FINAL COPY Torrance County Board of Commissioners Regular Commission Meeting March 12, 2025

9:00 AM

Commissioners Present:

RYAN SCHWEBACH-COUNTY CHAIRMAN KEVIN MCCALL –COUNTY VICE-CHAIR - Absent LINDA JARAMILLO – COUNTY COMMISSIONER

Others Present:

J. JORDAN BARELA – COUNTY MANAGER
MISTY WITT – DEPUTY COUNTY MANAGER
MICHAEL GARCIA – COUNTY ATTORNEY
SYLVIA CHAVEZ – COUNTY CLERK
GENELL MORRIS – ADMINISTRATIVE ASSISTANT III
DONALD GOEN – PLANNING & ZONING DIRECTOR

1. Call Meeting to order.

Ryan Schwebach-County Chairman: Calls the March 12, 2025, Regular Commission Meeting to order at 9:01 AM.

2. Pledge led by: Ryan Schwebach- County Chairman

Invocation lead by: Linda Jaramillo – County Commissioner

- 3. Changes to the Agenda: Defer agenda items 9A, 14K, and 15A.
- 4. PROCLAMATION: None
- 5. **CERTIFICATES AND AWARDS:** None

6. BOARD AND COMMITTEE APPOINTMENTS:

A. MANAGER: Potential appointment of Community member of the Torrance County Investment Committee.

Kathyrn Hernandez-County Treasurer: I appreciate the opportunity to speak with you today regarding the applicant for the Torrance County Investment Committee. We had one applicant for this position. Mr. Antonio Lucero is a resident of Moriarty, New Mexico. Antonio brings a wealth of experience and education that makes him a strong candidate for this role. He holds a post-bachelor's certificate in Accounting, a Master of Business Administration, and a Bachelor of Science in Information Technology. His professional experience includes extensive auditing work for local government and entities, including school districts. Antonio is also a business owner, operating ASL County and Consulting, and currently serves as the Finance Director for Estancia Municipal School District. With his financial expertise, leadership experience, and deep understanding of local government operations, Mr. Lucero is well-equipped to contribute to the Investment Committee and serve the best interests of Torrance County. We are recommending his appointment. Thank you all for your consideration.

<u>Antonio Lucero – Resident:</u> I grew up in Reserve, New Mexico, and came to Torrance County about eight years ago to find a home similar to where I grew up. I started working with the Estancia Schools in October, after working with local government agencies auditing. I was excited to hear about this opportunity to get grounded in the community, get to know more of the community, and help out in whatever way I can.

Action Taken:

Ryan Schwebach- County Chairman: Motion to appoint Mr. Lucero to the Investment Committee.

Linda Jaramillo, County Commissioner: Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent: MOTION CARRIED

7. PUBLIC COMMENT and COMMUNICATIONS: (Comments limited to two minutes.)

Tiffany Wong - Innovation Law Lab: With the Torrance County and ICE Agreement governing the Torrance County Detention Facility expiring later this month. I want to highlight a recent update. On February 18, the Government Accountability Project issued a letter to the Department of Homeland Security officials and ranking US Senate committee members on behalf of whistleblowers who worked for over a decade at TCDF. This letter affirmed what we've long heard from people detained at TCDF, that this detention center harms everyone. I'll quote the letter here. "The whistle-blowers and disclosures outlined in this letter established that Core Civics' mismanagement constitutes a gross waste of taxpayer dollars, indicates likely fraud, and creates abusive conditions that harm employees and non-citizens alike. Further, the violations detailed in this complaint were perpetuated by or conducted with the knowledge of Core Civics and ICE leadership. Core Civic mandated excessive overtime, which left staff exhausted. At least one person died, and two others were injured in traffic accidents after falling asleep at the wheel. Core Civic regularly denied staff breaks, including to the bathroom, due to inadequate personnel available to maintain operations. This letter outlines a host of other problems, including hostile and discriminatory treatment of workers and unsafe and unsanitary conditions. Staff without proper background clearances decide to work with the ISO team, population, non-functional, inaccessible eyewash safety stations, and falsification of required training." Whistleblowers are all aware that colluded with an inspector to falsify safety. Additionally, Core Civic leadership regularly ordered the falsification of facility records and manipulated and misrepresented conditions during site inspections. The full complaint is available at the Government Accountability Projects website whistleblower.org and was also reported on nationally. According to Bloomberg, this news underscores the need to end Torrance County's contract with Core Civic and ICE to operate TCDF for the protection of detained individuals and staff alike.

*Comments by Zoom

PJ Podesta - Innovation Law Lab: Played audio in Spanish.

Ian Philabaum - Innovation Law Lab: This is a translation of the recording you heard from a person formally detained at TCDF about the experience in Torrance. "I wouldn't wish it on anyone. It is awful. They don't speak to you in Spanish, knowing that they are capable of speaking Spanish. The food is very bad. They throw it at you. They don't let you sleep. They put flashlights in your eyes in the middle of the night. They treat you badly. They don't give you options or opportunities to talk to anyone. They don't even tell you where you are going. They don't help you with anything. It is very bad. It is very, very bad. It is something that I wouldn't wish on absolutely anyone. I signed up to work, but they never called me, and they never let me work. The others say that the work is awful, that it is very hard, and that it is not a fair payment they receive for working eight hours. It is not just regarding my case. They never asked me anything. They never gave me an interview. Nobody ever visited me. They just locked me up, and nobody ever said absolutely anything. We sent messages on the tablet, and they never answered us either. It's like being deprived of freedom without having done absolutely anything wrong." Thank you.

8. Public Hearing:

A. Planning & Zoning: Tina Candelaria Raziano appeal of the Planning and Zoning Board decision on February 5, 2025, to deny a claim of exemption #8: Creation of a family cemetery.

Action Taken:

Ryan Schwebach- County Chairman: Motion to go into a public hearing.

Linda Jaramillo, County Commissioner: Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent:

MOTION CARRIED

9:10 AM

Michael I. Garcia-County Attorney: Sworn in Keith C Raziano, Concha Candelaria, Thomas Patrick, Anthony Candelaria.

Keith C Raziano: I'm the husband of Tina Candelaria Raziano. She was unable to attend today due to a family illness. I am here today to request reconsideration of

the application that was sent for a family cemetery to be placed on family land. At the last hearing, it is important to point out that the deed was accidentally and incorrectly read at two hours, 18 minutes, and nine seconds, which I have in my possession. It was stated that the individuals on the plat were listed as Sun Nan C Candelaria, which was incorrectly referred to as Concha Candelaria. The second name on the list is Tina A Raziano. The third name on the list is Marco C Candelaria. In your possession, the Council currently has an accurate and updated deed, but the accurate and updated deed lists three names. Also in possession of the committee is a signed and notarized statement by all three of those individuals reflecting that they are the owners and are in favor of the creation of a family cemetery. I'd like to point out to the Commission that we're asking for .4% of the land to be set aside for the cemetery. You have an accurate and professional survey that was already submitted, and you have a completed application, which has been appropriately filled out with the three names of all three owners in agreement with making this a cemetery. I read through the entire transcript and looked over the entire proceedings. I have to say that I object to Conch Candelaria's statements and Jose Velasquez's statements for multiple reasons. Their statements are hearsay. They call for speculation. Most importantly, they're trying to reference facts that have never been entered into evidence. They have entered no evidence. All the evidence that you have provided has been submitted to the council. If the council desires, a search of the court records, which I have already performed, reveals that the estate of Leroy Candelaria went through and completed the probate process in 2023, two years ago. There are currently no filings with the Probate Court; the current title that you have and deed that you have are current and updated with those three. There are no filings, and the information in hand is legal, accurate, and current. I urge the Council to approve the application.

In support of this application, I have a statement made by retired Lieutenant General Joseph Peterson. You may have it in your possession. I would like to read it. "To whom it may concern. I hope this letter finds you well. I am Lieutenant General retired Joseph F Peterson, and I served in our country in the United States Army for 38 years, retiring in 2010. During my service, I had the privilege of commanding 1000s of Soldiers, Sailors, Airmen, and Marines in both combat and peace. I'm respectfully writing to formally request the County Commission's consideration for the approval of the designation of Sergeant Major Antonio Candelaria's burial site as a family cemetery. This site holds significant personal, historical, cultural, and societal importance. I believe it meets the criteria set forth for a family cemetery. Since his burial in November 2003, in Manzano, New Mexico, on the site of the Candeleria family ranch. Sergeant Major Candelaria's burial site has been a place of reverence and remembrance. It is the final resting

place of a soldier and hero who served his country for 32 years in the armed services. His preservation as a family cemetery would ensure that it remains protected and accessible to future generations, as well as acknowledge his service and sacrifice to his country, the state of New Mexico, and our nation. The designation of Sergeant Major Antonio Candelaria's final resting place as a family cemetery would offer the file several benefits. Number one, historical preservation recognizes the site formally would help preserve the invaluable history, service, sacrifice, and heritage it represents. Number two is cultural significance. It would acknowledge and honor the cultural contributions of Sergeant Major Candelaria and any other family member buried at this site, reflecting your community's rich and diverse history. Number three is protection and maintenance. The Candelaria family will support and upkeep the protection of the site, ensuring it remains wellmaintained and respected. Number four is educational opportunities, The site could serve as an educational resource for schools, historians, and the public, promoting awareness and appreciation for our local heritage and its citizen soldiers and their families. Participating today are his daughter, Tina Raziano, via Zoom, and her husband in person, myself, Dr. Keith Raziano, representing Sergeant Major Candelaria's immediate family, as well as the children of Leroy Candelaria who are all prepared to provide testimony to the historical and personal significance of the site and who support this designation. I am confident that this designation contributes positively to your County's legacy and serves as a source of pride for your residents. I sincerely hope that you will support this request and take the necessary steps to formalize this designation. I am more than willing to provide any additional information or discuss this request further. Thank you for your time and consideration. I look forward to the Commission's favorable response to this matter. You are sincere. Joseph F Peterson, Lieutenant General retired US Army."

One last parting comment that I would like to make is that when Antonio Candelaria passed, in order for him to be buried on the family ranch, this required a great deal of permitting. The permitting was expedited by Leroy Candelaria. This is all in your records. I would request that you review it, as it shows that he was, at the very least, complicit with the interring of his brother on that site. I sincerely appreciate all of your time today, and I appreciate your willingness to hear me. Thank you.

Concha Candelaria: It's very, very hard and emotional. Linda, I am so thrilled that you are in the position where my husband sat for three terms. I am very hurt that this is happening to me with the ranch. I'm the one that has been there 40 years, taking care of that place. There are a lot of people here who know who I am and who my husband was. He was in Vietnam and fought for his Country. He died

of Agent Orange 24 months ago. 40 years and I've only seen these people four times, and now they want a cemetery. My husband sat me down before he died and said to me, This is what I want you to do. I own the property. The whole thing. They don't own anything. I have the papers right here. I was also a Personal Representative of the estate of the Candelaria Ranch, which is my husband, Leroy. Here I am now pleading, please say no, because I don't want a cemetery there. I don't want them there. I've only seen them four times in 40 years, and now they're coming around. Where were they when I needed them or when I needed the help to work at the ranch? Everybody in Torrance County who owns a farm or ranch knows how hard work it is. I've done it for 40 years. Leroy was three terms County Commissioner, and he was going to go on his fourth term, but he died of Agent Orange. Thank you for helping me when I buried Leroy. At the time that I was doing his funeral, I was drilling a well, I was taking control of everything. Now I have these people that come from Atlanta, Georgia, painting a pretty picture about what it's like and what they want to do. I don't want that family there. Neither did Leroy. When Leroy said to bring him home, Leroy thought that they were going to bury him at the Manzano Church, and that's where Leroy was buried next to his mother and father. That church has been there since the 1800s. All his grandparents, great grandparents have been buried there, and that's where I'm going to go with Leroy. Now, these people want to bury them there at the ranch, where I opened my kitchen window, and I see the graveyard. It's not their property. The property belongs to the estate of Leroy, and as community property, it comes to me, and I am the Personal Representative of my ranch. They don't know what is like to work hard, and I have, and I hope that I can go on without these people harassing me about that piece of property that's right there that they want to bury themselves there. I don't want them there. If they're going to exhume the body, take him to Georgia or bury him at the church, like Leroy and everybody else. This is the second time I've been here. What's next? The Supreme Court. I'm alone, making decisions and taking care of my ranch, and it hurts me because I miss Leroy so much. He was a good worker. He worked for DOT for 28 years, Sandbar for 26, and then he was here for so long. I can't take it anymore. It's too much for me. I miss my husband very much. I beg you to please say no to them because I don't know what's going to happen. I'm still there. I'm still working every day at the ranch.

Keith C. Raziano: I would like to point out to the Commissioners that Leroy Candelaria is in no way being questioned at this point, nor will he be in the future. We have never, at any point in time, made any effort or any attempt to impugn his character, nor will we ever do so. He was a wonderful human being who was complicit and helpful in terms of entering his brother's family land. While I do not

wish to state this, I'd like to point out that all of the statements of everything that has just been stated were hearsay and call for speculation. There were absolutely no facts entered into evidence. You have all the facts entered into evidence to move forward with processing this request and application. Leroy signed off on having his brother in the land. He helped in the process. That's how we were able to bury Antonio Candelaria in the family land in the first place. This would never have happened without Leroy Candelaria. Statements to the contrary, that that is not what he wanted again, are hearsay and calls for speculation and are inappropriate and inadmissible. I would also like to point out that less than .4% of the land is being asked to be turned into a family cemetery, and we do not have further plans to bury other family members on the plot at this time. It is simply meant to protect that of a veteran. I would like to point out that a Catholic Priest consecrated the land. Secondarily, the grave site has been registered with the Department of Veteran Affairs. That's a federal entity, exhuming the grave, that's not an easy undertaking and not something that the family wishes to do.

Ryan Schwebach- County Chairman: My questions are for P&Z, where I understand this fully. There is an existing cemetery on this land?

Donald Goen-County P & Z Director: There's an existing human burial, and that's what they're doing, is that they're asking to create the family cemetery to protect the burial site.

Linda Jaramillo- County Commissioner: At this point, it's not protected?

<u>Donald Goen-County P & Z Director:</u> At this point, it is not; it's registered. Once the cemetery is created, then it will also go on the state registry as well. Right now, it's been registered with Veteran Affairs, and the permitting was required to be done before. the state is aware of it, but it's not registered as a cemetery site with the state.

Ryan Schwebach-County Chairman: What is the difference between a cemetery site and an individual buried on the land?

<u>Donald Goen-County P & Z Director:</u> Ultimately what it does is, is it protects that burial site. Currently, it is not protected.

Ryan Schwebach-County Chairman: What is being asked is not to remove Antonio, right?

<u>Donald Goen-County P & Z Director:</u> Yeah, there's no exhuming of it. It protects the burial site and base, it makes it to where there's no question about it for future generations and so on, you know that that site will remain as it is.

<u>Linda Jaramillo-County Commissioner:</u> To get to the burial place, do you have to go through the property? Do you have to get a right of way to get there?

Donald Goen-County P & Z Director: There was a proposed plat that was included on the northeast angle of that, you'll see that that's part of what they were asking for, which was an easement that would provide that access to that cemetery. There has to be an easement, there has to be private access for the family only. Where the site of the house itself is to the southwest of there, which is also reflected on that plat. The proposed plat would be to establish that access, as the legal point of access.

<u>Linda Jaramillo-County Commissioner:</u> You have to have everybody's consent for that easement?

Donald Goen-County P & Z Director: As that depends right now, the one legal document that we do have has been recorded and on-site has been provided to you, that has Sun Nan, Tina, and Marcos. Those are the three people who would have to sign off on the free consent on the plat. This does not include Mrs. Candelaria, we don't have a document that's been recorded that we have access to, that shows that. There is a little bit of question as far as the actual deeds. The community property issues that Concha referred to, and then you also have any included in your packet. Also was the original one, where Martin conveyed the property to Antonio and Leroy. That means both brothers held an interest in the property at that time. The only legal document that's been recorded is the deed that reflects Sun Nan, Tina, and Marcos and not Leroy's side. There is some dispute amongst the family regarding actual ownership, disposition, and so on. The question here is, today is the creation of the family cemetery. We have the documents that support Tina Raziano's application. We do not have hard documents that support the other side. What it comes down to is whether you have legal documents that could be submitted as evidence, or you have hearsay.

Ryan Schwebach-County Chairman: Let's talk about hearsay because we have the wife of Mr. Candelaria here. How does common law come into this?

Michael I. Garcia-County Attorney: In an administrative proceeding, you can consider hearsay if it's corroborated by other evidence. Hearsay isn't completely

excluded in an administrative hearing like this. Also sworn testimony of a witness is not hearsay.

Ryan Schwebach-County Chairman: Mrs. Candelaria is living on the property. She is sworn that this was not Mr. Candelaria's wish to create a cemetery. Is that correct? My understanding is it is the wife of the deceased Mr. Candelaria. You were swearing under oath that Mr. Leroy Candelaria did not wish for a cemetery to be on this property. Do you live on? Is that correct?

Concha Candelaria: Yes, that's correct.

Michael I. Garcia-County Attorney: I think it's also important to get on the record ownership of the property, and whether Mrs. Candelaria claims that property interest or ownership of the property.

<u>Linda Jaramillo-County Commissioner:</u> There is a document stating that the father gave it to Leroy and his brother. Is that what stands? Because then it would belong to both, right?

Ryan Schwebach-County Chairman: Do you have the ownership of the property?

Concha Candelaria: I have the first warranty that the parents did for Leroy and his brother. When Antonio died, Leroy came to me and told me, the property is mine now because it's deeded in Joint Tenants. When they came over once, four months before he passed away. They came over to the door and Leroy told me, "I don't want to talk to them. I don't want to have anything to do with them. Go to the door and tell them to leave." I went, Sun Nan, sister-in-law had a little bit of words there, and I told her I got to do what Leroy wants me to do.

(Deed showing Leroy and Porfirio as owners in Joint Tenancy copies were made and given to the Commission.)

Leroy told me that if something happened to him this would be under me. He does not want that family there. He never wanted to see him. He never wants to have anything to do with them. He told me before he passed away, he sat down to talk to me. He said, "This is your proof right here." I said, okay, and of course, I have the proof of the Probate Judge. They never helped or anything at the ranch.

Ryan Schwebach-County Chairman: I'm looking at this application, there is a claim. The purpose of this appeal, the contract provided a false claim. What is the false claim? What we're hearing right now is your name is on the deed.

<u>Concha Candelaria:</u> I do not have the name of the deed, but because we were married when Leroy passed away, it comes to me because I'm his wife, I'm the owner of the whole ranch. These people keep harassing me more and more.

Michael I. Garcia-County Attorney: I think the argument is because Leroy was on the deed, and she was married to Leroy, it's a community property. Her position is that it's her property.

<u>Linda Jaramillo-County Commissioner:</u> The original deed from the father to both brothers in joint tenants means that if one passes away. The other one inherits it.

Keith C. Raziano: I understand that hearsay may well be allowable in this type of setting. However, stating that Leroy Candelaria stated that he does not want his brother on the land, and he wants the body moved, you have hard evidence to the contrary. If you look back in your records, which is easy for you to do, you can see that he expedited the permitting process and expedited everything necessary to bury his brother on that land. You have hard evidence indicating that he was complicit helpful.

Ryan Schwebach-County Chairman: When did he do this?

Keith C. Raziano: 2003, you have those records. They're here for your review and approval and what she is stating is incorrect. I'm not arguing that perjuries, but you have evidence that he wanted his brother buried on family land. Secondarily, when we're speaking about names on the land, I've submitted this. It's got the three names on it. You have the title that she just gave you is what we've already given that was included in all of the facts that you have already been provided. Additionally, when the land went through probate in 2023 and finished the probate process, you have the updated title and the updated deed that we provided to you. You have been provided with no additional evidence to the contrary, everything has been hearsay, speculation, and calling for facts that have not been entered into evidence. Is the evidence.

Ryan Schwebach-County Chairman: How long has Antonio been buried on the land?

<u>Keith C. Raziano:</u> 22 years. Again, this has been reported to the Department of Federal Affairs.

Ryan Schwebach-County Chairman: I understand that, and I understand that he's been there 22 years, and so is there worried that he will be exhumed and moved?

<u>Keith C. Raziano:</u> I think you have solid evidence of that right here today. Do I speak incorrectly?

<u>Linda Jaramillo-County Commissioner:</u> What I heard was that if you wanted to move the body to Manzano, you're welcome to do that, but it's not saying that they're going to do that.

Ryan Schwebach-County Chairman: The reason you wanted a cemetery is to prevent the removal of Antonio?

<u>Keith C. Raziano:</u> Now and moving forward, to protect the grave site, we are asking for .4% of the land.

Ryan Schwebach-County Chairman: Are you asking for additional plots?

Keith C. Raziano: No, absolutely not.

Michael I. Garcia-County Attorney: Is it your position that Concha does not own the land where the grave is now?

Keith C. Raziano: It is my understanding that the land is owned by the three people on that plat, this has been probated.

Michael I. Garcia-County Attorney: You're excluding Concha from the ownership of the land?

<u>Keith C. Raziano:</u> This land has already been through probate in 2023, it's already cleared probate.

<u>Michael I. Garcia-County Attorney:</u> Does Mrs. Concha Candelaria live on that property, now?

Keith C. Raziano: I have no way of knowing that.

Michael I. Garcia-County Attorney: Do you live on the land where the grave site is located?

Concha Candelaria: Yes, I do 40 years,

Michael I. Garcia-County Attorney: Do you claim ownership of the land?

Concha Candelaria: Yes. I do.

Michael I. Garcia-County Attorney: By community property from your marriage with Leroy?

Concha Candelaria: Yes.

Ryan Schwebach-County Chairman: Do you have intentions for removing Antonio's body?

<u>Concha Candelaria:</u> No, I don't, but they keep saying that they want to make it a family cemetery.

Ryan Schwebach-County Chairman: For the record, there are no additional plots.

Concha Candelaria: I say if they want to exhume the body and take him to Atlanta, Georgia, where they can visit him there all the time.

Ryan Schwebach-County Chairman: If they wish to exhume the body, would you prevent them?

Concha Candelaria: I do not want anybody buried there.

Ryan Schwebach-County Chairman: You don't want anybody buried there or no additional people buried there?

<u>Linda Jaramillo-County Commissioner:</u> You're honoring the resting place of Leroy's brother?

<u>Concha Candelaria:</u> I am, but yet, Leroy didn't want him there. He did it because he didn't want to start problems, trouble, and all that with his sister-in-law and the kids. I'm doing what Leroy told me to do.

Ryan Schwebach-County Chairman: We have no documentation of that.

Concha Candelaria: He would have never, never had him buried there. We have no documentation. Maybe Leroy did, and I haven't found it. Leroy's the last word he said to me before he passed away, that summer because he didn't want to talk to them. He didn't want to have anything to do with them. He said I made the biggest mistake of burying my brother here. That's what he told me. Those were his last words. Thank you.

Michael I. Garcia-County Attorney: I think what we're left with is who owns the land? That's going to be the main question.

Keith C. Raziano: I think he's made everything clear here today, again, all of the facts and evidence have been in your possession. You have clear documentation of the ownership. We have done nothing but try to protect this grave site, and all we want to do is put, .4% of the property into a cemetery to protect a deceased veteran.

Ryan Schwebach-County Chairman: What I see here is that it's a cemetery to protect Antonio who is buried there. When you put it in a cemetery, it alludes to more plots being available.

Keith C. Raziano: Understand, but that's not our intention.

Ryan Schwebach-County Chairman: Is that on paper? I mean, intentions are one thing, but on paper is another, in your application.

Keith C. Raziano: That goes both ways. Mr. Chairman, pending approval, we will give you that statement. I think that's a fair statement.

(brief recess to confer with Attorney)

Ryan Schwebach-County Chairman: Is there anybody else who wishes to testify, under this appeal?

<u>Thomas Patrick:</u> I wanted to point out that one of the children of Leroy is on Zoom, that may wish to speak.

Ryan Schwebach-County Chairman: Is there anyone here in the audience who wishes to speak? None. Anyone on Zoom?

Anthony Candelaria: I know it's been a while, but when my uncle was buried there. I know that that was the intention of both brothers was to be buried there on the ranch. I'm in favor of a cemetery being placed there on that property, even if it is just for my Uncle Antonio to be buried there and to remain there and be protected.

Ryan Schwebach-County Chairman: Now that I have a better understanding of the situation, it would appear that we have individuals on the deed who are worried about a family member being removed from the burial plot, and then we have the wife of Leroy who does not want anybody else buried. Is there a possibility? I said that you commented, and as soon as I approve it, you're going to agree to it. I'm not willing to do that until I see an agreement in front of me. What I see here is we have a woman, the wife, Mr. Candelaria, who is living on the property. I can't speak for the paperwork. Things change over time. Is there a possibility that you can work up a legal agreement?

Keith C. Raziano: There's always the possibility of a legal agreement. Absolutely.

Ryan Schwebach-County Chairman: Is there a possibility that an agreement can be brought up and entered into to end approval and satisfy both?

<u>Keith C. Raziano:</u> Pending approval.

Ryan Schwebach-County Chairman: Do not approve Mrs. Candelaria?

Concha Candelaria: I do not approve. I don't want that family there. After 40 years of my life there and just seeing them four times out of 40 years, and now they want to be there, be a family. No, I don't, and I'm doing what Leroy wanted me to do. I wish he was here to support me, and this is very hard on me. They're not there to help me, I'm the one who takes care of the place. Leroy said, "I made the biggest mistake". I said it's already done. What can you do? Because he wasn't even talking to them either. No family was there with Leroy like them, and if it wasn't for Leroy and me, that put Tina through school. Thank you.

Keith C. Raziano: Tina Raziano put herself through school. She incurred debt, which I assisted her in paying for both Emory's undergraduate and NYU PhD. This was not paid for by the family. I feel you've been given all the evidence and information today. I feel that the family has been extremely pliable in terms of what we're willing to do to make this a cemetery to protect Porfirio Candelaria. It's also been very made, very clear, abundantly clear, and you have the paperwork to

prove that Leroy Candelaria was supportive of burying the brother on the land. Additionally, you have testimony from the son in favor of this. I have indicated that I'm willing to pursue some type of legal agreement, but you have heard from the opposite side that they are unwilling to bend on this. Additionally, based on the testimony she provided today, she is actively pursuing, and looking at exhuming the grave. I think anyone can read between the lines on that. Thank you. I apologize for all of your time today.

Ryan Schwebach-County Chairman: Based on what I have heard today, Mr. Candelaria's wife is living on the property. Nobody has tried to remove her from the property because she doesn't own it. I believe this because she is the wife of Leroy Candelaria. That is her home.

Action Taken:

Ryan Schwebach-County Chairman: Motion to uphold the decision of the Planning & Zoning Board.

Linda Jaramillo-County Commissioner: Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent: MOTION CARRIED

Action Taken:

Ryan Schwebach-County Chairman: Motion to move out of Public Hearing.

Linda Jaramillo-County Commissioner: Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: - Yes: Kevin McCall – County Vice Chairman: - Absent:

MOTION CARRIED

10:05 AM

9. Department updates and Communication:

A. Roads: In-house training duties. – Deferred

10. APPROVAL OF MINUTES

A. COMMISSION: Request approval of minutes of the February 26, 2025, regular meeting of the Board of County Commissioners.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve February 26, 2025 minutes.

Linda Jaramillo-County Commissioner: Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent: MOTION CARRIED

11. APPROVAL OF CONSENT AGENDA

A. FINANCE & PURCHASING: Request approval of payables.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve payables.

Linda Jaramillo-County Commissioner: Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent: MOTION CARRIED

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

13. ADOPTION OF RESOLUTION:

A. Roads: Resolution 2025-09, A Resolution approving the Annual Certified mileage for Torrance County maintained roadways.

<u>Charmen Padilla-County Road Asst. Executive:</u> This is our certified mileage that the DOT requires. We're asking for a resolution today and signatures on the letter. Is this the same as in the past, it's been reviewed.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve resolution 2025-09. **Linda Jaramillo-County Commissioner:** Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent: MOTION CARRIED

B. FINANCE: Request Approval of Resolution No. 2025-10, A resolution approving budget adjustments for the E-911 grant.

Misty Witt - Deputy County Manager: This is to do a budget increase for the additional E911 grant funds that were approved, two meetings ago.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve resolution 2025-10.

Linda Jaramillo-County Commissioner: Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: - Yes: Kevin McCall – County Vice Chairman: - Absent:

MOTION CARRIED

C. Grants/Roads: Resolution 2025-11, A resolution authorizing the County to submit an application to the Department of Finance and Administration, Local Government Division for the FY2025 NMDOT Transportation Project Fund Program for Alan Ayers Road, Torrance County, New Mexico.

<u>Luke Fields - Grants Administrator:</u> This is the first of three resolutions to allow us to resubmit applications for funding to work on the designated roads. This first one is Allen Ayers Road. This is a resubmission for the current fiscal year and is a required part of the process first to request the funds.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve resolution 2025-11.

Linda Jaramillo-County Commissioner: Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent:

MOTION CARRIED

D. Grants/Roads: Resolution 2025-12, A resolution authorizing the County to submit an application to the Department of Finance and Administration, Local Government Division for the FY2025 NMDOT Transportation Project Fund Program for Charlie Breckenridge Road, Torrance County, New Mexico.

<u>Luke Fields - Grants Administrator:</u> Same thing but with Charlie Breckenridge Road.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve resolution 2025-12.

Linda Jaramillo-County Commissioner: Seconds the motion.

Roll Call Vote: Linda Jaramillo — County Commissioner: - Yes: Ryan Schwebach — County Chairman: — Yes: Kevin McCall — County Vice Chairman: - Absent: MOTION CARRIED

E. Grants/Roads: Resolution 2025-13, A resolution authorizing the County to submit an application to the Department of Finance and Administration, Local Government Division for the FY2025 NMDOT Transportation Project Fund Program for Spangler Road, Torrance County, New Mexico.

<u>Luke Fields - Grants Administrator:</u> Same thing but with Spangler Road.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve resolution 2025-13.

Linda Jaramillo-County Commissioner: Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent:

MOTION CARRIED

14. APPROVAL/ACTION ITEMS

A. MANAGER: Request approval of a Collective Bargaining Agreement between Torrance County and the Professional Firefighters of Torrance County IAFF Local 5441.

Jordan Barela- County Manager: I want to give credit to both our legal counsel team on this, as well as the union. It was a lot of back-and-forth discussions, and this sort of culminated in the last-minute mediation that went for 10 hours to get to the point where we do have this collective bargaining agreement. We have reached the point where we have reached an agreement. I will state that this agreement does not have any economic implications for the County. This fiscal year, the agreement would be effective on the date of its execution and would extend through February 26, 2028. Each party to the agreement would subsequently have two economic reopeners every year. Those would be two options to renegotiate economic items annually, as well as two economic openers that go both for the County side as well as the union side. There is the option of having some level of negotiations and amendments to the contract each year, but it will not be fully reviewed and reexecuted until after its expiration date in 2028.

Action Taken:

Ryan Schwebach- County Chairman: Motion to approve the Collective Bargaining Agreement between Torrance County and the Professional Firefighters of Torrance County IAFF Local 5441.

Linda Jaramillo-County Commissioner: Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent: MOTION CARRIED

B. MANAGER: Request ratification of the second amendment and renewal of the Professional Service Agreement between Torrance County and New Mexico Local Government Law, LLC for legal service. Extending the current agreement for an additional 1-year period expiring on March 1, 2026.

Ryan Schwebach-County Chairman: Isn't there a rule, that we can extend a contract for X amount of years before we have to go up for proposal? Attorneys are not like accounting firms. We can keep them as long as we want, as long as we agree. Is that correct?

Michael I. Garcia-County Attorney: I think you might have to go out for an RFP after four years, nothing is preventing us from keeping the same account.

Action Taken:

Ryan Schwebach-County Chairman: Motion to this agreement between Torrance County and New Mexico Local Government Law, LLC for legal service. Linda Jaramillo-County Commissioner: Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent: MOTION CARRIED

C. MANAGER: Request approval of a letter to Bank of America, Requesting to remove the current authorized user for the account ending in # 3146 and adding Jordan Barela and Misty Witt as authorized users on the account.

Misty Witt-Deputy County Manager: This is to do some cleanup. Since the previous County Manager and Deputy County Manager have left the County. They were both listed on Bank of America, which is our P card. We would like to remove both of them. I am already an authorized user, but we're going to keep me as an authorized user and add County Manager Barela.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve.

Linda Jaramillo-County Commissioner: Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent:

MOTION CARRIED

D. MANAGER: Request approval of a letter to Century Bank, Requesting to remove the current authorized user for the account ending in # 1658 to remove Tacy Sedillo as an authorized user.

Misty Witt-Deputy County Manager: This is clean up, since former Deputy County Manager, Mrs. Sedillo is no longer with the County, this will remove her from that account and will leave two authorized signers, will be you Commissioner Schwebach and our Treasurer Kathyrn Hernandez.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve.

<u>Linda Jaramillo-County Commissioner:</u> Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent: MOTION CARRIED

E. MANAGER: Request approval of a letter to the United States Internal Revenue Service Department to Remove Janice Barela and Tracy Sedillo as Power of Attorney and add Jordan Barela and Misty Witt as Power of Attorney.

<u>Misty Witt-Deputy County Manager:</u> Same thing, to remove Janice and Tracy, this will give us authority to speak to the IRS.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve.

Linda Jaramillo-County Commissioner: Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent: MOTION CARRIED

F. GRANTS/ANIMAL SERVICE: Request ratification of the application for the Carrol Pitre Grant in the amount of \$50,000 to conduct spay and neuter service in Torrance County.

<u>Luke Fields - Grants Administrator:</u> This is a ratification of an application that we submitted without direct approval from the Board of Commissioners. This is for a \$50,000 grant to conduct spay and neuter services for our animals in Torrance County.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve.

<u>Linda Jaramillo-County Commissioner:</u> Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent: MOTION CARRIED

G. GRANTS/ANIMAL SERVICE: Request approval to submit a grant application for the Petco Love for the Vaccinated and Loved Campaign to provide free pet vaccinations for the constituents of Torrance County.

<u>Luke Fields - Grants Administrator:</u> This grant has no cost to the County to participate in this program. In addition, for every shot administered, we will receive a \$3 stipend for administering the shots to the public.

Danette Langdon-Animal Shelter Director: This grant is for free vaccinations. We can order at least 300 but no more than 1000 at a time. I was intending on doing drive-through vaccination clinics for primary feline FB, and RCP because we've been seeing a lot of parvo in the County. It's super important that we get these animals vaccinated to stop the spread. I was told about this grant, and I looked at it, and I think it would be great.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve.

Linda Jaramillo-County Commissioner: Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent: MOTION CARRIED

H. FINANCE: Request approval of a prior year purchase for ABQ Computer Equipment Recycling (Invoice #7674) in the amount of \$906.82 for the destruction of 15 hard drives.

Misty Witt-Deputy County Manager: This is for a prior year invoice from 2022. ABQ Computer Equipment and Recycling CEO reached out to me asking to get this paid. I did obtain all the proper documentation. They had a certificate of destruction, they had images, and they had everything they needed to prove that they destroyed these hard drives they were just never paid for.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve.

<u>Linda Jaramillo-County Commissioner:</u> Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent: MOTION CARRIED

I. FINANCE/DISPATCH: Request approval of prior year purchase Horizons of New Mexico in the amount of \$27.56 for shredding services.

<u>Misty Witt-Deputy County Manager:</u> This was for the prior year. We had a purchase order for the Horizon Shredding Services. However, during your end close-out process, the PO was closed before this invoice was paid.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve.

Linda Jaramillo, County Commissioner: Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent: MOTION CARRIED

J. MANAGER/FIRE: Unauthorized purchase to Advanced Communications in the amount of \$210.39 for the repair of the radio of two trucks for the Torrance County Fire Department.

Jordan Barela- County Manager: This purchase happened back in late October. The Fire Department did have an open purchase order for Advanced Communications to do some diagnostics on some vehicles and radio repairs. At the time, they had reached out to the administration and the Fire Department. They received permission from the administration at the time to do that; the bill was not included as part of the scope of the original purchase order. That purchase was outside of the scope, which is why we're requesting authorization to submit that payment.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve.

Linda Jaramillo, County Commissioner: Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent: MOTION CARRIED

K. EMERGENCY MANAGEMENT: Request ratification of amendment request for the State Homeland Security Grant Program (Sub-Grant agreement # SHSGP2024-Torracne, Project 1-Dispatch upgrade) to

amend the scope of work to add additional capability over radio frequency control stations. - Deferred

L. ROADS: Request approval of a Letter of Intent to the New Mexico Department of Transportation for the CAP Local Government Road Fund.

Charmen Padilla-County Road Asst. Executive: Our department applies for this every year. The beginning stage is the letter of intent to the New Mexico DOT. These will not go into effect until the next fiscal year. We're two years out, this is just our idea, the plan, the scope, and the letter of intent.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve.

Linda Jaramillo, County Commissioner: Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach - County Chairman: - Yes: Kevin McCall - County Vice Chairman: - Absent:

MOTION CARRIED

15. DISCUSSION

A. ROADS: Discussion of Roadways for Micro-Blading - Deferred

B. MANGER'S REPORT:

1) NM Legislative Updates

Jordan Barela- County Manager: Regarding the legislative updates, there are about 10 days left in the session. I've been up to Santa Fe several times to speak against several bills. Senate Bill 152- I know there have been some individual communications, but that was the cannabis moratorium bill for Counties. Commissioner Jaramillo and I went up to testify at the Senate Judiciary Committee. That bill did not move beyond the Committee. In essence, a justification was the bill was requesting the Cannabis Control Division to review those petitions and make a discretionary call as to whether or not they upheld that position. I think the feedback we got from the Senate Judiciary Committee was that they didn't have the legal authority to do that, which is why the bill didn't clear the Committee. I think there's been a lot of discussions, and we've had some discussions, both Don Goen and myself, with several individuals who are working on holistic cannabis regulation reform. We will continue those conversations, and we're also exploring options of how we address some of these issues a little more meticulously through land use.

The other bill is House Bill 009, the Immigrant Safety Act, which, if passed, would limit a local government's ability to enter into a service agreement with ICE for immigrant detention. That bill has cleared the first two House Committees and is scheduled first for the Senate Committee. I checked the calendar, and it's not on the calendar for today's hearing- at least it wasn't as of last night, but it will likely still have to go through the Senate Public Affairs Committee as well as the Senate Judiciary before going to the floor. We will keep an eye on that bill as well and keep the Commission updated.

2) Duran Water Project Update

Jordan Barela- County Manager: The Duran water project has been completed. Regarding the tank in Duran, we received the final paperwork from Bohannon/ Houston yesterday, as well as the operations and maintenance manual to be passed to the town of Duran. We have issued the final payment, and that project is officially closed out.

3) Economic Adjustment Assistance Grant

Jordan Barela- County Manager: I had a meeting this week with MRCOG regarding an Economic Adjustment Assistance Grant. We've had some discussions in Commission before about potentially getting an Economic Development Specialist, somebody in-house. We've discussed the area where this is a grant opportunity through the EDA that would allow the County to apply for a three-year grant, which would cover several areas, including consulting and putting together a comprehensive Economic Development Plan. It would also cover a staff person to oversee the execution and then implementation of those plans. It would be a three-year grant. We've had a lot of discussions with MRGOG about how we finance the economic development side. This seemed like a good opportunity, so I will be touching base with them. It is a rolling grant application, as it's my understanding.

If everything looks good, we will be requesting to apply to undertake those Economic Development Initiatives.

One update from the Treasurer's Office. We had discussions about the Veterans Exemption Bill. Legislation passing what that means for notice of values. The Assessor's office has been notified that the notice of value deadline has been extended from April 1 to May 1. We're not pushing up against that April 1 deadline. Because that legislation is still pending at the moment.

I don't know if you've checked your emails or seen this, but New Mexico Counties are holding a Commissioner's retreat. It is going to be in Mescalero, New Mexico, at the Inn of the Mountain Gods, from April 13 to 15th. If there is any interest in attending that, I can certainly coordinate that with New Mexico Counties.

C. COMMISSIONERS' REPORTS

1. Kevin McCall – County Vice Chairman, District 1

Kevin McCall- County Vice Chair: Absent

2. Ryan Schwebach- County Chairman, District 2

Ryan Schwebach-County Chairman: None

3. Linda Jaramillo – County Commissioner, District 3

Linda Jaramillo-County Commissioner: I'm starting to get a lot of calls from my constituents. Most of their concerns are the roads, and water issues. I've been getting calls about the EMWT, what's going on with the prison, and if it's closing, concerns with that and the detainees that are there. I just listen. Most of the time. I'm just listening because I don't want to say anything that might hurt our County or say something that I'm not sure of. Sometimes people like to be listened to. I think it helps them to voice their concerns.

I had a call from Lenora Romero from Manzano. They had a fire yesterday in Punta, it was close to Marcos Romero's home. I don't know how many people with

shovels trying to suppress it until the Mountainair Fire Department showed up. It was pretty intense. Jason had called me about it too and asked if we still had any pumpers available that they had brought up before the Commission. At one point they had some fire trucks, I guess that he had asked if they could have one station in Manzano. At the time, and I remember that meeting, the Commission suggested that they get certified in wildfire fighting, they have five people now who are certified in wildfires, and they have their certificates. I'd like to ask that we work on that, getting them a tanker.

Jordan Barela- County Manager: We have several tenders throughout the County, which is essentially the big apparatus that houses a majority of the water for fire suppression. It's for us in the communities without a hydrant system.

<u>Linda Jaramillo-County Commissioner:</u> I wanted to thank Misty for all her help with the Manzano Water Association and getting that project finished.

Misty Witt-Deputy County Manager: An update on the Manzano project. We did order all of the meter parts that were needed to finish up those meters properly. Manzano does have them in their possession and will start installing them. I also have quotes from your out mechanical to clean the wells, run a camera, and assess the what the real issue is.

16. EXECUTIVE SESSION:

A. COMMISSION: Discussion on Limited Personnel Matters (Evaluation of applications for the Torrance County Fire Chief) Pursuant to NMSA § 1978 10-15-1(H)(2).

Action Taken:

Ryan Schwebach-County Chairman: Motion to go into Executive Session. **Linda Jaramillo-County Commissioner:** Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent: MOTION CARRIED

10:45 AM

Action Taken:

Ryan Schwebach-County Chairman: Motion to move into regular session.

Linda Jaramillo-County Commissioner: Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent: MOTION CARRIED

11:31 AM

Ryan Schwebach-County Chairman: We discussed limited personnel matters, evaluation of applications for the Torrance County Fire Chief, and created a shortlist. County Manager Barela can move forward to set up interviews with the individuals who applied. Date to be determined. A special meeting will be set, simply for interviews. It'll be in Executive Session, potential decision to be made.

- 17. Announcement of the next Board of County Commissioners Meeting: March 26, 2025, at 9:00 AM.
- 18. Signing of Official Documents.
- 19. Adjourn.

Action Taken:

Ryan Schwebach-County Chairman: Motion to adjourn.

Linda Jaramillo-County Commissioner: Seconds the motion.

Roll Call Vote: Linda Jaramillo – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Absent:

MOTION CARRIED

The meeting adjourned at 11:32 AM.

Kyan Schwebach – Chairman

Genell Morris Admin Assistant

3|26|25

Sylvia Chavez - County Clerk

The video and audio of this meeting are available upon request.