

FINAL COPY
Torrance County Board of Commissioners
Regular Commission Meeting
January 10, 2024
9:00 AM

Commissioners Present:

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

Others Present:

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

1. **Call Meeting to order.**

Ryan Schwebach – County Chairman: Calls the January 10, 2024, Regular Commission Meeting to order at 9:03AM.

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

Invocation lead by: Samuel Schropp – County Commissioner

3. **Changes to the Agenda:**

Janice Barela – Madam County Manager: Move agenda item 14B to before 8A. We may have to defer agenda item 15A. The Emergency Manager has a family emergency.

4. Election of Chair and Vice Chair

A. COMMISSION: Election of Chair and Vice Chair for Calendar Year 2024.

Ryan Schwebach-County Chairman: Election of Chair

Action Taken:

Kevin McCall – County Vice Chairman: Motion to nominate Commissioner Schwebach Chair for Calendar Year 2024.

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

Ryan Schwebach-County Chairman: Election of Vice Chair

Action Taken:

Samuel Schropp-County Commissioner: Motion to nominate Commissioner McCall Vice Chair for Calendar Year 2024.

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

5. Open Meetings Act Resolution

A. COMMISSION: Resolution 2024-01, Open Meetings Act Resolution for 2024.

Janice Barela – Madam County Manager: This first resolution of the year is a requirement that the Commission pass annually. This establishes that the Commission will follow the Open Meetings Act, and it spells out exactly how that will be conducted. In the past, on the resolution, it was stated we superseded

previous resolutions, but this year we started changing it under advisement of legal counsel, that it just state's Open Meetings Act resolution for 2024. I don't believe that we necessarily need to supersede or anything like that. It's just covering us annually.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve Resolution 2024-01, Open Meetings Act Resolution for 2024.

Kevin McCall – County Vice 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

6. PROCLIMATION

7. CERTIFICATES AND AWARDS:

Agenda item 14B heard here.

8. BOARD AND COMMITTEE APPOINTMENTS:

- A. COMMISSION:** Discussion and possible appointment of Torrance County's representative to the Estancia Valley Economic Development Association (EVEDA) Executive Board. (Current Representative – Commissioner Schwebach)

Samuel Schropp-County Commissioner: We are about to begin approving appointments to our subordinate committees for the coming year. We are going to hear the same names over and over again. This is not a conspiracy and it's not a power grab. This is a result of a failure of the citizens of Torrance County to step up and be a part of our system of government by the people. Theodore Roosevelt in 1910 gave a speech titled the Man in the Arena Citizenship in a Republic, more commonly known as the Man in the Arena speech. The man in the arena passage emphasizes the importance of action and striving toward worthy goals in life over idle criticism, laziness, and inaction. I urge everyone to take the time to read it. Too few people in this County are serving on too many boards and Commissions because those positions are required by law to be filled and too few of you are

willing to put a shoulder under the load and help lift, but I constantly talk with people who are ready to criticize and complain about government. We recently appointed Gabriel Sanchez to the P and Z board, a very important board in county government. There were two applicants, one of whom did not follow up with the process. Yet, as you will hear today, or read in the P and Z minutes, there are a number of people at the last P and Z meeting who had strong opinions on P and Z issues. It's easy to complain and believe that the system is stacked against you. To quote Teddy Roosevelt, "There are many who can find themselves to criticism of the way others do what they themselves dare not even attempt". I have not participated in any of those boards, because to do the job of County Commissioner properly is a lot of work. My focus has been on representing the people of the third district to serve on the number of boards which we are required to appoint this month. Contact me if you're interested in serving your county. Let's see if any of you are willing to step up and become the man in the arena. Thank you.

Ryan Schwebach-County Chairman: I would ask if you would allow me to sit for one more year because of the changes coming in.

Action Taken:

Kevin McCall – County Vice Chairman: Motion to approve Torrance County's representative to the Estancia Valley Economic Development Association (EVEDA) Executive Board, Chairman Ryan Schwebach.

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. COMMISSION: Discussion and possible appointments of Torrance County's representative member to the Mid Region Council of Governments (MRCOG) Executive Board and alternate. (Current Representative – Commissioner McCall, Alternate – Janice Barela)

Janice Barela-Madam County Manager: There are not any parameters that it needs to be an elected official. There are two different positions. One is to the Executive Board, which would be the voting member for Torrance County, and an alternate in the event that the individual that's selected to be on the Executive Board is not able to attend, the alternate may attend in their place. Also, there are

times that we meet as an entire board, not just the Executive Board, and the alternate is able to attend that meeting as well.

Samuel Schropp-County Commissioner: For the public, we now know what is required to serve on this board, an institutional memory is an important factor in making this decision.

Action Taken:

Samuel Schropp-County Commissioner: Motion to nominate Commissioner McCall and Madam County Manager Janice Barela as an alternate to the board.

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

Ryan Schwebach-County Chairman: I'll also say all of these boards for the most part are open meetings, so the public can attend. Usually that's how new board members are found, by individuals attending the meetings.

C. COMMISSION: Discussion and possible appointment of Torrance County's representative on the Estancia Valley Solid Waste Authority Board. (Current Representative – Commissioner Schwebach)

Ryan Schwebach-County Chairman: I'm the current representative, and again ask to remain on that board. Hopefully, for only three more months, they are in the middle of trying to finalize some stuff. I would entertain a very interested devoted individual to proceed. You can look at everything that's happened in the county, these boards have consequences, and it takes very involved competent individuals to be in the middle of it. I request people interested, willing to serve to get out there, put their name out there, get involved and understand it. These boards as a Commission, we can reappoint at any time. It doesn't have to be the first of the year by our bylaws. We appointed the person this year to where everything's set, but we can change it as needed, and as appropriate.

Action Taken:

Ryan Schwebach-County Chairman: Motion to have Commissioner Schwebach to remain on the Torrance County's representative on the Estancia Valley Solid Waste Authority Board.

Kevin McCall – County Vice 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

- D. MANAGER:** Discussion and possible appointment of County Manager Janice Barela as the Torrance County voting member on the New Mexico Insurance Pool and Deputy County Manager Tracy Sedillo as the alternate. (Current Voting Member – Janice Barela, Alternate – Vacant)

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve appointment of County Manager Janice Barela as the Torrance County voting member on the New Mexico Insurance Pool and Deputy County Manager Tracy Sedillo as the alternate.

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. MANAGER:** Discussion and possible appointment of County Manager Janice Barela as the Torrance County voting member on the New Mexico Counties Insurance Authority (NM CIA) and Deputy County Manager Tracy Sedillo as the alternate. (Current Voting Member – Janice Barela, Alternate – Vacant)

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve County Manager Janice Barela as the Torrance County voting member on the New Mexico Counties Insurance Authority (NM CIA) and Deputy County Manager Tracy Sedillo as the alternate.

Kevin McCall – County Vice 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

9. PUBLIC COMMENT and COMMUNICATIONS

Tracey Master – Former DWI Coordinator: I am here not to apologize for statements that I made at the November commission meeting. I am here to clarify something at the November commission meeting, I was angry, rightfully based on the information I was given by my previous supervisor, and previous Finance Director. I was told in April that my annual leave should have been calculated at a different rate. I was angry because it was not. I do not apologize for being angry because I was angry based on the information I received at the time. Following the last commission meeting, when County Manager Barela mentioned about my being appointed information was researched, et cetera, it appeared that while I did not recall this, I was appointed to serve as your former DWI Prevention Program Coordinator in November of 2005. That said, I stand by what I said, employees do need to make sure that their information is correct. The information I received from my former supervisor and former Finance Director should have been correct information. You as the Commission and the management administration should be able to trust that the information given to employees is correct. My annual leave was correctly calculated prior to that date. After meeting telephonically with Madame County Manager Barela and Deputy County Manager Sedillo we were able to correct the amount. It was awarded to me as my final payout. I was on the phone with PERA, as long as I opt out, I can run for County Commission next time in District Two. I believe it's important to have somebody who is going to stand up for the employees.

Ann Schropp – Resident: I want to congratulate the Commission on reaching a consensus and hiring a highly qualified Fire Chief for Torrance County. Finally, our Fire and Emergency Medical Services can move forward toward becoming an outfit which our personnel can be truly proud to be part of. Deputy Fire Chief Sanchez has worked hard the last five months keeping the department running. She should be able now to take a deep breath and go back to being her usual awesome self rather than Superman and Wonder Woman rolled into one. Thank you, Deputy Chief. You kept us functioning through a difficult time.

Today I want to address immigration as it pertains to Torrance County. As everyone knows, we have the Torrance County Detention Facility run by CoreCivic. This facility has a prison for the US Marshal Service, a section for Torrance County prisoners, and a section for immigration detainees seeking asylum. Some migrants are held only briefly as it's quickly determined that they are no threat to the US and its citizens and can be safely released to the families, churches or other organizations who are waiting to assist them. They are not turned loose. They must check in with immigration, much like a parolee until the date of their hearings. Then they have to go through the asylum hearings to determine if they'll be allowed to stay here as legal working non-citizens. Sam and I have had the opportunity the past few months to see up close and very personal exactly how this system works. The TCDF is one of 131 detention centers in the US. These facilities are necessary. It is equally necessary that those held in these facilities are treated in accordance with the strict standards which any citizen or visitor has the right to expect. These migrants have committed no wrong. They have gone through the proper channels and are here legally. Now there are forces who think we should have no immigration detention and they are working to shut down facilities such as TCDF. Both Commissioner Schropp and I believe that is horrifically naïve, but we believe that even people who've been convicted of crimes must be treated humanely, in accordance with legal standards. People who have not been accused of a crime certainly deserve to be treated with respect and dignity. To achieve the dual purpose of keeping both US citizens and immigrants safe, Sam is working hard, including nights, holidays and weekends to inspect TCDF and ensure that they're complying with both the letter and spirit of the law. Commissioner Schropp left our home, Christmas morning and went and did an inspection of TCDF. The TCDF is part of the solution in dealing with the global issue of displaced people. Right here locally are part of that solution. There are a couple of Governors in our country who are putting these legal migrants on buses and dumping them in cities in the middle of the night, often when and where no one even knows they're coming.

We currently have a Venezuelan family staying with us. Clever and Betsy and her little girls Betsa who just turned five, and Karen who is three. That did not happen to this family getting shipped around, but it is happening to families just like them. Does anyone in this room think that's okay to treat our fellow human beings that way? These little girls that way? Dear God, I hope not.

If we're silent on the subject, we're complicit, we're accessories. We can't be silent. The treatment of our fellow human beings is a moral issue, not a strictly political one. No matter how you feel about immigration, when people are on American soil, they should be able to expect to be treated by American decent standards. We the people of Torrance County have a voice make it heard. US has gotten really big

on calling itself a Christian nation. We need to act like one. If you think I'm passionate about this, you are correct. My faith demands nothing less than passion. I have no intention of standing ashamed when I am asked "What did you do for the least of these, my brethren?"

Tamara Rosenberg – Resound Network: We are a rural internet service provider. We have received RDOF funding to build broadband speed networks within Torrance County in the amount of over \$15 million dollars. We can start having discussions about how we deploy that. We have received the funding through the FCC. It's called the Rural Digital Opportunity Fund. Those funds are specifically meant for areas that are unserved or underserved, we have a map that the FCC has given us that says exactly where they want us to deploy. We do have a certain amount of flexibility, what we need to do is work with your community directly, so that we understand which areas we really should be targeting and covering, and which areas maybe aren't as important. I have a presentation which I will send directly to the county, which can then be distributed both to the County Commissioners and to the community if they are interested. It's meant to give you the information so that you can ask questions and we can start a real conversation about what we want to do next. One of the reasons this is very important, is because we're entering some funding times with state which is the Connect to New Mexico Fund, which is currently active, I believe that closes on March 14th. There's also some technical assistance grants that are currently available, and starting in the fall there will be Bead Grants available, which is a large chunk of the funding. The reason I mentioned that is although we have that \$15 million, that sounds like a lot of money, and it really is a lot of money because it is the largest RDOF grant that we have in the state of New Mexico. New Mexico received \$55 million. \$15 million of it was earmarked for Torrance County. As anyone who has worked in this field knows \$15 million oftentimes doesn't get you very far. If there is any other opportunities for additional grant funding, or you have any infrastructure funding that you would like to use to expand this project, we'd love to talk to you about that.

The reason we're here is because Resound Networks is a rural internet service provider. We are based in a rural community out of Pampa, Texas. I, myself live in a rural community. I'm down in the Village of Columbus. That is how I got involved in broadband in the first place.

Ryan Schwebach – County Chairman: Is there a regional concept with our neighboring counties?

Tamara Rosenberg – Resound Network: Yes, in Santa Fe and Bernalillo. I don't think we have anything in Guadalupe. We run parallel to the I25 freeway and come

down eastern New Mexico. Now that's not to say that we're not willing to go in other areas. That's our grant area.

Ryan Schwebach – County Chairman: When you start deciding what you want, I'm hearing \$15 million for expanding broadband communications. How do you decide how that's done, where that's done?

Tamara Rosenberg – Resound Network: We are obligated to fulfill based on what the FCC has determined is unserved or underserved. If you're familiar with the Bead Program that's coming up, there is a challenge process to that because a lot of communities are looking at those FCC maps and saying that's inaccurate. That's not our experience in our community. The reason for that is because until recently, broadband providers were able to self-report to the FCC, they could have one home in an entire area that has broadband access, and that area would be considered served.

Pam Wagner - Director of Community Outreach with Resound Networks: To expand on that RDOF was decided through census blocks. That's how the FCC maps used to decide, who has broadband. On a normal census block, there's 100 houses, and one house had service at that time, that means 20 by three down, meaning all 100 houses were considered served. That's how the ISPs report it. There's a lot of unserved and underserved residents and businesses in New Mexico because that's how the RDOF money was distributed out. The new maps are by location. So, if you go into an area and it says serve, it's because that's how it was reported. If your home is there, and you know, you're not served, you have the option to go up there and put in your location and do a challenge. Then the FCC will ask the ISP, Are you or are you not providing service? If they say no, then your location becomes open for future grant money.

Ryan Schwebach – County Chairman: Define served?

Pam Wagner - Director of Community Outreach with Resound Networks: RDOF is 25 megabites per second down three up with the new Bead Grant it's going to be coming out, it's 120. So 120 Up 120 Down, and it doesn't matter. Satellite is not counted as served, and DSL is not going to be counted in the Bead Grants as served. They will have to be fixed or fiber. If it's under 120, but over 25, it's considered underserved. If your FCC maps are showing you, it is all served right now, you're not, you really need to have a county, why push for everybody to go in and put in their location and get a challenge, that way, you'll be eligible in the future.

Tamara Rosenberg – Resound Network: There is a WEPP program, it's for grant writing, technical assistance consultants, up to \$100,000 to help you do things like a Bead Challenge. There is a list of pre-approved vendors, by the State of New Mexico. They will help you with either a feasibility study or a Bead Challenge. They are eager for communities to reach out and get those grants, because it's up to

\$100,000. They have \$500 million in the fund. They don't have a lot of communities that have taken them up on it yet. They've tried to make it as simple as possible. That grant is specifically to help communities prepare for things like Bead.

Samuel Schropp-County Commissioner: This is a really good example of, we're going to need our citizens to get our shoulder underneath this and help us lift. So whether it's an ad hoc committee, or a subordinate border committee, if you will contact me, we'll put this together. In listening to this. I'm sure a lot of you are overwhelmed. But if you become involved, these folks will teach you the system and how it works, and you can make it work for all of us. So I encourage you to get involved in this project.

Ryan Schwebach – County Chairman: What is your anticipated timeframe?

Tamara Rosenberg – Resound Network: We don't have a specific timeframe other than we plan on completing all of our New Mexico projects within this year, 2024. We are required to complete it by 2026 because we received our funding in January of last year. We are ahead of schedule in many of our communities, and we intend to continue to be ahead of schedule.

Kevin McCall – County Vice Chairman: As an Internet service provider, your intention is to lay cable?

Tamara Rosenberg – Resound Network: No, because this is a very dispersed community, most of what we're looking at is fixed wireless. We have next generation fixed wireless that really helps us go much further. These systems are designed for up to 20 miles, but we usually use them for about three to five miles so that we can ensure that we have reliability and we built in redundancy, to ensure the speeds. Tirana is the type of technology that we use.

Kevin McCall – County Vice Chairman: What kind of speeds?

Pam Wagner - Director of Community Outreach with Resound Networks:
We will go up to a gig.

Kevin McCall – County Vice Chairman: This is a driver for economic development. Not all of the blame goes on this for the lack of economic development, but a lot of it does. As a business owner with 52 cash registers, it is a problem. The way we're going with credit is a major problem. It would help the economic development. I agree here.

10. APPROVAL OF MINUTES

- A. COMMISSION:** Request approval of minutes of the December 13, 2023, Regular Meeting of the Board of County Commissioners. (Deferred from December 27, 2023)

Samuel Schropp-County Commissioner: Madam County Clerk, you all did a great job in correcting the errors that were there and did a great job in transcribing the December 27 minutes as well.

Action Taken:

Samuel Schropp-County Commissioner: Motion to approve minutes of the December 13, 2023, Regular Meeting of the Board of County Commissioners.

Kevin McCall – County Vice 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**

B. COMMISSION: Request approval of minutes of the December 27, 2023, Regular Meeting of the Board of County Commissioners.

Action Taken:

Kevin McCall – County Vice Chairman: Motion to approve minutes of the December 27, 2023, 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: – Abstain: Kevin McCall – County Vice Chairman: -Yes: **MOTION CARRIED**

11. 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 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

B. PLANNING & ZONING: Request approval of Special Use District for cabin rentals.

Donald Goen-County P & Z Director: As reflected in the materials that were provided, there were a couple of concerned citizens in regard to water use. The applicant did have a plan in place for that including water catchment systems. There were also several letters of support that were included in with this, that was the general consensus. Those that did have concerns were conditional, they were still in support. I am familiar with the history of this site, The applicant has made several major investments and renovation of the existing structures, and also has been actively working with the State Environmental Department in regard to the septic systems. We've had direct communication from the field inspectors from the State Environmental Department in regard to alterations, repairs, upgrades and so on. This was approved unanimously by the board. The applicant is present if you have any questions.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve Special Use District for cabin rentals.

Kevin McCall – County Vice Chairman: Seconds the motion.

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

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

13. ADOPTION OF RESOLUTION:

A. COMMISSION: Resolution 2024-02, Adoption of PERA Fire Plan.

Samuel Schropp-County Commissioner: When we last discussed this item, you brought up the differences in the length of service between the Fire Service Area Plans, and the Municipal Plans. I would like to add a little context to the Firefighter and Law Enforcement Plans. We can all appreciate the physical rigors of the job of First Responders. Very few of us have ever climbed into a crushed car with a man crying out in pain and fear to stabilize him and cover him with protective blankets while the car is being cut away, so that he can be removed without further injury. Fewer still have responded to a call at a neighbor's farm to find it and see someone put a shotgun barrel under his chin and pull the trigger. The things our First Responders see cannot be unseen. A human being can only see so much of that before it becomes too much, and they have to move from the Fire and Emergency Service. It's not just the physical rigors of the job that wear a person down. It's a mental and emotional toll. The Firefighter Law Enforcement retirement policies acknowledge that toll through deeds, not words. Now we're coming up on our budget process for the coming fiscal year. I believe that we should pass this resolution so that the Firefighters can vote, and we will know how we are going to budget for fire services this year.

Ryan Schwebach-County Chairman: This resolution is authorizing the election. and nothing more.

Janice Barela-Madam County Manager: It authorizes more than that. It states that this Commission would move to whatever plan you decide on and would be contingent upon it passing the election. So, it does not come back to the Commission again if the employees pass it for your final approval. This would be the final approval to set everything in motion to get that approval from the PERA board.

Ryan Schwebach-County Chairman: Commissioner Schropp, I know you're very passionate about this, I appreciate that. I personally believe that this day we're putting the cart before the horse. The reason being is because one, like you stated we're coming up on a fiscal cycle. We did this with the Sheriff's Department, and within the Sheriff's Department, we had a five-year financial analysis and also not just Plan one going to Two it was a Plan one going to Five. On the finances of this, it only make sense to implement it at the fiscal cycle. I have yet to see a plan, and this came about through negotiations with potential employee in the past and that's

why this is before us now. We now have a new Fire Chief. I think the proper way to do this is to include him on this and have that long term plan.

Samuel Schropp-County Commissioner: For those who don't know, our career staff signed the pledge cards and have been recognized certified as a Union, Fire and Emergency Services at this time. When we go to Union talks, it's better to go to a PERA Fire Plan. The morale of the Fire Services and EMS Services for this Commission to recognize and show them respect now, rather than wait for demand from the Union.

Ryan Schwebach-County Chairman: Where's this information coming from?

Samuel Schropp-County Commissioner: Having been a member of a Union, I know that the benefits that come with being a Union member, In contract talks, PERA is going to come up and there's going to be a union demand. My opinion, based on my life experience, is that this will be a good faith show of respect to the people who have outlined the things which I said, I have seen in my opening statement. This is a recognition of the toll it takes by this Commission. I believe that the timeline that has been provided to us on the vote, the meeting of the PERA board, and then the approval and decision will give us the information we need to know, in order to begin the budget process on the Emergency Services Firefighting Departments for the coming fiscal year. We will know in advance what it's going to cost us.

Ryan Schwebach-County Chairman: I don't agree with you. I think we do have to tie it with fiscal cycle. I think it's important that we include our new Fire Chief on these talks, finance planning, and I think it can be done in that timeframe. What we have before us is a resolution going to Plan Two. We do not have a plan going to Plan Five, Plan Three, and are unaware of where it needs to be. Yes, it can be changed, but I think it's prudent we think it through and plan for.

Samuel Schropp-County Commissioner: As we saw at the last meeting and from contemporaneous notes, and from the consensus of the career staff that appeared at the discussion, they are in favor of, for a number of reasons Plan Two and we know that that will cost us \$62,000 in additional matching funds. We are better off now starting this process because last year we started the preliminary meetings on the upcoming budget. We are better off knowing what the cost is going to be now and being able to accommodate our budget to that than waiting until the Union demands or they vote on it after our interim budget, or the DFA budget has been approved.

Ryan Schwebach-County Chairman: I have intentions to incorporate this into the budget alongside the Fire Chief. Passing this resolution today does not change any of that. By waiting and bringing our Fire Chief in has more potential change in what this resolution says and how it's laid out and the future budget plans than it does passing this today for good measure when we are fully staffed and I have

talked to our Acting Chief with my plans on implementing this with a new Fire Chief and within the fiscal cycle, they're okay with it.

Samuel Schropp-County Commissioner: I respect that. That brings up something that the people of Torrance County need to know. This is the first I'd heard of Chairman Schwebach speaking with our new Fire Chief. That is because as a three-person Commission, the three of us cannot discuss these things. We can't discuss them one on one, and we can only discuss them here, in a public meeting.

Ryan Schwebach-County Chairman: Let me clarify, I haven't spoken with our new Fire Chief.

Samuel Schropp-County Commissioner: My point would have been that that's why we need a five-person Commission. We are restricted in our ability to communicate before we come here by that.

Ryan Schwebach-County Chairman: I think it's appropriate when he comes in here, as a Commission, we're going to have an introduction, we're going to speak with him all three of us as a Commission. We need to have that one-on-one communication. This is before us today because it came up in negotiations. I don't think that's the right way to look at it. I'm not saying it's wrong. But I think the right way to look at it is from our hiring individuals, our directors, to fully analyze it with a long-term plan on what they see talking to the employees. I have intentions of doing that. I also have intentions of this being in a budget cycle.

Samuel Schropp-County Commissioner: I brought this to the county's attention, not because of the negotiations themselves, but because those negotiations showed a hole in our system that needed to be corrected. So, that's why I've been pushing for this. Never put so much of yourself into your position, that when your position goes, you go with it.

Ryan Schwebach-County Chairman: I appreciate the fact that you're passionate. I will agree with that statement. The negotiations analyzed all. If you look back on the history of this Commission, when things do get before us, we logically put it within the budget cycle, because it also sets the precedent of whatever that may be. In my opinion, it makes a world of difference for the management team. In this particular case, it requires an acting Fire Chief to be in the middle of it. I'm not ready to vote and pass this as of today.

Kevin McCall-County Vice Chair: When it first came up, I said I wasn't quite ready for it, and I wasn't. The fact is we have a new Chief coming on board. I'd like to hear from him. My analogy is we still do not have a roadmap for this Fire Department today that might cost us \$61,000, with that new Chief that bumped up.

Samuel Schropp-County Commissioner: My concern is, as with the Linda Vista Road issue, Commissions in the past have lost momentum. Very often, because of the workload, things get flushed off to the side and kicked down to can but I have

your assurances at this time and Commissioner McCall's assurances that that is not going to be the case here. So thank you, gentlemen.

No Action Taken

B. SHERIFF: Resolution 2024-02, Law Enforcement Personnel Overtime Exemption.

Samuel Schropp-County Commissioner: This morning at seven o'clock for no fault of Madame County Manager, I learned that this resolution would be on the agenda. I've been preparing for a trial to determine the criminal liability of a pilot who, due to loss of focus ran over another vessel with a 1600-foot-long tow and killed three men. During my career, we worked 12-hour days, and six hour shifts a physically tough schedule. I received training in Crew Endurance Management Systems after a study by the US Coast Guard found that long duty hours and resulting loss of focus were a factor in almost all vessel incidents. The reason I bring this up is because we're being asked to pass an overtime resolution approving overtime, or 12-hour long duty days. I'm sure that everyone agrees that our Sheriff's Department carrying deadly weapons making good decisions in the moment is crucial. The Sheriff and I have discussed this issue. The County Manager related to me this morning that this had been discussed with the Deputies by Undersheriff Reynolds. When the Sheriff came to this Commission to request the hiring of more deputies, we asked him to fill the open positions and then begin recruiting. The Sheriff's Department has filled those positions, and he should be given the go ahead for the task. We're being asked to approve a resolution which needs to be discussed with the Sheriff regarding his five-year plan, recruitment and the effect that will have on overtime before we pass this resolution. For that reason, I believe we should defer this agenda item until we get more input from the Sheriff's five-year plan and the Undersheriff as to their recruitment and overtime. The effects that long duty hours have on critical, shoot don't shoot, decisions. I apologize for not being ready to vote on this item, or even really hear this item as it falls on me alone and not to county staff. So, I would ask that before we begin this discussion, defer this to the next meeting. So, I can gain more knowledge about what is involved here.

Janice Barela-Madam County Manager: The majority of our staff will be attending the New Mexico Counties Legislative conference next week in Santa Fe. That limits some of the research or time that we would need to complete this. I don't know how it impacts the Sheriff's Office, to gather information that would be

needed. I wanted to make you aware of that timeframe when you're looking at what could possibly be on next meeting agenda.

Samuel Schropp-County Commissioner: I would ask the chair if we can defer this until the first meeting in February without affecting the effectiveness and morality of his department.

Janice Barela-Madam County Manager: Undersheriff Eli at that time came to me and visited with me proposing a work schedule, where the deputies Patrol Deputies and Sergeants would be on a 12-hour shift. One week, they would work three of those shifts for 36 hours. The next week, they would work four-day shifts, it'd be 48 hours. This would create temporarily eight hours of overtime, every pay period. The way the Torrance County Personnel Ordinance reads is that they get overtime after 40 hours each week. The first week, they only get 36 hours. The second week, they would have 48 hours, they would have eight hours of overtime. I approved it on a temporary basis so that the Deputies could find out if this is a schedule that works for them. Also, the Administration and the Sheriff's Office could evaluate it. They viewed this as the only opportunity that they had figured out that they could provide 24-hour coverage in Torrance County. Prior to going on this schedule, there was a gap where there was no coverage in Torrance County, as far as patrolling. They would be on call if in the event that something occurred, they would be called to come out and they would do that, but they weren't ready to go to respond. This turned out to be a good thing. We did have a turnover in the Undersheriff position, other things came up in the county. This kind of went to the side as far as coming back and taking care of this Resolution to eliminate that overtime pay. It is allowable. The same way that this Commission passed a Resolution for the career staff and EMS and Firefighters. There is in the Fair Labor Standards Act, Section 7k. You'll see on the second page; it's highlighted in that section. It says "7k of the FLSA provides that employees engaged in fire protection or law enforcement may be paid overtime on a work period basis. A work period may be from seven consecutive days to 28 consecutive days in length. For work periods of at least seven but less than 28 days, overtime pay is required when the number of hours worked exceeds the number of hours that bears the same relationship to 212 for fire, or 171 for police, as the number of days in the work period bears to 28." We would be looking for Torrance County at 14-day work period because that's how our pay period goes. "For example, fire protection personnel are granted overtime under such a plan after 106 hours worked during the 14-day work period". This commission already passed that resolution and we're currently under that for the Fire Department. "While law enforcement personnel must receive overtime after 86 hours worked during the 14-day work period" Currently they work 84 hours on a regular schedule. There are times when they are called in for overtime when most recently we had a couple of our Deputies that

were in the academy, we had others that were on FMLA leave, we have sicknesses, we have times where they took their personal time off. Coverage for those has created overtime opportunities. We are thankful for the Deputies that have stepped up and covered this time. Also, there is biannual training that they're becoming current in that created over time for the Deputies. There is also time that they are required to be in court for their cases that could create overtime opportunities for them as well. If they work a night shift because they are split up in 12-hour shifts, if it is during their time that they're off, they are still required to come in for court. This is something that is allowable for a County to pass. Our legal counsel is recommending we stay consistent with the section and that the Commission passes 86 hours for a 14-day work period. Instead of the 84.

Ryan Schwebach-County Chairman: What the resolution, which we don't have before us is presenting is for us to say the Sheriff's Department does not get paid overtime until they get over 86 hours. Is that correct?

Janice Barela-Madam County Manager: That is correct.

Michael I. Garcia-County Attorney: That's right. It's under regular FLSA rules overtime kicks in at 40 hours a week, for most people with fire, it's 212 for a 28-day period. With law enforcement, it's 43 hours a week or 86 hours in a two week pay period. At what point can you agree to pay overtime, you can agree to pay overtime whenever you want to law enforcement. All this does is it keeps you from being liable under the FLSA for overtime about 40 hours a week. Overtime doesn't kick in for FLSA purposes, for law enforcement until 43 hours. If you violate that under the FLSA you have liquidated damages, double the pay and attorney's fees and all that. That's what this is designed to avoid.

Ryan Schwebach-County Chairman: Currently, they're getting three hours overtime?

Stephanie Reynolds-County Undersheriff: No, eight hours of overtime, each pay period. In a two week pay period, they work three days. So that gives them the 36 hours, the second part of the week, they work 48 hours, that 48 hours, anything over 40 hours is overtime. With this resolution, we are requesting that that would be regular time.

Samuel Schropp-County Commissioner: I want to make sure you would go through that one more time for me because I want to make sure that our folks are being, number one, treated fairly. And number two that these overtime hours and call outs are not going to affect the performance of our deputies for personal safety and public safety reasons.

Stephanie Reynolds-County Undersheriff: The second week in which they work 48 hours, they are receiving eight hours of overtime. When I refer to their regular time is 36 hours and 40 hours, then they receive the eight hours of overtime on top of that, that is every single pay period for every single Deputy. What we're

requesting is that the 86 hours the total two weeks should be considered their regular hours and also report a full work week to PERA.

Ryan Schwebach – County Chairman: What's your proposal is essentially cutting our officers eight hours overtime, right? But in turn, what they're really getting is money towards PERA because overtime does not go towards PERA

Stephanie Reynolds-County Undersheriff: Correct. They are not being reported right now at a full 80 hours toward their PERA. This was supposed to be just a temporary thing, to make sure that it worked, and the Deputies liked it. Before moving forward, we took a vote among all Deputies. Every Deputy unanimously voted that they would like to remain on the 12-hour shift. Nearly a year.

Ryan Schwebach – County Chairman: If we do pass this resolution, is it reversible?

Michael I. Garcia-County Attorney: Yes. But the point of the resolution is to prevent FLSA liability. Yes, it could be reversed.

Ryan Schwebach – County Chairman: Just because we authorize it doesn't necessarily mean it has to be implemented by the Sheriff. What we are proposing in the resolution is simply changing the two-week pay period we have from 80 to 86 hours.

Stephanie Reynolds-County Undersheriff: It would also be reporting PERA at a higher rate.

Samuel Schropp-County Commissioner: That addresses my concerns. Because, the difference in overtime is going to be made up in PERA.

Action Taken: Tabled till after item 15A.

14. APPROVAL

- A. CLERK:** Request approval of Terralogic Document System Maintenance/Support Agreement in the amount of \$913.15 for maintenance of the ScanPro with fiche carrier.

Linda Jaramillo-County Clerk: I'm asking for your approval for a maintenance agreement for a scan Pro. We use this scanner to take our old microfilm in the vault and put them into our computer system in our database for easier access to the public and our office.

Samuel Schropp-County Commissioner: So you're asking to digitize the microfiche films which degrade over time into a format, which will be good way off into the future.

Linda Jaramillo-County Clerk: Yes.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve Terralogic Document System Maintenance/Support Agreement in the amount of \$913.15 for maintenance of the ScanPro with fiche carrier.

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. FIRE: Request approval to submit the FY25 EMS Fund Act application on behalf of Torrance County for Districts 2,3 and 5. (heard before 8A)

Hanna Sanchez-Deputy Fire Chief: This is a request to submit on behalf of Torrance County for FY25 for Districts Two, Three and Five. Nothing has changed, this is supplemental to our EMS supplies.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve submittal of the FY25 EMS Fund Act application on behalf of Torrance County for Districts 2,3 and 5.

Kevin McCall – County Vice 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

C. MANAGER: Request approval for Superior Ambulance to submit the FY25 EMS Fund Act application, per terms of Torrance County's contract with Superior Ambulance.

Janice Barela-Madam County Manager: This is very similar to what Deputy Fire Chief Hanna Sanchez has brought forward every year and comes before the

Commission for approval. This is part of our agreement with Superior Ambulance that we would allow them to apply for these funds, and it is to stock their ambulances with supplies and the amount that they are requesting is \$20,000. In the agreement, it does state that Torrance County would not unreasonably withhold this approval.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve Superior Ambulance to submit the FY25 EMS Fund Act application, per terms of Torrance County’s contract with Superior Ambulance.

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. MANAGER: Request approval of the change of authorized users on the Bank of America Purchasing Card Account.

Janice Barela-Madam County Manager: This is before you today because we've had a turnover on some of our financial and administrative staff. Bank of America requires the Commission approve the individuals that are allowed to be on the Purchasing Card account. There is personal identification information that will be on this letter. There will need to be portions redacted in the event that public does request it.

Ryan Schwebach – County Chairman: Bank of America required Bank of America requires Commission approval for them to issue a bank card.

Misty Witt-County Finance Director: Not issue the bank card to add authorized users on the account,

Ryan Schwebach – County Chairman: What we're looking at are approving the names for the individuals that have full access and control to this card.

Misty Witt-County Finance Director Correct. County Manager Janice Barela, Deputy County Manager Tracy Sedillo and myself as Finance Director, Misty

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve the change of authorized users on the Bank of America Purchasing Card Account.

Kevin McCall – County Vice 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

E. MANAGER: Request approval to add County Treasurer Kathryn Hernandez to the Century Bank Account as an authorized signor.

Janice Barela-Madam County Manager: This is before you in regard to the account that we have for our loan for the administrative building. Again it was not enough to provide meeting minutes where Treasurer Hernandez was appointed by the Commission. They want an official letter signed by the Chairman of the Board stating that you are approving for her to be an authorized signer on this account.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve County Treasurer Kathryn Hernandez to the Century Bank Account as an authorized signor.

Kevin McCall – County Vice 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. MANAGER: Request approval of Restrictive Housing Report – Fourth Quarter 2023

Janice Barela-Madam County Manager: I handed out to you this morning the Restrictive Housing Quarterly Report. It doesn't state that it's for the fourth quarter, but you'll see the dates that coincide with that. Over on the right-hand side, there's a date placed in date released that falls within the fourth quarter.

If you have any questions, I will try to get information for you. I personally don't have information other than what's stated here. It does give the name, the age, the gender, ethnicity, reasons, reason for placement, the date they were placed and the date they were released. And this is required to come before the Commission for review and approval quarterly and then it is submitted to the state.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve Restrictive Housing Report – Fourth Quarter 2023, limited to the fourth quarter of the calendar year.

Kevin McCall – County Vice 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

G. MANAGER: Discussion and possible approval of restructuring vacant positions, to include setting salaries:

- 1) DWI Coordinator
- 2) Court Compliance Officer

Janice Barela-Madam County Manager: We had a unique situation where we had two individuals retire from two positions that operated independently all these years. I want to give a little bit of history so that I can explain my proposed recommendation. Currently our DWI Program Coordinator oversaw, wrote the grants, submitted the grants, took care of all the deliverables, worked with all the contracts, and oversaw the contracts that were underneath her. She worked independently and there was nobody on staff that helped her other than when we ended up getting a Grants Administrator in place. They helped with making sure that everything was tracked but our previous DWI Program Coordinator Tracey Master was very good at tracking her grants. It was not often that we needed to make any corrections or remind her of anything. With her retirement we find that we have a gap. I know that she's expressed through times, and she had public comment that she worked while she was sick. She took care of everything continued on even at times when she had to roll off her vacation because her vacation was her annual leave, and she wasn't able to take her leave. So I'm trying to alleviate that by actually placing the Court Compliance Officer underneath the DWI Program Coordinator. Currently, the Court Compliance Officer is independent and reports directly to the County Manager. We have found in that role that all these years that she's done the work by herself, again, she was working during off hours, when she was on vacation, taking her phone with her and answering the phone working while she was sick. Now that each one of them have left, we have lost that historical knowledge that each one of them had for their departments. I'm trying to make it so that doesn't happen again, and also provide support for each other's position. Across the state, in other counties, the DWI Program Coordinator does supervise the Court Compliance Officer. This would be

in line with other counties and how they handle these two positions. Also with moving the Court Compliance Officer under the DWI Program Coordinator, that would cause the Court Compliance Officer salary to partially be funded by the DWI grant funding. Currently, the DWI Program Coordinator salary is \$57,723.90, which is a salary but if you were to break it down to hourly, that's \$27.75 an hour. Proposal for this position, I'm requesting actually a range based on experience, and education of \$45,000 to \$50,000 a year salary which is broken down to \$21.63 an hour, up to \$24.04 an hour. The Court Compliance Officer, currently, their salary is \$62,006.10. I'm proposing bringing it under the DWI Program Coordinator to drop it to \$40,000 to \$45,000 a year salary that's \$19.23 to \$21.63. My goal in this is to also cross train these individuals so that when the DWI Coordinator needs to step away from the position for a moment, for whatever reason, the Court Compliance Officer would be able to assist. We have our Grants Administrator that would be able to assist, but on the portion where the Court Compliance Officer is not able to do his or her duties, that the DWI Program Coordinator would be familiar enough with the position that they could step into court or be able to answer and take care of any other duties temporarily, during that time.

Ryan Schwebach – County Chairman: Both individuals retired after 20 something years of service, you're talking a ton of knowledge. So I'm assuming you're proposing to lower the salary because we have a steep learning curve, I'm more familiar with the DWI program coordinator, that position is pretty critical that they're part of the community. They know the community. Is that the same case for the Court Compliance Officer?

Janice Barela-Madam County Manager: Not necessarily, they would need to be more on the compliance side. It would be following the judge's orders, on conditions of release also with their judgment and sentencing.

Ryan Schwebach – County Chairman: That's relevant because changing the salary, jumping up because of their skill set. We're looking for our skill set along with community grounded. I'm okay with the salary if that's what you recommend. I'm good with the purpose of longevity, building, understanding down pay to compensate that through the years,

Janice Barela-Madam County Manager: I would like the Commission possibly to consider. One county makes it a requirement that the DWI Program Coordinator get licensed as a Prevention Specialist within two years. If that is something that we would like to have as a requirement, then I would ask that, once that is completed, that there would be an increase in salary that would be awarded. The Commission will decide what that would be, and it could be advertised as such. If somebody comes in that's already licensed, then it would be above even what I would say the \$50,000.

Samuel Schropp-County Commissioner: When discussing this with the County Manager, I had suggested a consulting firm that specializes in this as a way to do the job and save some money. Madam County Manager made a very good point, which is one of your concerns that we have someone from the community that is qualified to do this and instead of showing up on court dates with a stack of files and trying to play catch up like a public defender, we actually have someone in place constantly, that is tracking these things, and knows and is aware of the timelines and all of the background. So the consulting firm went away.

Kevin McCall-County Vice Chair: A couple of months ago, you and I had a discussion about this Court Compliance Monitor. Are we required to provide this?

Janice Barela-Madam County Manager: We are required to provide this service, there is a time that at some point, the Administrative Offices of the courts is looking to take over the pretrial services, that has not arrived yet. So, we're still required to provide that until they do. This is another reason why I want this position to be underneath the DWI Coordinator. In the event that their duties change, and they don't have to spend as much time on the court compliance part of it, they could put their additional time into helping with the program. What amount would you like to see increased in the event that they do become a Licensed Prevention Specialist, or they already have that?

Ryan Schwebach – County Chairman: What does it entail to be trained?

Tracey Master – Former DWI Coordinator: There is a lot that's involved with that. Including 40 plus hours of specific Substance Abuse Training. There are different trainings associated with alcohol use and opioid use. One of the trainings I took had to do with addressing substance use misuse abuse, for the LGBTQI community. Giving two years is what the state says that a program needs to have a Certified Preventionist on board in that timeframe. Fortunately, Torrance County does have two onboard right now. The evaluator Mr. Frank Magourilos is a Certified Senior Prevention Specialist. He has been a Certified Prevention Specialist for the majority of my career. Torrance County currently has a contract with Mr. Adrian Ortiz, he serves as our preventionist, and Teen Court Coordinator. Adrian obtained his Certified Prevention Specialist. Every person who is employed by a DWI Program does not have to have that.

Samuel Schropp-County Commissioner: Is the majority of that training available through the New Mexico Edge program?

Tracey Master – Former DWI Coordinator: The majority of training that is available for Certified Prevention Specialist is available through Cumana Consulting, I don't know if they have the contract with the Department of Health, but as a core team member, for the Office of Substance Abuse Prevention,

managed by the DWI Memorial of Perpetual Tears, Inc, I was able to obtain all of those trainings as was Adrian, we were able to obtain all of the trainings at no cost. **Samuel Schropp-County Commissioner:** Is a two-year timeline, a practical and doable timeline?

Tracey Master – Former DWI Coordinator: I think it can be dependent upon what all of the other duties are.

Samuel Schropp-County Commissioner: What we're looking for is some direction in presenting to the County Manager, what we are going to require in advertising for a DWI Coordinator. So my question is, is certification within two years a practicable plan? Or do we need to modify that?

Tracey Master – Former DWI Coordinator: Since you already have certified preventionists, I think that you could modify it by an extra year, especially if you're going to be asking that person, even short term to be doing pretrial services.

Ryan Schwebach – County Chairman: The county has to have one on board somewhere. We currently do.

Kevin McCall-County Vice Chair: What if they come in with that? What are you going to compensate them for? And my opinion is beyond the upper spectrum of what we've got proposed. \$24.04 if they come in with it?

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

We change the range a little bit to cover certification. I propose to jump to \$55,000 on the top end and leave everything else alone.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve to advertising and actively look for two positions, position one DWI Coordinator with the proposed salary range of \$45,000 to \$55,000. The top \$55,000 determinant on a DWI Certified Prevention Specialist, and position two set a Court Compliance Officer title with the proposed salary range of \$40,000 to \$45,000 annually.

Kevin McCall – County Vice 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

15. DISCUSSION

A. **EMERGENCY MANAGEMENT:** Discussion/Presentation of proposed Emergency Management building remodel. **Deferred**

13.B Resolution 2024-02 Resolution 2024-02, Law Enforcement personnel Overtime Exemption.

Janice Barela-Madam County Manager: This Resolution number 2024-02 Law Enforcement Personnel FLSA section 7K exemption,

Whereas in the course of providing services to the people of Torrance County, it is imperative that the Torrance County Sheriff's Office provide 24-hour service and

Whereas law enforcement personnel, including certified Deputy Sheriff's employed by Torrance County, and

Whereas Section 13(b)(20) of the Fair Labor Standards Act (FLSA) provides an overtime exemption to law enforcement employees of a public agency for a 43-hour one week work period, or an 86-hour two week pay period. and

Whereas Public Employee Retirement Association benefits do not accrue based on overtime payments to employees; and

Whereas Section 7(k) of FLSA provides that employees engaged in fire protection or law enforcement may be paid overtime on a "work period basis: which may be from seven consecutive days to 28 consecutive days in length, during which overtime pay may be required after a threshold number of hours worked,

Now therefore be it resolved that the Torrance County Board of County Commissioners declares that it avails itself of the FLSA section 7(k) exemption for the Torrance County Sheriff's Office recertified deputies declaring an 86-hour overtime threshold for a 14-day work period for that department. And

Be it further resolved that wages reported to PERA shall be reported on this basis. Then this 10th day of January 2024.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve Resolution 2024-02, Law Enforcement personnel Overtime Exemption.

Kevin McCall – County Vice 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

B. **COMMISSION:** Discuss project which may be submitted to Congresswoman Stansbury's Office for funding. (Commission Schropp)

Samuel Schropp-County Commissioner: This Commission entered into a contract with James Winham to lead our Fire and Emergency Service. In addition to his outstanding qualifications, he brings real life experience and leadership to our Fire and Emergency Services. He comes from a family, father, uncles, brothers and a son dedicated to serving the public and the standards of the profession required to build a Fire and EMS which will better serve the people of Torrance County. I believe that the Independent and Mountainair Dispatch are represented here today, and I would urge them to get the word out to anyone, especially our high school students who are interested in a career in Emergency Services to come on board. Learn from Chief Winham and be part of a department to be proud of. This Commission has given Chief Winham my mandate and in all fairness, we must now give him all of the tools we can afford to accomplish his mission. Congresswoman Stansbury's staff have reached out to our County Manager informing us of monies which the Congresswoman specified be used on a shovel ready project in Torrance County. And I hope that we can come to a consensus and give direction to the County Manager as the clock is ticking. When I attended the the dedication of the new Moriarity Fire Station, three things stuck out to me. The Congressman has said that she knew when she saw the dark closet that the career staff were living in while on duty that we could do better. Having spent over half of my 45-year career living on boats and away from home. I understood exactly what she meant. The representative from the USDA, which also helped fund the project said that very often a project like this is a catalyst for a community to grow. Last but not least, the struggle of the assembled Firefighters and EMS personnel to contain their emotions during a prolonged and raucous standing ovation in their honor. That is why I'm advocating for a new Fire Station for our department and our new Chief. A Fire Station adjacent to our new county road shop will show through deeds the commitment of this Commission to building a department which will serve the people of Torrance County in the future. And once again, the road department can do the dirt work they did so well for the construction or the road shop. The security fences in place, water system is available and with a man fire

station security at the road shop is enhanced. I would like to hear from the other Commissioners, their priorities as well. With that, let's open a discussion.

Ryan Schwebach – County Chairman: I'm going to agree with a new Fire Station it has not been thought out much we talked about it discussed funding has always been a problem. I know Stansbury is all about Fire Stations. I'm not totally sold on putting it near the Road Department, but simply because I haven't looked at it. I'm not opposed to it either. I think the flood mitigation for the Town of Estancia. We need to back them up in every way possible. That is a huge game changer for the economics and the quality of life within this valley, especially to the people within the Town of Estancia.

Samuel Schropp-County Commissioner: In speaking with Mayor Dial yesterday, that is not a shovel ready project. Its contingent on a change by FEMA and the US Army Corps of Engineers on the floodplain designation. I agree, and that should be on our ICIP, and we should be lobbying for that.

Ryan Schwebach – County Chairman: She wants a shovel ready project? I agree. I ask you to keep that on the list, with full disclosure it is not shovel ready. But, I think that's how a lot of this stuff starts. You put the importance of it in there. I go back to EMWT. It's given funding pretty well and is shovel ready. But, I don't know if it needs additional funding, because I have not talked to the powers that be on that.

Samuel Schropp-County Commissioner: EMWT is not in good standing with the Secretary of States office. I think to bring that to Congresswoman Stansbury would hurt our case. To a certain extent.

Janice Barela-Madam County Manager: The last time we talked about this as a Commission, you also brought up the fencing for Solid Waste. Correct. And so do you want that? I can tell you that I sent over to Jacob Trujillo, Field Representative for Torrance County, the fire station as the first option that we were requesting funding for, and also the fencing for Estancia Valley Solid Waste landfill. Those were the two projects that I initially informed him that we would be looking at and that the Commission may decide other ones by the time it comes to actually fill out the paperwork.

Samuel Schropp-County Commissioner: In speaking with Mayor Dial, he tells me that the Town Hall Community Center is degrading rapidly and that is a shovel ready project if we wanted to cooperate with the Town of Estancia on that.

Ryan Schwebach – County Chairman: Is the Town of Estancia being offered this also?

Mayor Dial – Town of Estancia: Not directly. I did get a call last night to send an email with anything I currently have. My question is what the definition of shovel ready is because when you mentioned EMWT, I don't know where they're at as far as engineering design property. I would love to do the flood mitigation. Right now,

Heinrich's office is giving us a million dollars, pending the budget approval. And Stansbury's Office has tasked the Corps of Engineers to do a re-study of the map. Once the coordinators do a re-study, we may not even be in a flood plain. A million dollars should do something pretty good, but without the Corp of Engineers study, nobody's going to move forward. FEMA could put you in a flood plain with almost no data, but to get out of the flood plain, you got to have precise data.

Ryan Schwebach – County Chairman: That brings me back to the firehouse, we're assuming a fire station is shovel ready, because we're going to mimic what was just put up in Moriarty?

Janice Barela-Madam County Manager: We haven't reached out to the architect for that design to see if they're willing to share that for another project. That's what we would consider shovel ready is if the architect is willing to share that for Torrance County as well.

Kevin McCall-County Vice Chair: The price of 6.2 Million plus 7%. For architect.

Janice Barela-Madam County Manager: One of the things that's not taken into consideration with that funding amount that you're talking about, is that with us being on a well, we would be back to the same place that we are with McIntosh for the fire suppression system, that we would have to have a containment tank for the water. That would be an additional cost on top of that, depending on where we place it in the county.

Ryan Schwebach – County Chairman: I worried that the fire house is not going to be shovel ready enough for what she's looking for. We got the fence that is shovel ready through Solid Waste. What else do we have?

Janice Barela-Madam County Manager: Emergency Management building.

Ryan Schwebach – County Chairman: In the COVID days, there's a lot of funds coming out. We were advised as a Commission that we were not set up properly for Emergency Management as far as shelter and some various things. Okay, here comes a building. I felt we got it for a pretty good deal. It was a good location, but it had to be remodeled. It was explained to us that we could get the funds through the Feds through Department of Health that fell through for multiple reasons. So now we have a building that we're using, but not the original intent of the purchase. It still could be there. We just haven't gone down that road. What I've seen with our new emergency manager, she has a much better plan and concept of what emergency building should and will do. So I'm really kind of anxious to see what she has to say.

Samuel Schropp-County Commissioner: The fence and that building, now as to dispatch, we are looking at upgrading our radio system.

Kevin McCall-County Vice Chair: Do we have any indication as to dollar amount available?

Samuel Schropp-County Commissioner: There's \$22 million in the pot.

Janice Barela-Madam County Manager: She's allowed, each representative or Congress person, 11 projects; they can request Senators to carry additional projects that they would like funded within her district.

Kevin McCall-County Vice Chair: Is the fairgrounds out of question?

Janice Barela-Madam County Manager: It's not. Judging from conversations with her, she doesn't seem to like to combine funding sources, the State and Federal together.

Samuel Schropp-County Commissioner: We have fence, upgrade radio, emergency management building.

Ryan Schwebach – County Chairman: They're looking at building a Senior Community Center. We're in the planning process? I would like that pushed. Because I think that could very easily become a shovel ready project.

Mayor Dial – Town of Estancia: I'm not saying the flood mitigation is not a priority, it's still high priority, but just by the parameters, I don't think you would fall under shovel ready.

Prioritized list of request 1) New Fire House 2) Emergency Management building 3) Dispatch Radio upgrades 4) Fence 5) Flood Mitigation 6) Fair grounds.

C. MANAGER'S REPORT

Janice Barela-Madam County Manager: I like to disclose that the new Fire Chief coming in is moving in from out of state. He is looking for housing. My husband and I do have property that we've been renovating, and we'll have that available and he has requested to rent from us. We had told him that that was something we're willing to do. But, I didn't want to just do that without disclosing that to the public, as well as providing an opportunity. If anybody else in the county would like to offer up their property for consideration for the Fire Chief, please let our office know, I can have my executive assistant in the office gather that information and have our Fire Chief give them a call. He is scheduled to start his job here January 15. He's going into temporary housing until this can be remedied. I told him that we could probably have our property ready in about three weeks just to give the public an idea of how long they have to talk to the Fire Chief if they have want to put a proposal forward for housing for them with their properties. Assuming everything goes well, and we can have everything prepared in time, I'd like to let the Commission know that we may on the next agenda, to bringing forward a proposal requesting approval to hire PR in staff or help at the

Dispatch Center. With us being short-staffed, this could be a possibility where we could have a trained Certified Dispatcher from other agencies be able to come in on a temporary basis as needed to cover some positions or schedules whenever our staff has to take time off. We try to always have someone on staff two dispatchers at the same time. Currently, all three of our supervisors are dispatching full-time. I sat in on interviews yesterday for dispatch position, we did offer one candidate a position and she accepted. We have a new hire that's going to be starting at the end of this month. We are still accepting applications. Anybody that's interested in being a Dispatcher, please apply online.

D. COMMISSIONERS' REPORTS

1) Kevin McCall – County Vice Chairman, District 1

Kevin McCall-County Vice Chair: Our loan, just came up with that Century Bank on this new County Administration Building. That needs to be dealt with, what is the date we need to draft some funds?

Tracy Sedillo-Deputy County Manager: It has to be fully drawn by August.

2) Ryan Schwebach - County Chairman, District 2

Ryan Schwebach-County Chairman: So that actually brings up to one of my thoughts on all the projects we have going on. Looking at hiring on a contract basis, somebody to facilitate a lot of these projects. Are we at that point?

Janice Barela-Madam County Manager: We can put together an RFP for those services, we can also hire within our on-call engineering companies that provide those services, or we can go out to RFP whichever the Commission would prefer.

Ryan Schwebach-County Chairman: These projects are stalling out for multiple reasons. We need somebody that has dedicated time to stay on top of them to push the envelope. I would like that on the next agenda. I think the Commission has agreed with me, we need to get with it. I continually see that we don't have the manpower at the time for those temporary projects. I'd also like to thank you for giving me the honor of being Chairman again. Thanks. I also want to take this very unique opportunity to wish my lovely bride of 26 years Happy Anniversary.

3) Samuel Schropp – County Commissioner, District 3

Samuel Schropp-County Commissioner: Very soon, I will have been in this job for one year. I want everyone to know how fulfilling and fun it has been to represent the Third District. In Missouri, I was required to pass the Missouri Constitution test to graduate from the eighth grade, and a US Constitution test to graduate from high school. In between I enjoyed my Civics classes and Political classes. And in college, I was a Political Science major and had classes with guest lecturers, who were Congressmen and Federal governments. So government, as the other Commission and stuff from the 30,000-foot view has always been an interest of mine. In taking this job, the learning curve has been steep because government at the street level is complicated and very structured. But don't let any of you let that intimidate you or keeping you from seeking office or a seat on one of our subordinate boards. The staff here have been very kind, helpful, and are happy to explain how all the process works. I was returning from Corona early in the month and as I crested the hill and dropped into the Estancia basin, I looked across nearly all of my district and felt incredible pride. I've been given the responsibility for hundreds of square miles of stark, open, beautiful lands, the roads running through it, and the concerns of hundreds of people. I am not running for Commissioner this election season. I hope that all of you will consider participating in our system of government. If you do, you will have a greater respect and appreciation of the way things operate. And will find it surprisingly fulfilling to help your fellow citizens with their concerns and problems. Thank you.

14. EXECUTIVE SESSION:

**15. Announcement of the next Board of County Commissioners Meeting:
January 24,2024, at 9:00 AM**

16. Signing of Official Documents

17. Adjourn.

Action Taken:


Ryan Schwebach – County Chairman: Motion to adjourn.

Kevin McCall – County Vice Chairman: Seconds the motion.

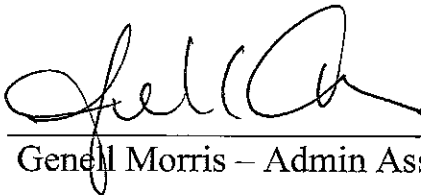
Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: -Yes:

MOTION CARRIED

Meeting adjourned at 11:46 AM

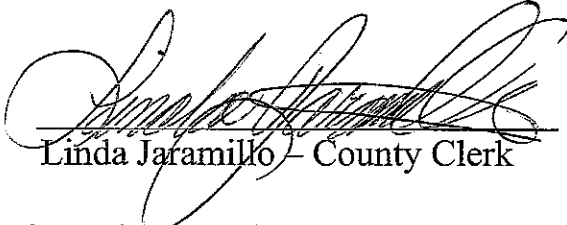


Ryan Schwebach - Chairman



Genell Morris – Admin Assistant

1-29-2024
Date



Linda Jaramillo – County Clerk

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