

**FINAL COPY**  
**Torrance County Board of Commissioners**  
**Regular Commission Meeting**  
**October 23, 2024**  
**9:00 AM**

Commissioners Present:

**RYAN SCHWEBACH – COUNTY CHAIRMAN - Absent**  
**KEVIN MCCALL – COUNTY VICE CHAIRMAN**  
**SAMUEL SCHROPP – COUNTY COMMISSIONER**

Others Present:

**J. JORDAN BARELA – COUNTY MANAGER**  
**MISTY WITT – DEPUTY COUNTY MANAGER**  
**MICHAEL GARCIA – COUNTY ATTORNEY**  
**LINDA JARAMILLO – COUNTY CLERK**  
**GENELL MORRIS – ADMINISTRATIVE ASSISTANT I**  
**AMANDA LUJAN – GRANT COORDINATOR**

1. **Call Meeting to order.**

**Kevin McCall-County Vice Chair:** Calls the October 23, 2024, Regular Commission Meeting to order at 9:03 AM.

2. **Pledge led by:** Kevin McCall– County Vice Chairman

**Invocation lead by:** Samuel Schropp – County Commissioner

3. **Changes to the Agenda:**

**J. Jordan Barela- County Manager:** Defer items 8A and 13A, were both not ready to be presented.

**Action Taken:**

**Kevin McCall-County Vice Chair:** Motion to approve.

**Samuel Schropp-County Commissioner:** Seconds the motion.

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

**MOTION CARRIED**

4. **PROCLAMATION: None**

5. **CERTIFICATES AND AWARDS:**

A. Presentation of the Employee of the Quarter for Q2 2024.

B. Presentation of the Employee of the Quarter for Q3 2024.

**J. Jordan Barela- County Manager:** We have two employees of the quarter that we wanted to bring to the board's attention and acknowledge. The employee of the second quarter, for 2024, is Shannon Waldorf from the Sheriff's Office. I haven't had an opportunity to work with Shannon directly, but I would like to read the nomination that was provided for her. That nomination is as follows: I would like to nominate Shannon Waldorf for the honor of employee of the quarter. Shannon came into the Sheriff's Office and brought with her a contagious light. Any work Shannon completes is efficient and complete. Shannon also has a way of keeping order among the workloads she possesses and the demands of the deputies and administration. When the Sheriff's Office was short an administrator, Shannon took on many extra duties without complaint. Shannon is a pleasure to work with, professional, and diligent in her duties. I appreciate her attention to detail. She is self-driven, and I believe she's a model employee. We are proud to have her working in the Sheriff's Office. This was from Under Sheriff Reynolds. We also have a certificate and a small gift for you.

The employee of the third quarter is Deborah Romero with the County Manager's Office. I have had an opportunity to work with Deborah, so I will read the nomination that was provided. This was provided by Tracy Sedillo before she vacated her position, she said, "I would like to nominate Deborah Romero. Deborah is very helpful in all areas and is always ready to assist whenever she is needed. Deborah has taken on many duties and responsibilities, and she does an excellent job. She is great with the public and employees. I think she deserves this award because she is a dependable person, and I appreciate the work she does within our office," I can say that I echo those things. Congratulations to both of you.

**Kevin McCall-County Vice Chair:** I'd like to introduce our new Deputy County Manager, Misty Witt.

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

7. **PUBLIC COMMENT and COMMUNICATIONS:**

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

**Tiffany Wong - Legal services provider with Innovation Law Lab:** Today, I will be reading an English translation of a written statement that Antonio Jose Hurtado Rodriguez shared with the Law Lab when staff recently visited him at TCDF. During the visit, he and more than a dozen other members asked that their written statements be shared publicly, including in this venue, my colleague PJ Podesta, who's on Zoom, has the original copy in hand. He's holding it up on Zoom. This is Antonio's statement,

September 10, 2024, I am Antonio Jose Hurtado Rodriguez. I am from Venezuela. I've been here for four months in Torrance, New Mexico. My companions and I have received mistreatment from the staff. They have put us in orange uniforms for three days, locked up with the prisoners, without blankets. They throw us food like we're animals. I want to be with my family. My brother and my mother live here in the United States. My mother is very sick. She suffers knowing that I'm here, I'm also sick. I don't have visibility in my left eye. I have a kidney that doesn't work. My deportation officer doesn't want to let me get out. He says I need to stay here. They don't give me medical attention. I ask for your help so that this can be published. I want to be with my family. Thanks. Have a nice day.

As we stated a month ago, my organization and our partners continue to show up here with the first-hand account of what's happening in TCDF because the people we support tell us that because of the impunity from ICE and Core Civic one of the only things that they can do is speak out and try to stop the harm that's continuing from what might come in the future. Data show that since 2017 out of the 41 ICE contract terminations nationwide, it was the local government who chose to end the contract. In 24 of those instances, the Torrance County Commission can and should decide to stop serving as the middleman contracting with ICE and Core Civic to continue cruel and harmful immigration detention. Thank you.

**Chad Hamelton – Resident:** We're still having difficulty on Ranchito's Road, it is now getting washed out worse. Last week, a paramedic unit went down that road.

It took 15 minutes to go one mile. I've talked to several people about trying to get something done with this road. There are gas lines that are down that road. What's going to happen when they get hit and explode? We have dealt with this for four or five months. I've talked to the Commission here several times. I've been arguing about this road for 15 years. Is anything ever going to be done with this, or is it just going to be until somebody dies? An ambulance gets flipped, and somebody dies? What's going on with this road? I'm just curious. I've been coming to these meetings for three months, and I get told every time, well, we're going to look into it. Well, nobody's looked into it. That's the problem, on the corner if the road is wet you will slip and slide into a ditch. We're not asking to pave it, or for gravel, all we're asking you to do is build it up where it's passable, so paramedic units, EMTs, and a police officer can get back there. You have a school bus backing up into a field with children on it. That should not happen at all. What are the steps we need to take to get something done with this road? It's been 15 years. I keep getting red tape.

**Kevin McCall-County Vice Chair:** We're going to look into it. I'm not going to speak for Commissioner Schwebach, this is his district, and I know he's been working on it, so I don't have any updates for you today.

**Samuel Schropp-County Commissioner:** Mr. County Manager, if you check with the chairman, see what progress has been made, and ask him if he wants you to direct Leonard Lujan to look into this and start to repair particular patches that need to be made passable for emergency equipment can get through.

**Chad Hamelton – Resident:** Thank you.

**David Sibley – Resident:** I'm backing him up on that, because I've had quadruple bypass surgery, and I like to have an ambulance get to me in time. I am not ready to kick the bucket yet. Kylie, my son's probably worried about his dad too, and he's a state cop. Thank you.

### **\*Comments by Zoom**

**David Chavez - volunteer with the New Mexico Immigrant Law Center:** I'd like to read a statement from an individual currently detained at the Torrance County Detention Facility. This is a translation from the original Spanish. My

name is Jonathan John Romero Quinn. I am from Venezuela. I've been detained since May 19, and it has been very difficult for me here. I'm being treated as a gangster because I have tattoos and feel this discrimination against me for being a migrant. I'm separated from my family, my wife, and my daughter are going to El Paso Texas. They are alone and need me physically and emotionally. We suffer from being apart, and I ask for help to get reunited. I passed my credible fear interview, but I remain detained solely for having tattoos. The food here is bad, as is the medical attention. I am being treated as a dangerous person, and in fact, I have no criminal record and would previously reveal it. It is very difficult for me. Thank you.

**Samuel Schropp-County Commissioner:** Are you licensed to practice law in the state of New Mexico?

**David Chavez - volunteer with the New Mexico Immigrant Law Center:** I am not a lawyer. I am a volunteer with the New Mexico Immigrant Law Center.

**Samuel Schropp-County Commissioner:** Thank you.

**PJ Podesta - Legal Services Provider with Innovation Law Lab:** Today I'm reading a series of quotations from a longer set of writings that people detained at Torrance County Detention Facility shared with me just over a year ago. They echo similar comments other men have shared since about harmful health effects and lack of appropriate medical attention, thus demonstrating that ICE and Core Civic contracting with Torrance County have been and continue to be unable and unwilling to address these issues. From retained writer number one, "There isn't the necessary medical attention that one requires." From letter number two, "Doctors don't attend to us when we need them. In emergencies. We have a painful emergency, and first, we have to fill out our information on a form. This is bad because, with illness, we don't know ahead of time when they are going to get sick. I want them to be able to attend to us well and quickly at the moment that we need them." Letter number three described, "Very bad medical attention, because when you were sick and wanted a medicine, you have to fill out a paper and wait till it pleases them to give it to you, or at the same time they give you a pill and nothing else, and we could die waiting for them to attend to us." Mr. Pazmino wrote, "In my experience, medical attention is useless. They don't even want to touch you if you're hurt. I live this firsthand; I opted not to ask for more medical attention

because the pills don't work.” The original handwriting and translations of these and other comments are available online at [bit.ly/tcdf723](https://bit.ly/tcdf723). Thank you all for listening to these accounts from people coming from inside the Torrance County Detention Facility.

**Samuel Schropp-County Commissioner:** Are you licensed to practice law in the state of New Mexico?

**PJ Podesta - Legal Services Provider with Innovation Law Lab:** I'm an accredited representative under the Department of Justice supporting immigrants and ICE detention, I'm licensed to practice accordingly.

**Samuel Schropp-County Commissioner:** Thank you.

**Ian Philabaum – Innovation Law Lab:** I'll be quoting from individuals who were detained at TCDF and shared testimony in January of this year seeking to reach the eyes and ears of decision-makers with the power to stop this harm. The testimonies resonate with other comments shared before and since that time, demonstrating that ICE and Core Civic contracting with Torrance County have been and continue to be unable and unwilling to address these issues over time. Mr. Macchiavello wrote “Since I got here, it's been a traumatic experience. I don't feel safe in this place. There are racist officers. Is it daily torture? I have split lips from the cold. I have fungus on my feet, which aren't attended to. I've lost a lot of weight. I don't feel good seeing myself in the mirror.” From another writer. “We are abused psychologically, and verbally, and the deportation officers lie to us”. From Daniel Jimenez, “I ask you all for help with human rights because they deprive us of our rights here in this detention center. There's mental, physical, and psychological torture, bad food, medical health that doesn't work. I've gone three months with kidney pain because I have very large kidney stones. I have a fever and labor is painful, and they don't attend to me.” From Emilio Rodriguez, “Please close this place that ends our dreams and mistreats us psychologically.” The original handwriting and translations of these comments from January 2024, as well as many, more, are available online at [bit.ly/timelinetcdf](https://bit.ly/timelinetcdf) which I will also put in the Zoom chat. Thank you,

**Samuel Schropp-County Commissioner:** Are you licensed to practice around New Mexico?

**Ian Philabaum – Innovation Law Lab:** I am an accredited representative under the DOJ.

**Samuel Schropp-County Commissioner:** Thank you.

**Cointa Najera - Paralegal for the Asylum and Detention team at the New Mexico Immigrant Law Center:** I will read the following anonymous statement. I find myself detained by ICE since June 2024. From that day, my worst nightmare began with bad treatment, injustices, psychological damage, and bad nutrition. I am in Torrance New Mexico. I have been discriminated against for being from another country. Core Civic should be shut down. We are treated like objects. We are just business to them. ICE does not hear our complaints, and they do not come to see us. I am a young adult of 22 years old, born in Venezuela. I have a beautiful baby girl, she is two, her name is Audrey. The person now from Core Civic has me in cell unit 5c of Torrance. I am separated from other migrants, and they dress me in blue, stating I am dangerous when my record is clean. I have never been in prison before. My question is, why am I dangerous? Why am I isolated? Our Deportation Officers do not give us information about our cases. ICE does not care about us. Where are the human rights in this country? The medical personnel here at Core Civic is trash. Pardon the word, but trash is the correct word to describe this facility. I asked for my freedom. I am not listened to. This place is hell on earth. We live in a nightmare, but we are awake. Why is it allowed for facilities like Core Civic to oversee us? How much longer should we suffer here in this space? We are people. We are human. Ask for justice, please help us.

**Lauryn Pfrommer–Pease - Asylum and Detention Advocate with the New Mexico Immigrant Law Center:** I work to help provide our communities with dignity, justice, and humanity, all of which are being violated at the Torrance County Detention Facility. I will also be reading a statement written by someone who's currently being detained at the facility. My name is Reiner, and I've been here for five months at TCDF Core Civic. They have treated me like a prisoner, not like a migrant. Because I have tattoos, they tell me that I'm a gang member. I want to say that I should be treated justly. The food here is awful. The guards treat you as if you are less than them. ICE doesn't give me any answers at all. They don't say a word. I know nothing about what is going on. I need help as I've been here

for five months. I want my freedom as we all do. Medical treatment is not acceptable. All they do is hand out ibuprofen without any actual medical care.

**Alondra Reyes - Policy and Partnerships Manager at the New Mexico**

**Immigrant Law Center:** I'm going to be reading these statements from a detainee in Torrance. I'm reading the original and the translated as well, starting with the translated. I have been detained by ICE for four months, and I have lived in risky situations with very bad treatment by Core Civic here in Torrance, New Mexico. ICE does not inform us of our cases, and they discriminate against us for being immigrants and seeking asylum in this country. I guarantee you all your pets, cats and dogs, are eating better than the detainees held by ICE. Additionally, they keep us from going outside and only let us go to the patio when the officials feel like it. I qualify for asylum, and I have a sponsor who is an American citizen who is willing to take me in, yet ICE has declined my exit, and I'm still detained without reason. I'm reading the Spanish original statement as well. (read in Spanish) Thank you.

**B. DEPARTMENT UPDATES AND COMMUNICATIONS**

1. Assessor's Office Update

**Linda Gallegos-Chief Deputy Assessor:** A quick update on what's going on in our office. I think it's important for you all to know what an integral part our office plays. Our tax roll was sent over to the Treasurer on September 27<sup>th</sup>, she verified that and sent it off to the printer. The tax bills will be mailed next Friday, the 1<sup>st</sup>. The 1<sup>st</sup> half of your property tax bills are due and payable through November 10. The second half is due and payable by May 10, 2025. You have 30 days to pay those without penalty of interest. Regarding our protests, we had 165 protests filed this year. Out of 165, we had one formal protest, which took place on October 16<sup>th</sup>. I'm very proud of our staff, that we were able to assist our taxpayers with their disputes, and only have one person who needed to go to the formal protest board.

We'll have a busy time in November and December, as when the tax bills go out. That's when folks let us know that they're not happy generally with their tax bills and want to know why. It falls back on the Assessor's Office to explain why their valuation is assessed the way it is, and then the tax bills are calculated accordingly. Also in December, we will be sending out our Livestock and Business Personal



Property Forms. The Livestock Forms are the blue forms you have until the last day of February to report or render your livestock and your business personal property. After the last day of February, there is a 5% penalty, non-remission attached to your tax bill if we don't get that. Our Livestock Specialist does a really good and diligent job of trying to remind folks, not only with the first notice but a second notice to keep everyone in compliance and not lose their special method evaluation for livestock.

We will also send out our 65 and older valuation freeze applications for 2025. Those are sent out to folks who are 65 and older or disabled at any age and seek a valuation freeze on their property. If it is requested, we'll send a form out. Then if you are in the first-year, second-year, or third-year process, we continue to contact the property owner to get their application filled out and complete that process.

## **8. APPROVAL OF MINUTES**

- A. COMMISSION:** Request approval of minutes of the October 09, 2024, Regular Meeting of the Board of County Commissioners. – **Deferred**

## **9. APPROVAL OF CONSENT AGENDA**

- A. FINANCE & PURCHASING:** Request approval of payables.

### **Action Taken:**

**Kevin McCall-County Vice Chair:** Motion to approve payables.

**Samuel Schropp-County Commissioner:** Seconds the motion.

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

**MOTION CARRIED**

- 10. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE:**  
None

- 11. ADOPTION OF RESOLUTION: None**

- 12. APPROVAL**

**A. CLERK:** Request Approval of An Annual Contract with Terralogic Document Systems in the amount of \$846.00 to Provide a Microfilm and Microfiche Scanner and Maintenance Services for the Torrance County Clerk's Office.

**Sylvia Chavez-Chief Deputy Clerk:** I am here to present the annual contract that we have with Terralogic, also known as PDS in the past, for our scanner. This covers any kind of service calls that we have. They come and they clean the microfilm machine quarterly. This is the annual contract that we've had since 2017 with this particular scanner we have in the office.

**Action Taken:**

**Kevin McCall-County Vice Chair:** Motion to approve.

**Samuel Schropp-County Commissioner:** Seconds the motion.

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

**MOTION CARRIED**

**B. FINANCE:** Request Approval of Contract Award for RFP #TC FY24-25-0027, A Service Agreement Between Torrance County and Bold Planning, LLC in the Amount of \$74,040.00 for Updating the 2017 Hazard Mitigation Plan for Torrance County, the Town of Estancia, the City of Moriarty, the Town of Mountainair, the Village of Willard, the Village of Encino and the Claunch-Pinto Soil Water Conservation District.

**Kristin Saavedra- Chief Procurement Officer:** This has been recommended by the evaluation committee to approve the award for Bold Planning, which scored a total medium of 995, out of six proposals, they were the highest scoring one.

**Action Taken:**

**Kevin McCall-County Vice Chair:** Motion to approve.

**Samuel Schropp-County Commissioner:** Seconds the motion.

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

**MOTION CARRIED**

**C. FINANCE:** Request Approval to Pay Prior Year Invoice to Iron Mountain in the Amount of \$505.17 for Storage Services Fees and Charges Incurred in Fiscal Year 2023.

**Misty Witt- Deputy County Manager:** This is a contractual service. The contractual services are paid via finance. This one, for some reason, was missed on the year-end calendar. This is a contract with the Clerk's Office for storage of their microfilm.

**Action Taken:**

**Kevin McCall-County Vice Chair:** Motion to approve.

**Samuel Schropp-County Commissioner:** Seconds the motion.

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

**MOTION CARRIED**

**D. DWI:** Request Approval of a Memorandum of Understanding between the Torrance County DWI Program and the Town of Estancia Police Department for DWI Enforcement Activities.

**Deanna Lopez-County DWI Program Coordinator:** This is an MOU with the Town of Estancia to conduct DWI enforcement activities such as directed patrols. At locations within the Town of Estancia. It's using our grant funds to pay for overtime, for them to conduct DWI enforcement activities.

**Action Taken:**

**Kevin McCall-County Vice Chair:** Motion to approve.

**Samuel Schropp-County Commissioner:** Seconds the motion.

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

**MOTION CARRIED**

**E. MANAGER:** Request Approval of the Revised Job Description for the Position of the Torrance County Deputy County Manager, and Approval of the Revised Organization Chart for the Torrance County Finance Department.

**J. Jordan Barela- County Manager:** At the board's previous direction, we did amend the job description for the Deputy County Manager to include the responsibilities of overseeing the Finance Department. Essentially, there were two additions to the job description, indicating that one of the primary responsibilities of the Deputy County Manager would be to coordinate and oversee all functions of the Finance Department. In addition, we added Exhibit A to the job description, which illuminates what oversight of the Finance Department would look like, and a lot of those duties came directly from the previous job description of the Finance Director for the Finance Department. We believe that these changes ensure that all of the responsibilities that will have fallen to the Finance Director are now incorporated as part of the job description of the Deputy County Manager.

In addition, we revised the organizational chart for the Finance Department that has been included, showing the Assistant Finance Director and Chief Procurement Officer reporting directly to the Deputy County Manager. One additional change that we are requesting is to have the Grants Administrator report to the County Manager, and part of that was for overseeing grants and projects. I think a lot of the functions of the grants department overlap and take quite a bit of coordination between other department heads. This will help coordinate projects and grant sources and make sure that things are on pace and getting completed.

**Action Taken:**

**Kevin McCall-County Vice Chair:** Motion to approve.

**Samuel Schropp-County Commissioner:** Seconds the motion.

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

**MOTION CARRIED**

**F. MANAGER:** Request Ratification and Concurrence of an Employment Agreement between Torrance County and Misty Witt for the Position of Deputy County Manager.

**J. Jordan Barela- County Manager:** At the board's direction, negotiated a contract between Torrance County and Misty Witt that was agreed upon. That contract was executed on October 11, with a start date of October 14. It would be a two-year contract from October 14, 2024 through 2026. We believe that all of the terms of this agreement were in alignment with what was negotiated previously. We are here today to ask for occurrence from the board and ratification of the contract since that was already executed on October 11th.

**Samuel Schropp-County Commissioner:** Mr. Garcia, have you reviewed this?

**Michael I. Garcia-County Attorney:** Yes, I did.

**Action Taken:**

**Samuel Schropp-County Commissioner:** Motion to approve the ratification and agreement between Torrance County and Misty Witt for the position of Deputy County Manager.

**Kevin McCall-County Vice Chair:** Seconds the motion.

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

**MOTION CARRIED**

### 13. DISCUSSION

**A. MANAGER:** Discussion of the Property Located at 16 E. Willow Lake Road, McIntosh, NM 87032, Also Known as the McIntosh Senior Center. - **Deferred**

**B. CLERK:** 2024 General Election Update

**Linda Jaramillo-County Clerk:** Yesterday was the last day to request an absentee ballot. Those people who request an absentee ballot will be sent a letter informing them of the closing of accepting applications. We sent a list of all the polling places and where they can go to vote. We issued 871 absentee ballots. 358 have come back. I want to inform you that while they were processing these ballots, there was a batch of about 140 without return addresses. All those envelopes have the person's name and the county that they belong to. I alerted the Post Office. We were able to recoup about 88 of those, and we still have two more weeks of those coming in. We will keep a close eye on that total.

They implemented permanent absentee again. That means we must drag everybody from the Primary that was permanent into the General and that required that we batch in groups. My Absentee Board is not used to batching, this is new. In the past, each person was processed individually. They were not familiar with batching. When we got calls, we isolated the ballots without addresses. Kevin's

picking up 14 more ballots from Bernalillo. I'm keeping all the envelopes that are coming in without addresses separate from the rest and tracking them. Even if there is an address there will always be ballots that come in slowly because voters delay in sending them in or some don't vote their ballot and don't send them in. I believe the ballots will get back to us with the help of the Post Office and because of the ones that have come in already. The absentee board is keeping a close eye on these ballots.

**Kevin McCall-County Vice Chair:** Can a person show up to a polling place with an absentee ballot and cast that?

**Linda Jaramillo-County Clerk:** A lot of people wait and don't mail their ballots. They take them to our polling places. The only way that you can, if you requested an absentee ballot, is you go to the polls and say, I never received my ballot. Mail gets lost. We issue an affidavit of non-receipt, and we keep that affidavit of non-receipt. If that ballot was to come in, it's nullified, and documented. We've had 558 early voters here at our office, and 718 in Moriarty.

**Samuel Schropp-County Commissioner:** We had a structure fire to the northwest of the building, and the prevailing winds filled this building with smoke. In the interest of safety and health, the County Administration Building was closed down until that could be corrected. That caused problems for the Clerk.

**Linda Jaramillo-County Clerk:** We had voters here and had to evacuate the building. I was the last one here because I was trying to get everything situated. I called the Secretary of State's office informing them our building was being evacuated. What do we do? What's the plan? They asked me if I could move it to another polling place here in Estancia. I said I couldn't because I couldn't get the equipment out. We had set up in Moriarty on Saturday and asked if it would be possible to move it to the Moriarty Civic Center. They said I could. I called some of the Moriarty precinct workers, Sylvia, myself, and Senaida went to help. We put signs on all the doors here in the building directing voters to the Civic Center. We got a lot of the voters that came here, that went to Moriarty. We processed 150 voters there on Monday. The polling place wasn't supposed to be open, but people showed up. We have four BODs and there was never a big line. We processed them quickly, with lots of booths, so nobody had to wait in line there very long.

**Kevin McCall-County Vice Chair:** What do you suspect voter turnout?

**Linda Jaramillo-County Clerk:** Right now, we have a total of 2,169 out of 10,200. I thought we were going to have a lot more absentee by-mail voters because we had 2000 Absentee Ballots for the 2020 election. We are not close to that. At our Early In Person sites, we are getting a lot of voters and it's not over yet. I appreciate everybody's votes. It's our democracy. I want everybody to practice their right to vote. Thank you.

### **C. MANAGER'S REPORT: Personnel and Administrative Items**

**J. Jordan Barela- County Manager:** The HR Director position is still vacant. That position closed last Thursday, and we will be conducting interviews with two qualified applicants this Thursday. We may have some determination as to where that position goes in the coming week. In addition, our Executive Assistant, Nancy Shriver with the Manager's Office, has notified us that she will be leaving in the middle of November, she has taken employment in the private sector. We do wish her all the best. In anticipation of that, we have already posted for the Executive Assistant position that closes this Thursday. We already have many qualified applicants. The intent with that was to try to identify somebody ready to go before Nancy's departure, so we could potentially do some cross-training before she leaves us.

On the fire side of things, that's moving in a positive direction. I know the Chief is here today, but in the next week, fire will be making four offers of employment to firefighters/EMTs, three of which are PRNs, one of which is a grant-funded position. I believe there will also be an offer for the Division Training Chief in the coming weeks. They've identified a candidate for that position as well. We are filling some of those critical vacancies in public safety.

We received a letter from the IRS in early October. According to this letter, the IRS is proposing a penalty against Torrance County of \$78,300 for W2s that were filed late with the IRS for the calendar year 2022, but the filing did happen in 2023. The filing date for those would have been January 31, 2023. We were able to look into the system, and our Deputy Manager Witt was able to find some information showing that we received the acknowledgment of receipt from the IRS when those were submitted in August of 2023, so that was, in fact, late. I have had some discussions with former Manager Janice Barela, as well as Tracy Sedillo, and we are still doing a little bit of research on that. Both the previous administrations informed me that they were aware in probably late July that there were issues in terms of getting this submitted. What we're trying to determine is what happened

between the end of January and July when Manager Barela was notified that these had not been submitted to the IRS at that time. We are doing a little bit of research right now, and Dominica our Legal Assistant, is helping us with that process to try to determine what communication may have happened between personnel and the IRS because the people directly involved in that are no longer employees with Torrance County.

We have two options, one of which is to accept the penalty, in which case that that would be submitted to the IRS in addition to the payment. The other option would be to grieve it, though it is hard to make a recommendation right now on the grounds for grievance until we can complete that research and determine what communications may or may not have happened through that period. The actual due date for response would be November 20. We are looking to make a secondary presentation to the board once we have those additional details at the first meeting in November and get some guidance from the board in terms of what direction we would like to take, as far as our response to the IRS.

**Samuel Schropp-County Commissioner:** I would recommend, based on some personal experience, trying to negotiate that \$78,000 down.

**J. Jordan Barela- County Manager:** We are planning to have that conversation with them this afternoon. Specifically, we want to initiate the conversations to determine, given the fact that this is going to take some research, if there could be an extension on this. Assuming, it was submitted late, and we can't find that ground we would have that discussion with them to try to come up with some type of negotiation.

**Kevin McCall-County Vice Chair:** Is this just a penalty, or is this interest as well? Did we not pay?

**J. Jordan Barela- County Manager:** This is just a penalty. The way that the penalty breaks down is, depends on how late the submission is. If it's within 30 days, it's \$50 per W2, if it's within 60 days, it's \$110 per W2, anything after August, it goes up to \$290 and that's what that penalty is. It's \$290 per W2 times all of the W2s for all of Torrance County. November 20th is the date of payment if we do not reach an agreement with the IRS, or should we not submit payment by November 20, at that point, interest will begin to accrue. On the proposed penalty. We are still trying to determine right now, in terms of who's having those communications. My understanding, at least talking to the Former County Manager Barela, is this was housed with the previous Deputy County Manager and



Finance Director. It would have been the responsibility of one of those two positions to get this done. The interesting thing is that we don't know why. My understanding is Tracy who was the Treasurer at the time ended up doing the submission. Once she was notified that it was late because she had access to the IRS database to complete the submission. It wasn't submitted by the Finance Department. We still have more research to do. We don't know all those details right now.

**Samuel Schropp-County Commissioner:** Hopefully, this was a problem because of our transitions and our turnover. As everybody knows, it's caused this Commission a lot of trouble. It's causing the County Manager, the Deputy Manager, the previous Manager, and the Deputy a lot of problems. Hopefully, we've got some stability coming to settle a bunch of these problems that have been coming to our attention in the last three months or so.

**Kevin McCall-County Vice Chair:** Employees got their W2s; we did not file with the IRS.

**J. Jordan Barela- County Manager:** Yes, the E-filing of those documents.

**Linda Gallegos-Chief Deputy Assessor:** My staff is going to have questions regarding this. Does that affect the employees in any way?

**Misty Witt-Deputy County Manager:** It's the County at this time. The employees' W2s were correct, there weren't any amendments needed to the W2, and the employees should not be affected by this.

## **D.COMMISSIONERS' REPORTS**

1) Kevin McCall – County Vice Chairman, District 1

**Kevin McCall- County Vice Chair:** None

2) Ryan Schwebach - County Chairman, District 2

**Ryan Schwebach-County Chairman:** Absent

3) Samuel Schropp – County Commissioner, District 3

**Samuel Schropp-County Commissioner:** Last week, I was asked to participate and lecture at the first New Mexico State Parks Marine Enforcement Officer training. These are all folks that have gone through the State Police Academy. In New Mexico, there's not a whole lot of boating knowledge among the Marine Enforcement Officers. It was a lot of fun. I can tell you that that's a much easier job, and it's no wonder we're having a hard time hiring when you have the chance to ride around in a boat and not get shot at versus riding around in a car in Torrance County. It was great to see those eager young people wanting to learn the job. That was a gratifying experience. Thank you.

**14. EXECUTIVE SESSION: None**

**15. Announcement of the next Board of County Commissioners Meeting:**  
November 13, 2024, at 9:00 AM

**16. Signing of Official Documents.**

**17. Adjourn.**

**Action Taken:**

**Kevin McCall-County Vice Chair:** Motion to adjourn.

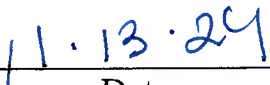
**Samuel Schropp-County Commissioner:** Seconds the motion.


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

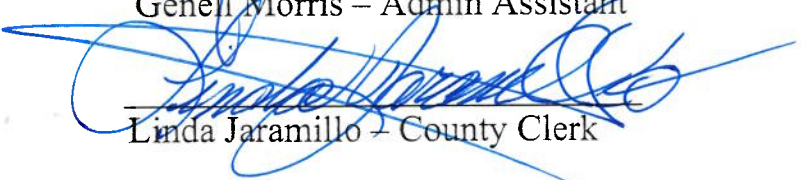
**MOTION CARRIED**

**The meeting adjourned at 10:00 AM.**

  
\_\_\_\_\_  
Ryan Schwebach - Chairman

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Genell Morris – Admin Assistant

  
\_\_\_\_\_  
Linda Jaramillo – County Clerk

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