrance County Detention Facility and spoken directly with people detained there. We have collectively been reading detained asylum seekers' statements and escalating their complaints for years. The government's oversight bodies continue to find deficiencies in TCDF operations, making clear that it is an unsafe environment for detained people and employees alike. Reasonable minds cannot reasonably disagree about the dangers that TCDF poses for communities. Why is this place still open? Then we look at Torrance County that has said it needs the money from the ICE contract. It's important for you all in the public to understand that local governments are barred from profiting off of IGSA contracts. All of that money is required to be spent on the care of

people in detention under federal law. I'll point you to two CFR Section 200.4 100, subsection G, there is no economic profit for the County from TCDF, at least there shouldn't be, under federal law. Community members do not want to work at TCDF. The vast majority of the staff at TCDF are from Texas, and more staff are coming from Texas every week. This is not a place where people want to work. TCDF does not help position the County for success. We asked the County to cancel its contract with ICE and no longer support the abuses and immigration detention that you all hear about week in and week out. Enough is enough. Thank you.

Steve Bishop - volunteer with (VIDA) Visitors in Detention Albuquerque: I will read the following statement from Teo, a man detained at the Torrance County Detention Facility. “The food here is practically cardboard or synthetic. For example, when you put sausages in the oven, they smell of plastic or carcasses, not meat. When there is leftover food in the kitchen, the official prefers to throw the food away instead of giving us more food. They do not feed us sufficiently. They prefer that we buy food in the commissary to profit off of us. I buy soup to eat enough calories. I have no support from anyone, and they pay me \$3 a day to work here, and the detention center owes me one week's pay, and they haven't paid me. Several colleagues haven't been paid for weeks when they don't pay me on time. I can't call my wife. I was separated from my wife and child at the border, I presented my marriage certificate, but they didn't let me see my wife and son. This is an injustice to be treated this way.” Thank you for your time.

Amani Sarras: I'm pursuing a master's degree in international relations, and currently I intern with the New Mexico Immigrant Law Center. I work with asylum seekers, including people who are detained. I'm a trained Attorney in Palestine and have dedicated my life to ensuring all people have access to safety. I will read the following statement of someone currently detained at Torrance County Detention Facility.

My name is Amir Jose. I came to the United States to seek asylum but was sent to Torrance instead of my family in the US. I've been experiencing medical problems, and I was diagnosed with thyroid cancer. To operate on me, the immigration agents wanted me to sign a Power of Attorney to perform the surgery within the next 90 days. Since there are doctors in my family, I wanted a second opinion, for which I needed my medical records, which I requested without any success. I don't know why they will not give me my medical documents or give them to my family. I want to be able to have access to doctors, and I'm willing to pay for it. I do not trust

the medical attention here at Torrance, There are many deficiencies I fear for my life. Can you please help me? Thank you.

Stephanie Lawyer -volunteer with the New Mexico Immigrant Law Center:

The following is a group statement written by men who were ultimately released from the Torrance County Detention Facility after months of needless detention. In our opinion, the Torrance County Detention Facility should be closed. The officials are mostly racist, and rude. The food is not balanced. Many of us arrive at a good weight, and when we leave, we have nutritional problems. The officials treat us badly. As soon as you turn 18 for being an immigrant, you are taken to a federal prison. We have seen many teenagers treated like adults here, even though they came with their parents. The vents smell like sewage and the water has a high chlorine content, which tastes odd. Requests to the doctor are ignored, and you go many days after having requested it, there are no activities and little access to legal materials. Confinement leads us to suffer depression and stress, we cannot focus our energy on other things. After confinement, we face the world differently because of all the stress and pain we suffered in Torrance this whole process felt unnecessary. The government released us, but why are we detained to begin with, only to suffer a lot in this process? Thank you.

David Chavez - volunteer with the asylum and detention team at the New

Mexico Immigrant Law Center: I'm a retired engineer and researcher, and I now spend my time assisting new arrivals to our Country. I regularly visit with asylum seekers detained at the Torrance County Detention Facility and hear their constant pleas for help and basic human dignity. I'll read the following statement from someone currently detained at TCDF and hope that the extreme conditions will be taken seriously by the Commission.

My name is Eugenio Junior Castaneda, I am detained here at Torrance, and I am diabetic. It's been three months without treatment for my disease. They pull me in occasionally for a blood sample, usually at four in the morning when my blood sugar is high, they don't give me any medicine to bring it down and stabilize it. The medical care at the facility is the worst I've ever experienced in my life. It is a life-threatening situation for those of us with necessary medical needs. We are not fed frequently enough for my glucose levels to be stabilized. I want the County Commissioners to know that the lack of medical attention is life-threatening to us, and we need actual medics who care about us here. I want the world to know that if you are an asylum seeker, you will not be safe here in Torrance. I complain about the treatment in this prison because here, they treat us like we are not human and

are punishing us because we are migrants. I know people who are not detained when they seek asylum. Why me? I'm in the same situation escaping violence in my country, I have never done anything wrong. I need to air these complaints, and I hope that you listen.

Renee Wolters - New Mexico Immigrant Law Center: Today I'll be playing testimony from Brian. My colleague, Fabiola will then read the English translation.

Fabiola Landeros: My name is Brian. On August 20, I suffered an attack by Core Civic officers, where, days before, I had asked to speak with a supervisor officer. They attacked me, and they almost broke my hand and shoulders, and they hit me on the head. They left me in this state where they almost broke my knee. They were recording me, and they were laughing, when they were mistreating me. I've now been here for seven months where I've suffered discrimination from the officer for being Colombian, and from the officers for being an immigrant. I've suffered a lot of discrimination. I don't understand what the reason is, because I have never done anything here. I don't know why they have me in prison, I have never attacked anyone, and I have never disrespected anyone. For 10 days, they would not let me call my family, and the ICE officers didn't come to look at the injuries they had done to me and the bruises that had been left on my body. She finally came on September 4, 15 days after the officers attacked me. I also want to speak with Officer Sanchez to be able to tell her about this. I also need the videos of where they attacked me, because I want to file a complaint based on this for all the discrimination, for the bullying, what they have done to me, and the injuries they have caused me. Thank you very much.

Gretchen Lee – Student in Brooklyn, New York: I'm reading a statement from someone in immigration detention at the Torrance County Detention Facility in Spanish, a translation will be read during the next public comment. Thank you.

Valerie McLaughlin - Pro bono volunteer Attorney with The New Mexico Immigrant Law Center: I represent asylum seekers including people who are detained at the Torrance County Detention Facility. I will read a translation of the public comment that was just provided by Gretchen. Hello, I am detained at the Torrance County Detention Facility. My complaint is the following, please listen to us, the immigrants who left our countries because of many problems that made it dangerous for us. We cannot return to our home countries because they'll kill many of us. The Asylum judges don't understand this. They do not let us speak, and

when we do speak, they don't listen. We also have family and children who depend on us for their safety. Please have mercy on us the immigrants who have problems in our home country, if we are here, it is because we are afraid that we will die in our country. Thank you.

Faith Yoman - Volunteer with (VIDA) Volunteers in Detention Albuquerque:

I have visited Torrance Detention Center many times. The following is a statement from Kevin Alejandro Mina. I am from Ecuador. I am fleeing my country because my family and I have been receiving threats to kill us. I have been detained for almost six months at Torrance for seeking asylum. My wife and I were separated at the border. She was released, but the government kept me. I don't understand why. I miss my wife. I want to talk to her to make sure she is okay. I have lost all contact with my family. I do not have any contact with family in Ecuador or with my wife anymore. The government got rid of free phone minutes for immigrants, and now I cannot call her. All I can hope to do is hope for the best. Being here, you learn to cope mentally. I was told that if I turned myself in at the border, I would be let go and allowed to seek asylum. This was not true. I am here detained, and I don't know why the treatment is horrible. I am very sad, but I am prepared for what the judge and God have for me because hope is all I can cling to. Thank you.

Rick Dean – Resident: I need to make an apology for making a false statement in the last meeting about EMWT Board Members being self-appointed. I didn't double-check my information, and I have apologized to some of them, I apologize for that, and I will strive not to make a mistake like that again. I have some concerns about working out the financial end of Torrance County for EMWT. I'm glad to see that there's been some progress with a meeting going on trying to straighten out some of the situations with the EMWT as far as public representation. I would like to address something to do with the Torrance County Fire and Rescue and that is that we need to give these people what they need to help us when we are in need, including if they need an extra position. Let's give it to them so nobody's overworked, so there are not any mistakes. Other than that, I will reserve all comments for future meetings. Thank you for your time.

Ian Philabaum – Innovation Law Lab: I will read to you today testimony from Giancarlo, a pseudonym used due to fear of retaliation as he was detained in the Torrance County Detention Facility. What affects us is when the water from the showers runs into the drains, the pipe, which is clogged, overflows in the center of the unit, in the dining area. That's where the water starts to come out and bad odors

start to come out of the water. That same plumbing is the one for the bathrooms and everything, and that's when it's blocked. The vapors begin to come out, and there are bad smells in the unit. The bad smells harm you. It harms one's health a lot. We also told this to the internal staff of the facility. We told them what was happening, that there were bad odors, that it was flooding, and all that. They said that they were going to check it out, but so far, they haven't checked anything. That was about 20 - 25 days. There are the times that the officers arrive and there is a moment to complain, and you tell them, but nothing else is known from then onward. Thank you.

Quanta Naharda - Paralegal for the detention and asylum team at the New Mexico Immigrant Law Center: I will read the following anonymous statement from someone who recently suffered a medical attack at the Torrance County Detention Facility.

On Saturday, August 24, I felt bad in the morning with a headache, and I started to feel intense pain and tremors. My friends and I knocked on the door for help, but no one answered. Then I fainted and started having convulsions. I don't remember anything else, but all of my friends mentioned that they screamed and knocked on the door as loudly as they could, but no one came to help me. They say it took them about 20 minutes to open the door, while I was convulsing and unresponsive. As soon as they opened the door, all of my friends took me medical. The guard said that they wanted to punish my friends, but my friends refused to listen until I was helped. I woke up in the hospital with diabetes, oxygen tubes, and worst of all, chained to the bed in handcuffs by my hands and feet. I came back to the jail the next day. There were also days when the guards didn't let me out to take my medications, but the next day they made me sign a sheet that said I did. This is clear fraud. I am not receiving my medicine as instructed by my doctors. I hope to be released so that I can be responsible for my medical care. Thank you.

Julia Montany - Program Manager: The Federally funded Survivors of Torture Program at Las Cumbres Community Services provides comprehensive services to people seeking asylum, including people detained at the Torrance County Detention Facility. I'll read the following statement from Alexander Jose Loyo Mendoza. I am from Venezuela, and I fled because I was being targeted due to my political opposition to our hateful and dangerous government. Here in Torrance, I've been discriminated against, and the officials are racist. We receive too little food with too little nutrition. Some officials do not give you water when you ask,

or they don't give us hygienic products like shampoo and toilet paper. I'm confused because I was seeking asylum, and I'm shocked by how the US is treating me. We only go outside for one hour, and sometimes they don't let you out at all. I've been in Torrance for two months. I've struggled with anxiety and depression since being here. We are not treated like people. Our needs are ignored. We don't receive medical attention in emergencies. I've seen people have convulsions and no one responds. Everything here is hidden. The problems are not acknowledged. I ask that you please pay attention to what we are saying. Thank you.

Jessica Matinez - Director of Policy and Coalition building at the New Mexico

Immigrant Law Center: I am also an immigration attorney, and I serve as one of the Board of Directors of the Immigration Law Section of the New Mexico State Bar. At NMLC, I work with several attorneys and legal experts who have documented and substantiated claims of terrible conditions in these detention centers. I met with detainees in the Torrance facility and saw with my eyes men with injuries, and heard from several of them how bad the conditions are. I met with several attorneys across the state and legal advocates who have witnessed detainees with serious injury, suffering, and pain. A case that continues to haunt me is one of a man with a bone sticking out of his ankle, and nothing was being done for him. The experiences detainees have shared continue to fall on deaf ears as no action has been taken to stop their suffering. This is simply unacceptable, and it does not align with our values in the state, and it does not align with our essence of humanity. Legal experts have said that the detention centers in New Mexico, are some of the worst, if not the worst, in the country. Not only have we documented and substantiated these claims, but these have also been confirmed by multiple government oversight bodies, such as the office of Civil Rights and Civil Liberties and the Office of the Inspector General. Every member of the New Mexico congressional delegation has called for the cancelation of the ICE contracts in Torrance. We continue to elevate and uplift the voices of detainees. We hope that you will work with us on the only viable solution, which is to end this suffering of detainees and take a stance by refusing to be complicit in these human rights abuses. Thank you.

Michelle Ortiz - Summer Intern with the Las Americas Immigrant Advocacy

Center: My internship duties primarily included making legal visits to noncitizens detained at the Torrance County Detention Facility. One significant issue that kept happening was regarding the operational challenges within the detention center. I

attempted to schedule six in-person, confidential legal visits and four confidential legal phone calls and video calls at TCDF. None of these visits were scheduled as requested, despite ample notice, and lacking confidentiality and privacy. These issues are a result of the inherent flaws within the existing system, primarily revolving around the limited availability of meetings and the uncooperative behavior of guards and staff members. The lack of available time, and the frequent need to reschedule or adapt to uncooperative staff not only delayed my processes but also impeded my ability to perform these tasks effectively. I experienced inconsistencies with the meetings I attended. I was initially informed about one setup of circumstances or arrangements, but upon arrival, I found that the actual situation was different. This lack of alignment between what was communicated and what occurred led to confusion and inefficiencies. Furthermore, issues with the detainee availability and unresponsive staff regarding detainee studies further hindered my efforts. These repeated challenges significantly obstructed my ability to provide effective legal support, fulfill my internship responsibilities, and provide help to those detainees at TCDF. My own experiences with the staff have been troubling as well. I encountered disrespectful treatment when staff members criticized my clothing despite my wearing an unofficial t-shirt for my organization. This unnecessary focus on my appearance rather than addressing the core issues at hand, only compounded the difficulties they faced and created uncomfortable and unwelcoming environmental problems at TCDF. This created a situation where individuals detained are now receiving crucial legal information despite the best efforts of pro bono service providers, this lack of access to essential legal resources severely undermines the detainee's ability to effectively navigate the legal situation and exercise their right.

*In person

Sterling Donner - Co-founder and CEO of Flame NM: We are a nonprofit that operates here in the Estancia Valley that mentors young men and women, ages 10 to 18, and gives them a place where they can go to talk and learn about leadership. They can get mentorship and start trying to improve their outlook on life. This area, for so long, has had a reputation for being one of the poorest counties, and I don't think it has to be that way. A lot of these kids that we mentor have family members who are in prison, and they're feeling like they're destined for that. That's not the case, and we've had some outstanding and phenomenal changes in kids, my wife and I, Lindsay, are Torrance County contractors as well. We run the boys' Council and girls' circle, and we are in the schools here in Torrance County, Estancia Middle School, Moriarty, EVCA, which is just on the other side, as well

as many of the other schools. We've seen some outreach and some outstanding changes. Flame NM is an extension of that. It's a partnership with the County. I wanted to introduce myself. I appreciate what you guys do. I'm an elected official in Edgewood, so I know how hard your job is. If you have any questions, please feel free to reach out to me. Thank you.

B. DEPARTMENT UPDATES AND COMMUNICATIONS

13. DISCUSSION

A. CITIZENS OF TORRANCE COUNTY: Petition requesting the Torrance County Commission to put a moratorium on the approval of cannabis grow farms.

Lisa Gardener – Resident: Thank you for the opportunity to speak today. We're here to present a petition on behalf of the citizens of Torrance County. Our petition is requesting that Torrance County put a moratorium on cannabis grow farms. The moratorium would give time for the County to review cannabis regulations, water regulations, Zoning ordinances, and state and local cannabis laws. This would also give Torrance County time to work with the state Cannabis Control and our state Legislatures on solutions. We have collected 357 signatures, and many in the Ewing and surrounding areas are seeing and or experiencing firsthand the negative impact these grow farms are having on our communities, our schools, and our rural lives. Citizens from other parts of Torrance County heard about the petition. They're also concerned all over Torrance County about their communities and their schools. All signers are registered voters in Torrance County, and we request that their names and addresses are not shared in your minutes only the number of petition signers for security reasons. Thank you.

Clayton Gardner – Resident: I called the Governor, and she seemed uninterested. That's why we decided to bring it here. The biggest thing we're asking for is the same process that happened on the Riley Road farms with John Humphreys. Yes, there is a way. We had two farms come before zoning; they voted them down. Now it has to go through the process. At the end of the day, we should go after zoning and fix our zoning to the best of our ability. There's the issue of water rights. The State Engineer is calling it commercial. The more you research it, the more you have no idea what they're doing with water. They have an agreement to

haul water with the State Engineer's Office, for the 542 farms. That's outrageous. I know it's a state problem, but the moratorium is us standing up to the state and saying we're going to look into this. Looking into our zoning is our number one thing. We think things need to go through the zoning board. We think Planning and Zoning needs to be cleaned up, where everybody involved with zoning says, we understand what to do with this and where the process isn't complicated. Cannabis Control indicated there was a way to work on zoning. Colorado has unique laws. The process is, they're coming in, they're getting zoning. They're running over to Cannabis Control and they're applying for a license. With zoning they might not get a license. They open and grow from 5000 plants to 100,000 plus plants before they have a license. We have three of these farms. One of these farms did get shut down, Bliss Farms, and now it's open again. Second, is Law Enforcement. What have we done before this cannabis mess happened that the State gave us? If somebody was growing illegal marijuana, what would we have done? I think we would have shut them down. We're growing a lot of illegal marijuana, they're unlicensed, and now we don't shut them down. So what changed? Why can't we go back to what was before, if they're still not legal? I know the state isn't supportive. That's why we're saying, let's take care of this locally.

Ryan Schwebach-County Chairman: Legally, what does the moratorium look like? I'm accustomed to the Governor putting a moratorium.

Michael I. Garcia-County Attorney: A moratorium is a pause that's put on in the land use context for a specific use of land. Let me preface this by saying, I sympathize with what your concerns are. I agree with what you want, and what you're trying to achieve. There are a multitude of problems with the moratorium, from a land use perspective. The biggest problem is you risk taking the rights from a landowner. If you go back to your constitutional law, you look at the 14th Amendment, Americans have a fundamental right, a constitutional right, to use their property lawfully in this particular context. If somebody's growing something without a permit, then we argue that it's illegal, that it's unlawful. In the current context of state law, growing pot is lawful under the state law.

Ryan Schwebach-County Chairman: We all have an understanding of what needs to be accomplished. How do you go about doing it?

Samuel Schropp-County Commissioner: I want everybody to know that Mr. Garcia, Ms. Sayers from the CCD, and I spent over two hours this past week on the phone discussing how to make the law work for us. Mr. Garcia had come up with a very obscure precedent case law that would be used against us.

Michael I. Garcia-County Attorney: Some of my reluctance is my background. For most of my career, I've done land use for the City of Albuquerque and Bernalillo County. I want to avoid liability for Torrance County, in the context of land use law. Land use law is almost always going to be the most expensive judgment that you get against a municipality or a County in a lawsuit because you're dealing with lots of money, and lots of value when you're talking about people's land. One of the worst ones I saw in the city of Albuquerque, which thankfully I wasn't involved in, was a \$14 million judgment when it was all said and done. That was all because of what was arguably alleged to be downzoning where a sector plan changed the zoning of about seven acres in Uptown where you go shopping off Louisiana. So that cost the city of Albuquerque \$14 million. My earnest desire is to prevent that kind of situation in Torrance County. This is all your tax dollars. We don't have insurance for a land use judgment, it comes out of our treasury.

Ryan Schwebach-County Chairman: What you need to understand is that the County Attorney's job is to make us aware of the liability upon this County. It is our job to decide where we put the liability of this county. Let's talk about the ordinance. We can change an ordinance.

Samuel Schropp-County Commissioner: One of the things that we discussed in that two-hour discussion is that we did not want to set a precedent. We do not want to lose a case or bring a case to trial, and then lose that case and have it be a precedent that's thrown in the face of every County in the state. This has to be done very carefully. I know everybody's impatient and would like quick answers, but there are none.

Ryan Schwebach-County Chairman: We start from a liability standpoint, we can change an ordinance, to mandate that any grow house, regardless of what is grown, has to have a special use permit. That goes through the P & Z Board. Can we do that?

Michael I. Garcia-County Attorney: Yes, it has to go through zoning. If we're treating everybody the same, then we're on a lot stronger footing.

Ryan Schwebach-County Chairman: Cannabis is not an issue here. The issue is a greenhouse and a hoop house. When the lights are on, how much light is there, and how much water is used? I don't care if you're growing tomatoes, carrots, cannabis, or little bunny rabbits. If it's in a hoop house, it needs to go through

P & Z. In the P & Z permitting process, we're not even going to ask what they're growing. We have to change the ordinance for that. I would like to get that set up. That is a long process. That's a public meeting. I would like to get that in the works, starting at the next meeting. We cannot take action today. That's step number one.

The next step that should be taken is if they have a permit for 100 plants, and they're growing 200, they are breaking the law on the 100-plus plants. What can and can't the Sheriff do when we have a grow house operating outside of their permit parameters, whether that permit is pulled, or whether they're growing more than conceived?

David Frazee-County Sheriff: I don't have all the answers that you're asking. I'll lean on our legal counsel. I will tell you that it is on our Governor, or whoever made it legal to possess marijuana. As far as the amounts, I have not seen any law in black and white, that I can myself go out and enforce. It's more of a civil issue. Where they've been issued a permit to grow so much, and they violated the permit. It's more like a civil problem that needs to be hashed out in court, rather than a law enforcement issue. The federal government would like to step in at their level because marijuana is illegal at the federal level. We would like to work with them. I'd personally like to have them all shut down. I don't think they're good for the community. As far as enforcement goes it can only be if they have so many plants, and they're not authorized for that many plants or their permit has expired. The possession of marijuana is legal in this state.

Ryan Schwebach-County Chairman: What is the limit?

Michael I. Garcia-County Attorney: I look at the criminal statutes, it's not my area of expertise. I do understand that there are limits. I could get with the DA, they would be the ones who would prosecute it. Sheriff and I could talk with them about what the DA thinks they could accomplish, and how they go about doing it. If it's going to be a criminal matter, we do need to get the DA involved.

Ryan Schwebach-County Chairman: I agree with that. I also think that the County needs to find an expert opinion, for our benefit where the Sheriff's limitations are and aren't. I would like a definite confirmation from the State Police on whether they will or will not enforce some of these permit violations in writing from the head of the state police. I would like federal contact with the DEA. The only line we have is to hit it from every angle push the envelope as hard as we can and limit liability. None of this is outside of our realm. None of this is putting

liability on anybody, but it is taxing our employees of the County to do the legwork. If this Commission is willing, I don't think it takes a motion. It just takes a consensus to direct you.

Michael I. Garcia-County Attorney: I can make calls.

Ryan Schwebach-County Chairman: I would like to have that by the next meeting, have contacts in place, and have confirmation on who's going to help us and who's not, until we narrow it down to what we can and can't do. The P & Z is merely a stall tactic. At some point, it's going to go to a court of law.

David Frazee-County Sheriff: Until I can see it in black and white, I can't enforce that law.

Ryan Schwebach-County Chairman: Do you have any resources?

David Frazee-County Sheriff: I do, and the federal government is involved at this point. I will reach out to them, I will work with our Attorney, and I'll see what we can do about having an answer next meeting.

Samuel Schropp-County Commissioner: Since the CCD Attorney was here, I've spoken with the New Mexico Division of OSHA. They'll come down and start inspecting complaints. You're required to have bathroom facilities within 50 feet of the workplace. As you're driving by places, if there aren't porta potties out by this hoop house, go to NM OSHA, and you can make a complaint. The OSHA attorney has told me they will come down for a full inspection, which includes their chemical store, a log of the use of those chemicals, the training that their people have in using those chemicals, PPE, and electricity. The Sheriff needs statutory authority that will allow him to go into these places and see if they have more plants in there than they are licensed to have. At that point, it is no different than where I was living before, where the cops go out and pull all the plants and they arrest people, but that statutory authority is not there yet.

I'm compiling a list for Stefanics and Lord for this new bill. One of the things. I talked to the Department of Environmental Quality attorney to look at septic tank perk tests groundwater runoff to test what the chemical use is doing to groundwater. I talked to the New Mexico AG's office because what you brought up before is if we can come up with a specific statute, the AG's interpretation of that statute has the force of law. If we can find a statute that will give this Sheriff's

Department the authority to do this, then take it to the AG's office, and get him to rule. We may not like the ruling, but that's a way to go. Since our last meeting, P & Z enforcement went out and checked on this operation, and it was sunflowers and weeds growing in there.

As for the Road Department, La Tranquita grow operation put gates across the county road. Leonard Lujan went out and looked at it, and the guys that were there were somewhat aggressive, and he told them that if the gates weren't off the county right away, he'd be out with a piece of equipment and law enforcement, and they were just going to move them out of the way and put them back on their property. Stefanics, in our meeting with the lawyer from the CCD, was very careful, because she could not take a position on some political things or law. What's going to be needed? I gathered that CCD is asking for is passing these things on to Lord and Stefanics. They need a law enforcement arm that has certified Law Enforcement Officers with arrest powers. They do not have that.

What I'm asking for is a County's ability to limit how many plants, not how many grow farms, but how many plants can be grown in the County so that you don't wind up with these monster grow operations. You go back to mom-and-pop places. Regarding the time, the manner in place, and regulations in the Cannabis Regulation Act, Mr. Garcia and I agree that the wording that is ambiguous about an agricultural grow operation. We can pass a time a regulation that you can only sell during the day and can't have a patio, and those kinds of things. The way that law is written, we can't tell these guys how many plants they can grow here in the county. It's a very ambiguous wording that needs to be cleaned up and clarified. As far as statutory authority for the TCSO, that's gone to them. I'm asking people to send me your suggestions to my email address, which is on the county website. As we work through these things. We have got a full-court press going on this with what we're able to do. We are just as frustrated with this as all of you are.

Yesterday, there was an interview with the new Director of the OSE in Source, New Mexico. She is talking about how due to the lack of water metering; the issuance of permits is based on skewed data that the amount of water we have available in these aquifers is not what the OSE thinks is in these aquifers. She is proactive in her approach. She sees that our aquifers across the state are in crisis, and because of reporting and metering, the OSE is not making decisions based on good science. I'll be calling her tomorrow. I'll get Mr. Garcia in on that, and we can discuss some of the things that I feel the OSE needs to be doing to change, to help us out here.

Ryan Schwebach-County Chairman: Every individual can protest any permits that come through from the Office of the State Engineer. From what I've seen. A lot of these farms have not been in production for many years. They're bringing them back into production, and it has the potential to affect the neighboring wells.

Clayton Gardner – Resident: Can you protest the water hauling agreement? Through the Legislature and Cannabis Control, you can have a water hauling agreement where they show receipts of where they're getting water from. They're not supposed to be using commercial wells. I reached out to Cannabis Control on this, and that was the reason they stated they don't have a commercial license.

Ryan Schwebach-County Chairman: You could protest, it depends on where the water is coming from. That goes to whoever's selling. If it hasn't been converted to consumptive use, they don't have the authority to sell it, haul it, or move it. They can go to the City of Moriarty if they get a tag from there to sell water, they can haul it. There's nothing preventive. The protests are simply bringing staff awareness to the State Engineer Office. Odds are it's not going to be nice but it's still an avenue, along with going to a CNMEC board. I've been informed that there have been many meters that have been tampered with and have been overloaded, and they've had to disconnect for multiple reasons. That is a safety issue that falls under OSHA. Central New Mexico Electric has had to change policies for some of this. Any federal bank, if they're getting money that has derived from cannabis growing, they're not supposed to take the money, they're supposed to report it. Talk to your banks. Who are their customers? Until our state and our Governor get their act together and address this, the only avenue we have without putting tremendous liability on us is stall tactics and promoting, that this is not right. This is not working. You hit him at every other angle you can.

Samuel Schropp-County Commissioner: The Riley Road well permit has not been producing for eight years that I've been here. That ground was not being farmed for a reason. The well directly to the south has a young family who was here during the cannabis meeting, their well is weak. The well on John Meadow's has failed. Now they're going to another location looking for water. My point is that, when we have inactive wells and they're going to start back up, there will be consequences for all of the neighbors. That is up to the OSE mapping and permitting process to determine. Reading the interview with the new director, I think we have someone open to the argument that, if you issue this permit based on the change of ownership, that well is going to affect everybody around it, and we don't know what that effect will be with the way water is going in the state of New Mexico. The OSE should know, what that effect will be.

Sterling Donner: I'm not a resident of Torrance County, but I am in Edgewood, and we are part of the same basin. We're in the Estancia Valley, the same community. We have commercial growers in Edgewood, but we've built partnerships with them, and what they have agreed to do is a certain portion of the water that they use is reclaimed water. They are purchasing reclaimed water, and that counts as a percentage of the water that they're using. It's not all coming from core wells. They are bringing a majority of it as reclaimed reuse water. The state, a couple of years ago, produced something around a total of 5 billion barrels of water, which is 300,000 Olympic swimming pools. That water is used for various things, of different grades. We haven't had an issue in Edgewood yet with our commercial growers because they are using a certain portion. This is being used in other states that are having similar issues. This is also being tested. Commercial growers need to use a certain portion of reclaimed water so that it doesn't wipe out aquifers and basins.

Ryan Schwebach-County Chairman: We'll put that on the list too. We have direction. At the next meeting, we'll bring the ability to start acting on the ordinance, which requires a public hearing, and feedback, and then we'll come back with approval of the change in order.

8. APPROVAL OF MINUTES

- A. COMMISSION:** Request approval of minutes of the August 28, 2024, Regular Meeting of the Board of County Commissioners.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve minutes of the August 28, 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. ASSESSOR: Request approval of Resolution 2024-29 approving the Mill Rates 2024 and signing the order to submit to the State of New Mexico Department of Finance and Administration.

Linda Gallegos-Chief Deputy Assessor: This discussion is an annual statutory obligation that states that you, as the Commission, have to approve the mill rates. I am presenting the work that I do when I get the mill rates to make sure that it is in line with our valuation. Valuation changes how the effects on the County's revenues. I presented a few months ago regarding the reappraisal plan and how that affected everything. You'll see based on the spreadsheets. I do this to help me understand where we may be losing valuation and what the justification for increases and decreases to this Commission. I look for anything that looks like a significant increase or decrease based on the mill rates because we all know that if the mill changes the valuation goes up, and the mill rate goes down. The difference between the valuation from 2023 to 2024 was an increase of \$14,983,692. I am happy to report that we're still seeing increases and you'll notice it on your evaluation sheet. The worksheet shows the decreases in red in each of the school districts, and that looks significant, but I have justification for that because we have to justify to the state why our values are going up and down like a roller coaster. I'll start with school district seven, the Estancia area. We've been doing account cleanup of about 32,000 accounts. We've gone in there, and changed the classification of properties, from residential to nonresidential or the other way around. In eight in and eight out, the Moriarty area, the school levy is 10.524% and I'm thinking, why in the world do they have a mill levy that high? Last year, there was a bond approval for the Estancia Valley Classical Academy, and the voters said, yes, to that. So they're paying for that through the mill rate. Mountainair 13 in and out, also did a school education, tech, and debt service for

3.061 mills. That's where we're seeing a little bit of a variation there in 13 in, nonresidential. It went from 7.284 mills to 6.747 and that's a reduction in the debt service due to that Senior Citizen Center that got the mill rate, In 16 in and out, Encino, a couple of things have occurred in that area. There is a significant decrease in that area and that's because of the protested valuations that were done by property owners. What happened is that ag property owners did not render their livestock, and so their special method evaluation was taken away. Their land values went to the vacant land rate, and then they came back and protested, and provided the information, so we decreased it back down to the Ag rate which is a special method of valuation. Not only that, we had the closure of the Rock Hill dairy farm, which also protested their valuation. It was left higher since they've closed the dairy portion down, and their valuation decreased as well.

Vaughn School District, under House Bill 33 increases the levy for their new school building improvements. In 2025 residential which is Corona/Vaughn Schools, the mill rate changed from 2.386 mills to 5.970 a difference of almost 3.6 mills. On the non-residential side, there was a difference of 3.413 mills. That was 2.476 increased to 5.889 and that was also because of the Corona/Vaughn School Board of Education. Those were the significant areas of increase and decrease. Normally, we're not in charge of doing anything or changing anything, but just verifying what DFA is presenting to the County. The reason why I'm here is to show you the process that we take, to make sure that we're on board with our values and mill rates as been presented to the state, and then ultimately to you all for your approval on the resolution today. I've spoken with Treasure Hernandez, and she and I went through this, she's approved, what I have presented.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve Resolution 2024-29 approving the Mill Rates 2024 and signing the order to submit to the State of New Mexico Department of Finance and Administration.

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. FINANCE: Request approval of Resolution 2024-30 Budget Adjustments for FY2024-25 Budget.

Misty Witt-County Finance Director: If you refer to Schedule B on the ordinance. It outlines the adjustments that we're asking for. The first adjustment is

to adjust the donations we received for Animal Services. We'd like to make this one available for her to use to buy supplies for the animals. The second adjustment is for land and buildings. That's because Torrance County has picked up the lease for the Superior building, and the Fire and EMS services. We need to increase that budget for that lease. Third is the budget increase for the Firefighter Recruitment Grant that we received. We need to adjust the budget to include the funds that we were awarded. Lastly, the budget adjustment funding reversion. That is for the DWI Grant. Some funds were not used last year and will be reverted. It's my understanding that we're going to reapply for those funds in October to try to get them back.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve Resolution 2024-30 Budget Adjustments for FY2024-25 Budget.

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. ROAD DEPARTMENT: Request approval of Resolution 2024-31 for participation in the Local Government Road Fund Program Administered by the New Mexico Department of Transportation for FY2025 CAP Project HW2L500594.

Charmen Padilla-County Road Asst. Executive: These are 2025, state contacts. They're pretty basic, just like every year. This coming year, we will have an increase with the cap of \$6,461 and the total will be \$288,908 and the actual project will be a chip seal project. We're here today to get the resolution approved and signatures for the contract.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve Resolution 2024-31 for participation in the Local Government Road Fund Program Administered by the New Mexico Department of Transportation for FY2025 CAP Project HW2L500594.

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

D. ROAD DEPARTMENT: Request approval of Resolution 2024-32 for participation in the Local Government Road Fund Program Administered by the New Mexico Department of Transportation for FY2025 SB Project HW2L500600.

Charmen Padilla-County Road Asst. Executive: This is our SV project a total of \$125,740 it's an increase of \$4,929 and it's also a chip seal project, and we're just here for approval of the resolution and signatures.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve Resolution 2024-32 for participation in the Local Government Road Fund Program Administered by the New Mexico Department of Transportation for FY2025 SB Project HW2L500600.

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

E. ROAD DEPARTMENT: Request approval of Resolution 2024-33 for participation in the Local Government Road Fund Program Administered by the New Mexico Department of Transportation for FY2025 SP Project HW2L500570.

Charmen Padilla-County Road Asst. Executive: This is the SV project the total is \$83,099 which has an increase of \$59.00. This is a graveled road project.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve Resolution 2024-33 for participation in the Local Government Road Fund Program Administered by the New Mexico Department of Transportation for FY2025 SP Project HW2L500570.

Samuel Schropp-County Commissioner: Seconds the motion.

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

MOTION CARRIED

12. APPROVAL

A. MANAGER: Presentation and possible approval of the current plans for the New County Administration Building - Wilson and Company, Inc

Amanda Lujan - Grants Administrator: The architects from Wilson and Company are here to present the floor plans.

Scott Nice-Wilson and Associates, Engineers, and Architects: We've been working with the staff here at the County, putting together a building program and schematic design for the new County Administration Building. We have a slide presentation to go through. The programming document tells us the square footage of each space and the adjacencies of spaces. We can talk about the floor plan in detail. Then go into the elevations of the building, schematic design of the elevations, site plan, preliminary site plan, and some sections. Then we have renderings of the building.

Amelia Clore-Wilson and Associates, Engineers, and Architects: We will start with the different programs that will be in this building. You will need space for public entrance, and an admin suite that will have the Managers, legal, and HR area, and all having their workspaces to share. Storage is a big concern. The Clerk's Office has Early Voting and lots of storage. There is the Assessor's, Treasurer's, Planning and Zoning, Facilities, and Hearing Chambers. Finance, Grants, DWI, and Compliance are together. The Hearing Chambers are set across from the main entrance. We have a private lobby for the Hearing Chambers and a noise buffer, and then people can talk in the lobby, and have separation from the public lobby as well. We have 144 seats shown for the hearing chambers with room to add more, five chairmen seats, and eight seats on the sides. It's about 3700 square feet, with an executive meeting room, a kitchenette, and a training/conference room. The rest of the building can utilize this space as well. In the individual programs, we tried to put them in a way the public interfacing towards the front. Planning and Zoning get a lot of foot traffic. We put them in the front. Clerks to the right of them. Treasures and Assessors, all of the ones that have the public interface, try to put them near the public entrance. Several public entrances. Facilities will have a private entrance. We have fleet parking in a gated-off area. We have the suites sharing restrooms. Financing and Grants get their own. The Hearing Chambers and the Administration suite will share a restroom as well. The Manager Offices, Legal Offices, and the HR Offices are together. Some of them are open lobbies, and some of them are closed lobbies, as requested so that the seating can overflow into this common corridor that acts as a lobby as well.

One of the main concerns with this building currently that is being occupied is the lack of natural sunlight. We tried to open up these public areas to create a lot of areas for sunlight and daylight. We have high windows that will give light to the suites. We tried to organize where offices are on the ends and the storage area towards the center to utilize the natural daylight. We have the Admin suite sitting at a total of 2,850 square feet, and that's including circulation spaces. Assessors are

2,964 square feet, Clerks, at 3,513 square feet, Finance/Grants at 2,383 square feet, and Hearing Chambers, which include the training in the Executive meeting room, with the kitchen at 6,344 square feet, Planning and Zoning at 2,259 square feet. Treasures 2,282 square feet, and then plus the lobby and common circulation areas, a total of 32,749 square feet.

Kevin McCall-County Vice Chair: It's been a while, but I thought we were staying around 27,000 square feet.

Amelia Clore-Wilson and Associates, Engineers, and Architects: From what we've heard from each department, it's the growth and the space that they need. It's become this number. Not sure where the other number was at some point.

Scott Nice-Wilson and Associates, Engineers, and Architects: In the first design, we were at about 29,000 square feet when we originally met and reviewed the programming document, and then started the design.

Samuel Schropp-County Commissioner: Is this a 40-year expected life building?

Scott Nice-Wilson and Associates, Engineers, and Architects: At least, I'd say 50 to 70 years. After viewing this current facility, Clerk's, and Assessors' Offices, need some serious storage.

Ryan Schwebach-County Chairman: How much square footage do we have in this building currently?

Donald Goen-County P & Z Director: The square footage is 22,000.

Amelia Clore-Wilson and Associates, Engineers, and Architects: The new build, allows for future growth and also gives ample space for what's already here. We have two options. Alan Ayers is North of the building. Coming off of Alan Ayers, a possible future animal shelter to the left or room for something else we just designated that for now. This is a huge property. It's approximately 27 acres. You'll be able to see the building entrance off of Alan Ayers. The building faces Northwest, with ample parking in the front, and a drop-off area in the front. We also need some drop-off box windows. We accounted for that in the plan as well. The Commissioners have a private entrance on the rear end of the building with parking. That would be separation from the front public entrance. This one has the fleet vehicle parking on the side, and that would be a gated-off area. The employee entrance, the facilities entrance, and a dock area for the facilities and the building

use itself at the west end of the building. There are a couple of mechanical yards set because we noted that you do not want a flat-roof building. The design has been driven off of giving you a good building that functions well, and you won't have to maintain a lot of it. You won't have to do a ton of maintenance. That was a big driver of the design. The second design has Alan Ayers on the north again; this one is facing west and is up against the east property line. Same thing facing west. We indicated the assumed developed area on the site where an asphalt edge might occur, as well as fences and landscaping. The site shown is approximately 5.7 acres, which is being utilized by the parking and the new County Building and some landscape areas as a buffer for the property.

Ryan Schwebach-County Chairman: Can you turn it a quarter turn, another 45 degrees?

Scott Nice-Wilson and Associates, Engineers, and Architects: So it's facing due north? Can we.

Amelia Clore-Wilson and Associates, Engineers, and Architects: We spoke with the Facilities Director, who voiced concern about the north-facing, having the shade in the winter with ice. Facing northwest could be a nice compromise. You'd still get some of the west-facing. It wouldn't be directly north. You could utilize some of that sun as well, and some of the East in the morning.

Scott Nice-Wilson and Associates, Engineers, and Architects: We like this scheme because the building will present itself as if you're driving from 41 up to it.

Ryan Schwebach-County Chairman: I think that's kind of irrelevant until we get to the price tag.

Amelia Clore-Wilson and Associates, Engineers, and Architects: We have to be up to code to be the most energy-efficient, we can go extra if you want it.

Scott Nice-Wilson and Associates, Engineers, and Architects: The mechanical system VRF, Variable Refrigerant split system, ground-mounted outdoor, and then indoor are the most efficient and reliable.

Ryan Schwebach-County Chairman: We have a huge piece of property. We need to get to usage and the cost.

Samuel Schropp-County Commissioner: Then start adding options within the budget.

Amelia Clore-Wilson and Associates, Engineers, and Architects: Going on to the exterior of the building. The north elevation is your entrance with a nice, pitched roof for the lobby. This will bring lots of natural light. We put these high windows, to increase natural light into the corridors, to get the other suites, the sides that don't have the exterior windows, to bring lighting to them in that way. These north-facing windows will be dual-pane glass. They have overhangs. We didn't want a flat roof so that drove a lot of the design and exterior materiality. We're doing a combination of CMU block and then metal panel. We're going to possibly do different materiality in the rear, stucco, or synthetic material that is still good quality. We wanted to bring really good quality materials to not have to maintain it a lot. You have an outdoor employee area, with an overhang, and mechanical yards. We're thinking of an open structure in the lobby, and an open structure in the hearing chambers. This will allow for a lot of space, and a nice place for the whole community. You can have your art in here. We've heard that some historical art is going to be displayed. So we need places for that. The corridor has lots of light from the high windows.

The design was driven off of where Estancia had a railroad, and they brought a lot of the people here. We tried to take an ode to that, and in the materialities, with some brick and CMU, the industrial look, but also not overly industrial. If you wanted to put the solar on the backside, or the south side, that would be a r good place to put them. Logically, we laid out the building to try to make a good, easy structure. It's not going to be very complicated, which will help with the costs and price of laying out the offices and trying to make them as organized as possible. The structure works because we don't want different little jogs in the buildings which can become very pricey. We're trying to make a prefabricated structure so that we really can invest in some finishes, have a good structure, a good base, and give you a good quality product.

Scott Nice-Wilson and Associates, Engineers, and Architects: I've done a preliminary analysis. I'm still in the process of doing a detailed cost estimate. For a single-story office building in this region, with these types of materials, the average cost is somewhere around \$300-\$350 a square foot. That's based on some projects that we've just completed in the Albuquerque area. Right now, with the square footage that we're showing, the building is going to be around \$9.7 million. I don't believe that includes site costs. This does not include furnishings. This is 32,000 square feet, which does not include the parking lot.

Kevin McCall-County Vice Chair: We have \$10 million borrowed.

Tracy Sedillo-Interim County Manager: We also have a few Legislative Appropriations and some additional funds that we had set aside from investment, pushing at 2 million.

Ryan Schwebach-County Chairman: You came up with square footage. Do you generally add 20%, how did you come up with that for each department?

Scott Nice-Wilson and Associates, Engineers, and Architects: We met with Janice, Tracy, and each of the department heads. We simply asked them, What are the spaces that you need? We quickly came up with a list of offices, the internal open space for people who aren't in an office, and storage. That's how we derived from conversations over three meetings and what was needed to facilitate the departments so they could function well.

Amelia Clore-Wilson and Associates, Engineers, and Architects: We added for accessibility and circulation reasons. We originally had larger offices for Department Heads, as opposed to other workers. We were told that we don't want to do that. We should keep everybody on par. We came up with square footage, per office at about 121 square feet per office. Some are a little larger than that, because of the corners, and the doors. A lot of times you can make them larger.

Samuel Schropp-County Commissioner: We started discussing the fringes of economic expansion in the County on a 50-year building. We're building for the future. 140 people in the conference room may be overkill. I know it's the sticker shock, but we should seriously consider this and see what kind of money we could chase to make up the difference, for the reasons I outlined, employee retention and where the County's going to be going in the next 50 years.

Ryan Schwebach-County Chairman: I'm not arguing. I want options. We're confident that we have the space available.

Kevin McCall-County Vice Chair: I'll need to spend some time studying this.

Samuel Schropp-County Commissioner: I would too. One thing sitting up here in the front of this room, week after week, and a reality in the country at this time is a few more outside exits for an active shooter scenario.

Amelia Clore-Wilson and Associates, Engineers, and Architects: We have all the exits that are required by code, but we can add extra.

Kevin McCall-County Vice Chair: I was the Commissioner who was set in on the workshop with the Department Heads two years ago. The one thing that came out of that workshop is we can build metal buildings, on-site. Each department has a storage unit. It's climate control and fire, but, it's outside of this building. Since you said we've got plenty of sites, I think we can build storage much cheaper than we can inside of here.

Linda Jaramillo-County Clerk: Most of that storage that you're looking at in the Clerk's Office was expanded because we have our voting machines and all the storage we need for elections. My thinking and Sylvia's is that all our machines and all the materials that we need for elections would be adjacent to our offices. During early voting this year, we're going to have about 2000 people voting. There are a lot of people who came through our area during election time. They had us come through the dock to move machines. I asked if we could have an opening outside of our area so that we could move our machines in and out quickly. Most of this storage is for the purpose of having our voting machines and all election materials available for certifying and all other election procedures. The square footage of the warehouse where we house our election machines and materials is 12,000 square feet. We have the warehouse, but we would be coming back and forth. Tracy suggested that it would be better to keep everything adjacent to our offices for election purposes. If you give us that, then you'd have the warehouse to be utilized for something else.

As for the extra expansion in our vault it is to allow for growth. The Clerk's Office is the keeper of all the County records. These are permanent records. We are running out of room in our vault. More plat cabinets will be needed. Permanent records cannot be destroyed.

Tracy Sedillo-Interim County Manager: My only concern about some of the records being in outside storage. We've had records ruined, leaks, and flooding. However, a lot of the record storage within the building is records that the public needs to have access to at any given time. They can't be set aside in a segregated storage area because we have to have them readily available for public inspection.

Kevin McCall-County Vice Chair: I'm thinking of a pretty nice building, insulated, climate controlled, just at a very different cost than CMU blocking and in this facility.

Tracy Sedillo-Interim County Manager: My concern is that if the public needs to view it, are we going to escort them to a storage shed in the back of the building?

Linda Jaramillo-County Clerk: We have up to eight people inspecting our records in our vault, due to the wind towers. We have a lot of other people in our vault, searching our records, and we are getting crowded. We're ready for another plat cabinet. It's not convenient for our searchers.

Tracy Sedillo-Interim County Manager: The Clerk's record is permanent; the Treasurer's records are a 10-year retention. We are very vigilant with record destruction. We only keep records that we need on hand, but 10 years of banking records, and 10 years of tax roll documentation, do take up some space.

Kevin McCall-County Vice Chair: I'm going to ask you to speculate a little bit, by the time we do a lot of development, design, and furnishings, it's pretty safe to say we're at another four to five million.

Scott Nice-Wilson and Associates, Engineers, and Architects: Correct. I don't know about furnishings, in terms of what's being relocated, if anything.

Tracy Sedillo-Interim County Manager: Most of the furniture in this building is fairly new, and the intent is to repurpose it in the new building. Most of the offices have new furniture.

Samuel Schropp-County Commissioner: This would be a comparable price tag, to what we're hoping for with the fairgrounds, \$14 million total fairground improvement is what our ICIP is.

Linda Jaramillo-County Clerk: I'm speaking for all the employees of this building. I've been working here for 25 years, with extension cords, coolers with vans out the windows. When you walk into this building, it's dark and dingy. Every time I walk in here, I think the employees deserve a lot better than that, and I know you will work with them and with us to ensure that your employees, our employees, are in a great environment, just like the Road Department. When I walked in there, I thought that this was so nice for The Road Department.

Ryan Schwebach-County Chairman: I want to put this in perspective, because one, this money is coming from a different location than what the fairgrounds is coming. This is coming from a loan the taxpayers are going to bear. Step number

two, I'm not opposed to the square footage or the nice buildings and storage. These are all good concerns, but I would not be doing my due diligence to go down every road to make sure that tax dollar is spent as efficiently as possible.

Linda Jaramillo-County Clerk: I understand that, but the people who work here in the County are the ones that produce the money for the County.

Ryan Schwebach-County Chairman: They do not produce the money for the county. I'm sorry.

Linda Jaramillo-County Clerk: They work diligently.

Ryan Schwebach-County Chairman: They do, and I respect that. I'm not opposed to any of this. I'm realistic. The fact of the matter is, we had a ten million budget, realistically, we're looking at 16 million. The question is, how do we fill that gap on the 6 million? Where's that at?

Samuel Schropp-County Commissioner: This is not something we're going to decide on today. It's a lot of money.

Ryan Schwebach-County Chairman: When you get down to the details. I like the floor plan, the flow of traffic, and how it's presented. I question on the amount of windows for being too hot. I agree with the lighting. Those are small details that are not going to affect the big price.

Amelia Clore-Wilson and Associates, Engineers, and Architects: These are things that during the design development process can be cut out and make changes like finishing out the storages. Those don't need high ceilings, nice lighting, etc. A functional space and not add on the extra. You can put that money elsewhere. We'll think those kinds of things through, and however you want us to approach it, we want to cut down some windows and things like that.

Ryan Schwebach-County Chairman: We don't need to heat the Commission chambers. It doesn't need to be heated all the time, but it needs to have the ability to heat quickly or cool quickly. That is a better place to spend money on those efficiencies with the ability to cut your operating costs down of the building. That's important to me and the floor space. Having the confidence that we're putting in adequate space based on what we have with concepts of expansion because we're constantly running into that here. We have the limits. This is more for the department heads and everyday operations. What do you need as a department

head? You need a place where you can communicate with all of your employees, yes, all of your staff, but then they have a quiet, honest workplace to be in. This 120 square foot serves that purpose. For staff meetings, and Director head meetings, we have this public space to fill the needs.

Samuel Schropp-County Commissioner: On the Commission Chambers, where the Commissioners sit. Can we reduce the size of that?

Ryan Schwebach-County Chairman: I think we could.

Samuel Schropp-County Commissioner: We're not going to need 144 seating chambers, and we can reduce the size of the bump out reduce the size of the square footage to 300 or 350 square foot.

Amelia Clore-Wilson and Associates, Engineers, and Architects: That's an easy way to make the square footage smaller, is to bring that wall in, and then we do have some generous aisle widths as well. We can look into those. If we could come up with a number that seems reasonable of how many chairs we would need, we can go off of the minimum.

Ryan Schwebach-County Chairman: We have microphones to where you can broadcast a meeting that can accommodate a lot more. If we foresee a huge turnout, for whatever reason, we simply move it to a different location to accommodate that, because now you're looking at a special meeting type of thing. In today's world, that's where Zoom comes in.

Kevin McCall-County Vice Chair: What needs to be in a vault, I'm concerned about your price per square foot.

Tracy Sedillo-Interim County Manager: There's not a vault in this building. They don't build vaults anymore.

Ryan Schwebach-County Chairman: What is a vault, is it a fireproof room?

Scott Nice-Wilson and Associates, Engineers, and Architects: In this building, it's a secure room, usually a poured concrete room, like a bank vault. It's super secure with reinforced steel walls and doors. The fire rating is around four hours. We're not building this on the new facility. Some of the storage has masonry exterior walls, but other than that, it'd be a frame. It's storage space.

Kevin McCall-County Vice Chair: What are the needs for fire?

Linda Jaramillo-County Clerk: I've been to Santa Fe, and they have their books out in the open. They don't have them in a vault. They have them secure in an open space. I think this building was built in the 1960s, maybe they determined that a vault was needed. With the combination of your voter registrations, all the search books, plats and probate records maybe they felt they needed to be in a vault. That's not necessary, but it does need to be climate control.

Samuel Schropp-County Commissioner: We can build up a fire rating with a wallboard.

Scott Nice-Wilson and Associates, Engineers, and Architects: You could do two things realistically without impacting the cost, the building is sprinkled. These spaces will be sprinkled. The door could be rated. The walls and ceiling could be rated for two hours.

Ryan Schwebach-County Chairman: The shared conference room for Treasurers and Assessors. Do they currently have a conference room?

Tracy Sedillo-Interim County Manager: It's the treasurer's vault, and each one of them has a vault. Instead of having two separate meeting areas they will be more for staff meetings and training and shared.

Ryan Schwebach-County Chairman: Having one central training/conference room does not work.

Tracy Sedillo-Interim County Manager: That area was set up for staff training, safety training we have with OSHA. The type of areas where we could have centralized training, maybe smaller meetings. The Commission Chambers would probably be used for the larger meetings. The Emergency Management has wildfire meetings, where there are hundreds of people here at one location, so it would have to be in the larger room, but we were trying to keep the smaller room set up. That's the question, are you okay if, the whole Treasure Office closes and walks to a conference room for a staff meeting? Those are what we were trying to avoid.

Linda Gallegos-Chief Deputy Assessor: The Assessor's vault is a storage and employee eating area. It's not our conference room. It's not suitable for having a conference with the public.

Tracy Sedillo-Interim County Manager: We're hoping to eliminate those areas where employees are eating in the office with the employee break area to be a nice place where they could take a break from their office, walk out, and have a true lunch break instead of constant interruption. What was called vaults are now record storage.

Scott Nice-Wilson and Associates, Engineers, and Architects: We will go ahead and make the cuts to the plan, the square footage reductions. If we're good with that site plan angle, we'll move forward with that and then work with our estimate to get you a broken-out price, showing the line items and totals. Are you shooting for any particular number?

Ryan Schwebach-County Chairman: We borrowed 10 million. Realistically, that number was there for various reasons. When we said that, we said it probably wouldn't cover a complete build, but at that point, that's what works within our budget to pay off down the road. That's what works with decent-priced financing. The extra money was maybe 2 million over. I'm not saying we're tied to that, but I'm saying if we get beyond that, we're going to have to start looking hard. At that time, we were also going off data from what was 27,000 square feet. That's what came up from a study 10 years ago when previous Commissions were looking at this.

Amelia Clore-Wilson and Associates, Engineers, and Architects: Something to note too is, unfortunately, the prices always vary. This year might be worse than 2025 but this year, it may be worse than it was in 2022, or 2020 so it's always varying.

Kevin McCall-County Vice Chair: We want a nice place. I may regret saying this. There's nothing that irks me more than going to Central New Mexico Electric Co-Op into their building, and there are couches and TVs, knowing that I as a ratepayer, I pay for that, and that irked me when I saw that building over the top. I do not want this for County Administration building. I want it to be nice. I want it to be functional, but I do not want it over the top with TVs and leather couches.

Ryan Schwebach-County Chairman: I have to agree with that. The other thing that everybody needs to be aware of is that when you start looking at especially smaller county's. More counties have gone into major financial problems by building a new building, and we're acutely aware of that.

Samuel Schropp-County Commissioner: The function is the number one priority. As to the architectural design, we don't want a dated design. We want it to look good for 40 years. Timeless exterior design. It's a reality that we're changing the way we use energy. This building is going to have operating costs over its life. We should build with good insulating, with windows and orientation to the sun, to use the New Mexico sun when we can.

Ryan Schwebach-County Chairman: Based on this design, that would be the most compelling reason to orientate it opening doors to the north, and then just the old snow removal. That's down the road. Then the last thing is the possibility of phases. I don't see it here. It depends on how much we incorporate into two additional buildings. You have direction.

Scott Nice-Wilson and Associates, Engineers, and Architects Yes, we do. Thank you.

B. FIRE: Request approval to utilize Tablet Command services for the Fire Department. Services include mobile software that increases awareness, incident response, and incident management and improves firefighter accountability. The agreement is yearly for the amount of \$2,995.00 for three end users. (Deferred from 08/28/2024 meeting.)

Deferred

C.GRANTS: Discussion and possible approval to be the fiscal agent for Estancia Moriarty Willard Torrance (EMWT) Water Association and the following funds. (Deferred from 08/28/2024 meeting)

1. Mid-Region Council of Governments - GRO Fund Appropriation to purchase water systems and rights.
2. New Mexico Environment Department - Legislative Appropriation to purchase water systems and rights.
3. New Mexico Finance Authority - Water Trust Board Funding for Phase design professional services for the McIntosh Water System Project.

Samuel Schropp-County Commissioner: For everybody on Zoom and everybody here, all of the information is in the packet and available on the website.

It will address any concerns that anybody has about the amount of work that the staff will be taking on. I talked to Ms. Lujan earlier, and that will be minimal. All of the paperwork in these next three items complies with the law and states the law in the agreement. I had concerns about this at the last meeting, and those concerns have been addressed. Anybody that has any concerns can look this up for themselves and see that this is well written and well thought out.

Ryan Schwebach-County Chairman: At the last meeting, the question was brought to my attention on items one, two, and three, whether or not EMWT could act as their fiscal agent, and they could. The reason why they were coming to the county is that they do not have staff to administrate this. I wanted to be very clear about the reason. As I stated before, I think it's in our purview to say that this is not a long-term goal. If it turns into that, then that would be the failure of EMWT, in which case the County can pull out. That is the intent.

1. Mid-Region Council of Governments - GRO Fund Appropriation to purchase water systems and rights.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve Mid-Region Council of Governments - GRO Fund Appropriation to purchase water systems and rights.

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

2. New Mexico Environment Department - Legislative Appropriation to purchase water systems and rights.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve New Mexico Environment Department - Legislative Appropriation to purchase water systems and rights.

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

3. New Mexico Finance Authority - Water Trust Board Funding for Phase I design professional services for the McIntosh Water System Project.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve New Mexico Finance Authority - Water Trust Board Funding for Phase I design professional services for the McIntosh Water System Project.

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

D. GRANTS: Discussion and possible approval to RFP for an EMWT Project Manager. (Deferred from 08/28/2024 meeting)

Ryan Schwebach-County Chairman This was a concept I had a long time ago, and the theory was, with the County agreeing to enter into purchasing water rights and essentially EMWT using those. They don't have a full-time Manager. In that process, before they become brick and mortar, I felt that as a Commission, we needed to look at making sure we had the proper management within that to get them started. Not to run it, but for that phase, until they are there, and they can stand on their own. Depend on when we start the scope of work, and how we frame out the scope of work on what we're asking that this position to do. I don't see it being more than a year.

Samuel Schropp-County Commissioner: One of the things that Mr. Ortiz and I discussed was making this a quicker process than putting out an RFP in that EMWT could retain a Project Manager on a 1099 contract basis, and then as fiscal agent. We can disperse money to that contract, as well as the other contracts which we approved before. That might speed up the process of getting a Project Manager on board and up to speed before December 31 when the Water Trust Board money has to be under contract.

Kevin McCall-County Vice Chair: Because of procurement reasons I don't think we can do that.

Ryan Schwebach-County Chairman: Misty, can comment up here and help us, walk us through this. Do you understand what we're looking at?

Misty Witt-County Finance Director: Yes. I do think it would be best for the County to facilitate that RFP and to have that Contractor. One, we can make sure that we are following procurement. Two, I believe that gives you all as the Commission a little bit more power to direct that Contractor if the project is getting off track. I feel that may be important. As the fiscal agent, I think the County should have some say in how they're performing.

Samuel Schropp-County Commissioner: To put that in another way, in doing it this way, the County would have oversight of how the money is coming out of our fiscal agency and going to Contractors. It's a safeguard for the County.

Tracy Sedillo-Interim County Manager: This particular Project Manager, though, would be funded by the County. There is no Legislative Appropriation to fund this position. This would be funded by the County. I believe there was a threshold. The reason why we decided it had to go out to RFP is that it's not particularly a professional service that falls under the \$60,000 cap. It would require an RFP, or we would be limited to \$10,000.

Misty Witt-County Finance Director: That is correct. The consultant position for this probably wouldn't qualify for professional service anyway. So either way, we would have to go out for an RFP.

Ryan Schwebach-County Chairman: What I envisioned, was the scope of work that we go out to a contractor that is capable on an hourly rate, like an attorney, and it's up to \$60,000. Then the key is in the scope of work. Working with EMWT, and if at one point this individual says it's working well. EMWT then takes it over and then we step back. I also think if we start getting into two, three-year contracts, that's not the design. I'm adamant that it is a small boost that will get them going and they sink or swim.

Bobbie Ortiz – EMWT: I agree 100%, This is a short-term endeavor for the County to help us get up and running and stay in compliance with the state. It allows the County to keep an eye on making sure we are complying, especially administering the grants. I'm foreseeing a one-time deal for about a year or so. I think by then we can be up and running and have our employees after that.

Kevin McCall-County Vice Chair: Explain to me why a professional agreement doesn't apply to this.

Misty Witt-County Finance Director: For professional services, it's very specific. It has to be specific licensure. This particular consultant doesn't have those licenses that fall under that category.

Bobbie Ortiz – EMWT: If they have to have a Water One or Water Two qualification through the state, would that be considered a professional category?

Misty Witt-County Finance Director: We looked into that with the State Procurement and that was not listed as one of the qualifying licensures.

Samuel Schropp-County Commissioner: I'm getting emails from the New Mexico University Project Manager Department. Would a degree in Project Management Qualify?

Misty Witt-County Finance Director: We can look at that. I do know that specifics like Architects and Engineering and those types of degrees do qualify.

Samuel Schropp-County Commissioner: Let's call the Dean of that school and see if he's got some people and send them our way.

Ryan Schwebach-County Chairman: How long does an RFP take?

Misty Witt-County Finance Director: Probably two to three months to give them adequate time to respond.

Bobbie Ortiz – EMWT: I'd like to say that the Water Trust Board Money should be under contract once the County starts administering that money and we kick off phase one. I know the County's busy; I'm not trying to push them in any way, but I think it can be done quicker than that. That Water Trust Board Money will be allocated by December 1, with you all administering it will surely help drive that.

Ryan Schwebach-County Chairman: I am thinking RFP because of the quality individual and the length of time it requires for an RFP. In the meantime, to satisfy some of the other timelines, EMWT is qualified to get started with County staff as a fiscal agent, in which case we enter that into the scope of work on what we're looking for. Some of these decisions being made are going to be commissioned decisions, like potential water rights acquisitions. I'm comfortable with that. EMWT does have enough help to make sure we don't miss those deadlines. They've been doing it for 17 years. Bobby. Do you agree with that?

Bobbie Ortiz – EMWT: Yes, sir, I agree with that.

Amanda Lujan - Grants Administrator: Article four says the borrow grantee shall pay the fiscal administrator as compensation for services rendered upon satisfactory completion of the services, etcetera. We put none, we put \$0 that would be paid to us for being the administrator. That can be changed, but as of right now, we don't get compensated. We're not charging them any overhead for our services.

Ryan Schwebach-County Chairman: Are you good with that?

Kevin McCall-County Vice Chair: I am on a short-term basis.

Samuel Schropp-County Commissioner: Yes.

Ryan Schwebach-County Chairman: I agree with the short-term basis. If these funds aren't spent in two years, they revert.

Amanda Lujan - Grants Administrator: The scope of work provided is a very simple outline of the types of things we would expect them to accomplish. That's something that we can work on.

Bobbie Ortiz – EMWT: I put that together, and with the help of my board, we're amenable to tweaking that in any way that you all deem necessary. It's basic and straightforward. It helps sustain compliance with the state in many regards, as well as set rates. It's exactly what we need as far as the scope of work from the Project Manager.

Ryan Schwebach-County Chairman: State compliance is number one. Strategic planning, define the visions for the future and create a plan to achieve goals. Work with members, joint Powers agreements, and other stakeholders. Item three, the scope of operations determines activities needed to provide services to customers. This is all the structural type of it, what it means is the finance system develops structures to support the needs of EMWT and meet all required fiscal requirements. It will help with PRC potentially, and then grant administration. The concept in this is to alleviate any concept of any wrongdoing, of any misguidance, to make sure everything is on the up and up. One of the things that keeps coming up, and I agree with this, is the exporting water outside of this valley. It's honestly a very real concept, you put a pipeline in, then suddenly that's a straight line to ship it wherever you want. When I look at private industry, if you're buying the water

rights, you get the easements, you have the money, and you can ship it wherever you want to. With this organization and the right structure, combined with the Ordinance set up within their bylaws, along with the County Ordinance tied to anything funding with it, it will never be 100% eliminated. It can give more ability to discourage it and eliminate it. I've looked into it because you have to go back to the bottom line, water is administered by the State Engineer, and that's the catch-22.

Samuel Schropp-County Commissioner: Last week, Mr. Ortiz and I met, and we addressed some of the things you just brought up, which will have to go through the EMWT Board. Everybody that has a stake in this, like people in McIntosh, need to get involved and pay attention, learn the process, and help us along. Mayor Dial had asked for a change to the corporate charter that would give them some comfort on water being exported and some other different things, but those are EMWT issues people are going to have to get involved in EMWT to resolve these issues and quit wasting the mental energy on rumors and misinformation.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve an RFP for this scope of work and be presented at an hourly rate not to exceed \$60,000 annually.

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

E. GRANTS: Request approval of Intergovernmental Agreement between Torrance County and the Mid Region Council of Governments for Government Results and Opportunity Funding (GRO funds) for Appropriation Project #1 – 24-ID075 \$200,000 for programmatic costs and resources for Torrance County Road Department and Appropriation Project #2 – 24-ID076 \$160,000 for programmatic costs and resources for Torrance County Sheriff's Office.

Amanda Lujan - Grants Administrator: This is the GRO Fund, which used to be called Junior Appreciations. We're asking for approval of the agreement so we can send it in and start getting the money spent.

Action Taken:

Kevin McCall-County Vice Chair: Motion to approve Intergovernmental Agreement between Torrance County and the Mid Region Council of Governments for Government Results and Opportunity Funding (GRO funds) for Appropriation Project #1 – 24-ID075 \$200,000 for programmatic costs and resources for Torrance County Road Department and Appropriation Project #2 – 24-ID076 \$160,000 for programmatic costs and resources for Torrance County Sheriff’s Office.

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

F. GRANTS: Request approval of Intergovernmental Agreement between Torrance County and the Mid Region Council of Governments for Government Results and Opportunity Funding (GRO funds) for Appropriation Project #1 – 24-ID074 \$320,000 to purchase water systems and rights for Estancia Valley.

Amanda Lujan - Grants Administrator: This is the funding that has been earmarked for EMWT that is coming through the County from the State Legislatures.

Action Taken:

Ryan Schwebach-County Chairman: Motion the approval of Intergovernmental Agreement between Torrance County and the Mid Region Council of Governments for Government Results and Opportunity Funding (GRO funds) for Appropriation Project #1 – 24-ID074 \$320,000 to purchase water systems and rights for Estancia Valley.

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

G. DISPATCH: Request to pay Orkin invoice 268406594 for \$26.63. No purchase order is in place before service.

Misty Witt-County Finance Director: This was a prior year's purchase. Dispatch thought it was going to be covered under the Orkin service contract. It was not. There was no purchase order. I'd like approval to pay them.

Action Taken:

Ryan Schwebach-County Chairman: Motion the approval to pay Orkin invoice 268406594 for \$26.63. No purchase order is in place before service.

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

H. DISPATCH: Request to pay Document Solutions invoice 319604 for \$69.97 and invoice 323158 for \$69.97 for prior fiscal year services.

Misty Witt-County Finance Director: This is two months' worth of services in the prior fiscal year, there was a purchase order in place. However, these particular invoices were going to the previous dispatch director's email address, so they were not received before closing out the year.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve to pay Document Solutions invoice 319604 for \$69.97 and invoice 323158 for \$69.97 for prior fiscal year services.

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

I. DISPATCH/FINANCE: Approval of changes to MOU as requested by the City of Moriarty for Moriarty Police Department officers providing dispatch services at Torrance County Dispatch.

Misty Witt-County Finance Director: This is the same MOU that came before your last Commission meeting to provide dispatch services. The Moriarty City Council did request two small changes to the MOU including a liability section and a tort section. Michael Garcia, County Attorney reviewed both and signed off on both of those, but those are the only changes to the MOU.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve changes to MOU as requested by the City of Moriarty for Moriarty Police Department officers providing dispatch services at Torrance County Dispatch.

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

J. FINANCE: Approval to schedule and advertise a public hearing to amend Torrance County Ordinance 2020-05 Torrance County Financial Reserve Ordinance.

Misty Witt-County Finance Director: This revision is based on suggestions from Rob Burpo. The current reserve ordinance is very confusing and hard to ensure that we comply with. We've worked with Mr. Burpo to get this cleaned up. We would like your permission to schedule a public hearing to consider a date to be determined based on Rob's availability. We would like to shoot for the second September Commission meeting for this public hearing.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve to schedule and advertise a public hearing to amend Torrance County Ordinance 2020-05 Torrance County Financial Reserve Ordinance for the second Commission meeting in September.

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

K.FIRE: Request approval to create a new full-time Division Chief of Training for the Fire/EMS position.

Deferred

13. DISCUSSION

A. CITIZENS OF TORRANCE COUNTY: Petition requesting the Torrance County Commission to put a moratorium on approving cannabis grow farms.

*Heard after Public Comments

B. MANAGER'S REPORT:

Tracy Sedillo-Interim County Manager: None

C.COMMISSIONERS' REPORTS

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

Kevin McCall- County Vice Chair: None

2) **Ryan Schwebach - County Chairman, District 2**

Ryan Schwebach-County Chairman: I want to publicly thank, Commissioner Schropp, for doing what you did, for looking into the EMWT. I appreciate that.

3) **Samuel Schropp – County Commissioner, District 3**

Samuel Schropp-County Commissioner: We're all working here to try and make the lives better for the people here in the county. I appreciate the complete packet this time with all the information I needed to make this decision.

I made my report during the discussion over cannabis growth, and I will continue to work with the different state agencies and put together something to keep this manageable until the Legislature can act. One other serious thing is that people who have ideas about faults in the Cannabis Regulation Act can send their suggestions to Representative Lord and Senator Stefanics as they hear them from your constituents. It's the only way we're going to get this straightened out.

14. EXECUTIVE SESSION:

- A. COMMISSION:** Discussion regarding limited personnel matters, closed under 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.

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

1:00 PM

Action Taken:

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

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

1:32 PM

15. DISCUSSION AND ACTION ON CLOSED SESSION ITEMS ABOVE

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

Ryan Schwebach – County Chairman: We discussed only personnel matters that were closed and presented to NMSA 1978 Section 10-15-1(H)(2), filling the County Manager's position. The Commission Board will direct Michael Garcia, County Attorney, to move forward as directed.

- 16. Announcement of the next Board of County Commissioners Meeting:**
September 25, 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.

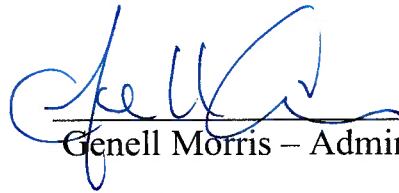
Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

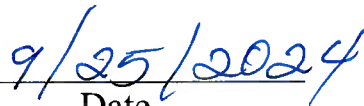
The meeting adjourned at 01:33 PM.



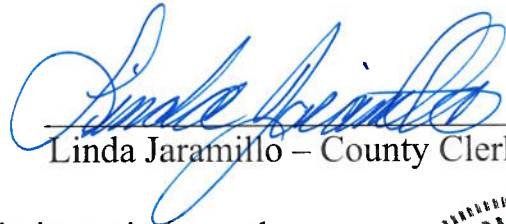
Ryan Schwebach - Chairman



Genell Morris – Admin Assistant



Date



Linda Jaramillo – County Clerk

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

