

FINAL COPY
Torrance County Board of Commissioners
Regular Commission Meeting
November 13, 2024
9:00 AM

Commissioners Present:

RYAN SCHWEBACH-COUNTY CHAIRMAN
KEVIN MCCALL –COUNTY VICE-CHAIR
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
DON GOEN – COUNTY P & Z DIRECTOR

1. **Call Meeting to order.**

Ryan Schwebach-County Chairman: Calls the November 13, 2024, Regular Commission Meeting to order at 9:08 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 11H, Move 13B to 5A

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve.

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

4. **PROCLAMATION: None**

5. **CERTIFICATES AND AWARDS:**

13B. MANAGER: Salinas Pueblo Mission National Monument Recognition of the Torrance County Sheriff's Office. – Kathy Garcia, Salinas Pueblo Mission National Monument

Kathy Garcia – Superintendent Salinas Pueblo Mission National Monument:

I am here today to acknowledge the Torrance County Sheriff's Office. We pride ourselves in being an economic draw to our communities, and we take our role in protecting these sacred spaces seriously. We also celebrate and acknowledge that this work isn't done alone, and that our success is a result of partners who are willing to assist us in protecting these significant resources. Today, I'd like to acknowledge one partner, the Torrance County Sheriff's Department, who has made a positive difference in how we do our work and as a community of Mountainair. On September 30, we discovered a storage shed at our headquarters building was forced open and items were stolen. The Torrance County Sheriff's Department was on scene within 30 minutes, prepared to take written statements and analyze the scene. When we continued to see the same patterns of criminal activity throughout the week, they arrived on the scene prepared to continue investigating.

I am impressed by their professionalism in handling the situation, the degree of seriousness with which they took our concerns, the advice they provided, and the constant communication they offered during the investigation until the suspects were apprehended. Thank you, Deputy Mitchell and Detective Schwerdel, it is an honor to live and work in a community where our law enforcement cares for our well-being and approaches their work with a high level of integrity and professionalism. We are so lucky to have you. I also want to recognize Sheriff Frazee for his leadership and support. I've appreciated your response to my calls and helping me in my first year as a superintendent. Salinas Pueblo Missions would like to present a token of our appreciation for what you do in our community. Thank you for your service.

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

7. PUBLIC COMMENT and COMMUNICATIONS:

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

Chad Hamelton – Resident: I want to thank Mr. Barela and Mr. Schropp for trying to figure out how to get Mi Ranchito Road fixed, they're working diligently on coming up with a plan to get it repaired and up to County specs. The problem I'm having is that they can't put any material on this road until it's been adopted.

Friday, a roadblade went off the road. He backed up on a portion of that road, which is still County Road, as I call it. It took a lot of material to fill the hole that he created with his blade on Shondale Road. Now we have a lake. I talked to the County Manager yesterday. He's going to get with the Road Department and see how quickly they can get it fixed. The problem is that this road is one step forward, two steps back, with the material that has been ripped off the road. If we spend the money and put more material down, how quickly is it going to disappear? We're concerned that Shondale Road might get graded twice a year if we're lucky. Last year, I crashed one of my bikes by the Dollar General, where the asphalt ends. The Road Department came out and put material on it. It's all washed out. We've noticed that all the roads around us are getting chip-sealed. We're curious, when is Shondale Road going to get any attention? Thank you.

David Siblev – Resident: Good morning. Same thing. The road is getting worse. An 80-year-old woman got stuck yesterday she has bad knees and can barely walk on dry ground. She had to walk home and couldn't get her car out. Thank you.

Brian Melcheck – Resident: We have a grossly oversaturated market when it comes to pot farms. We have signs everywhere saying, Torrance County, the Heart of New Mexico. We're starting to transport drugs from the Heart of New Mexico. We do not need another drug or pot-growing operation in the state, much less in this County. I think we've made it clear here over the past few months that we don't want one either. I can understand and empathize with the gentleman buying the property first and then in hopes of getting his operation started. It shouldn't be our burden to bear and to deal with. Thank you.

Tiffany Wong - Legal services provider with Innovation Law Lab: I'll read an English translation of a report from an individual detained at Torrance County Detention Facility who prefers to remain anonymous due to fears of retaliation. I'll

note that his description of waste flooding uses gross terms. Since April 2023, we have now heard of reports of sewage and drainage flooding in eight of the 16 ICE units at TCDF.

All the downstairs cells and toilets flood and poop comes out. It's a disaster. They keep fixing it and it floods again. Last week it flooded, and they left us locked up there for about five hours, locked up without water or anything because everything had flooded. The first time it happened, they transferred us. This past week, instead of moving us to another unit, they cut off our water. The unit we're in is the one with bars and they have us dressed in blue. They say we're delinquents who were dangerous criminals, and that's why they won't move us from this unit. The floor above always floods. On the ground floor, the toilets below always fill with water and overflow, not the ones above. Then the problem is that when those above flush, it overflows, and we clean it. Today is November 6th, and I am here in Torrance, detained.

***Comments by Zoom**

PJ Podesta - Legal Services Provider with Innovation Law Lab: I'll be playing the original Spanish audio of the testimony that my colleague Tiffany shared as someone detained by ICE at the Torrance County Detention Facility. I'll just add that his comment comes after numerous similar reports in recent months, as we have shared previously before the County Commission. These ongoing and basic infrastructural problems make clear that continuing to serve as the middleman between ICE and Core Civic will only lead to more harm, and so we hope that the county will cease doing so.

Sterling Donner – Boys Council Coordinator: I wanted to give you an update on the Boys' Council and Girls' Circle. We had six new kids sign up at EVCA over the last month. That puts the number up to 75 kids who were mentored at EVCA after-school programs. It's growing. We're extremely blessed to see the kids being mentored and having the ability to talk about what's going on in their lives and not have to fear any type of kickback on them. We're willing to accept donations. If anybody's interested in helping Flame or doing all these services free of charge. Thank you.

B. DEPARTMENT UPDATES AND COMMUNICATIONS

1. Finance Department Update

Misty Witt-Deputy County Manager: A quick update from the Finance Department. We did have to go back out to RFP for the EMWT Project Manager. We did not receive any responses for the first round. Those new proposals are due by December 2nd, and they'll come before you for approval on January 8th.

8. APPROVAL OF MINUTES

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

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve minutes.

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: Request approval of minutes of the October 23, 2024, Regular Meeting of the Board of County Commissioners.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve minutes.

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

9. APPROVAL OF CONSENT AGENDA

A. FINANCE & PURCHASING: Request approval of payables.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve payables.

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

10. ADOPTION OF RESOLUTION:

- A. **FINANCE:** Request Approval of Resolution No. 2024-39, a Resolution Approving Budget Adjustments to the FY2024-2025 Budget, Including Grants Received and Grant Match Funding.

Misty Witt-Deputy County Manager: Concerning this action item, I did want to state something just for the record. The original resolution included the DWI grant, which was deferred, so the final resolution will be exactly what was in the packet material, minus the DWI grant. I just handed the Commission the updated copy of the resolution with the current schedule. If you look at Schedule B items requesting adjustment for the DWI community grant there will be a \$75 shift gap, so we are requesting an increase for that grant. And then we also received the Appaloosa Road funding as well.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve payables.

Kevin McCall-County Vice Chair: Seconds the motion.

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

MOTION CARRIED

11. APPROVAL

- A. **GRANTS:** Request Direction on the Final Design for the New Torrance County Administrative Office based on Design Operations provided by the Project Architect, Wilson and Company.

Amanda Lujan - Grants Administrator: We're here to present the design options for the new Torrance County Administrative Office. You have planned designs in your packets. They gave us 3 options. Each one has a different cost. I will hand it over to Amelia and Scott, who are on Zoom to go over the plans.

Scott Mavs-Wilson Engineers and Architects: I'm joined by Amelia and Tanya.

Since we last met in September regarding the new administration building for Torrance County, we engaged a professional process enabler to develop a detailed process for the building based on the original design, the 30,800-square-foot building that we discussed in the September meeting. The cost came in at approximately \$22 million. We then met with County officials a couple of times to review the estimate and see where we can make some initial cuts and provisions. The comprehensive document has the four estimates at the top of the sheet with the descriptions below it. We have A101, A102, and A103, these represent various options with the differences that we've come up with in terms of plan cuts or building square footage cuts. The original process was \$22 million from there, we went ahead and removed a few items. Items like site demo, basic metal, some finished carpentry, some plastic fabrications, display boards, roller shades, and several things that the County team decided we could forgo. There was another item, which was the escalation to the midpoint of construction at 3.5% we removed that. We also decreased the design contingency from 10% to 5% and then on the retail tax in New Mexico, gross retail tax, we only applied that to labor and not the material. After removing those items, the 30,855 square foot plan is still the original plan with just these items removed. We have the cost estimate for A101.

If we move to the right to the cost estimate for A102. This design scheme reduces the offices in the floor plan. We were reducing framing, wall finishes, and doors, among other things. In addition to that, we took a hard look at the design of the building and rolled back some of the luxuries in the design, or some of the elements of detail to include the masonry, the amount of metal exterior cladding, the amount of blast in the project, and specifically at the entry of the building, some High-Performance Coatings, etc. They also included the items removed from A101 and that brought us to a total of about \$14 million. The floor plan from A102 still has the original footprint of 30,855 square feet, but we removed a lot of the interior build-out.

The A103 plan cost estimate in this design decreases the size of the building. Frames at about 15% took us from a 30,855 square foot building to about a 26,800 square foot building. In doing so, we removed a designated break area. We decreased the hearing chamber size by about 2000 square feet. There were overall cuts to the various departments anywhere from 200 square feet each to 800 square feet to arrive at that 26,800 square foot building footprint. By doing this, we deleted some items. We also reduced the items that would be used to build the building, concrete work, foundation work, site work, and exterior cladding, all those things, we decreased based on the decreased square footage of the building, and that brought us to about \$12,900,000.

Those are the options that we provided the County. After much discussion back and forth with County officials, it's our opinion that cost estimate A102 would maintain the square footage of the original building design at 30,855 but maybe decrease some of the build-out and the finishes on the interior of that footprint building that they could move into and grow into in the next 34 years. The floor plan corresponds to the cost estimate.

Samuel Schropp-County Commissioner: On A102 reduced items, division 13, audio, video, Division 27 data and communications, and then Division 32 site and gates. The site and gates can be retrofitted. Will the utility trunks in this building be accessible so we can retrofit audio video and data communications at a later date?

Scott Mays-Wilson Engineers and Architects: That would be only if we provided the conduit, and the piping during construction, at least, to the building.

Samuel Schropp-County Commissioner: When we were working through our budget, I explained to everyone that we weren't going to give a general wage increase depending on what happened in November's election. The new administration is looking at cutting \$2 trillion from the federal budget. We need to move on this and get these prices locked in. We need to stay with what is reasonable in case the money supply dries up. On A102, division 23 the mechanical system, we want a very efficient mechanical system. In Division 23 if we eliminate, what does that notation mean that we're eliminating the mechanical system that was in A101?

Scott Mays-Wilson Engineers and Architects: We reduced the ductwork, registers, etc., on that open plan. It wouldn't be as specific to providing air to individual offices to reduce the cost of the system supplying air to an open floor plan.

Samuel Schropp-County Commissioner: I want to make sure because it is a very high ceiling, and we have discussed a recirculatory system to catch what rises, or ceiling fans. What we're looking at is, in the long term, trying to have a more energy-efficient building and reduce costs of running it. Are we going to be able to accomplish that goal with the mechanical system as proposed in A102?

Scott Mays-Wilson Engineers and Architects: Yes, we can.

Kevin McCall-County Vice Chair: When you put items with the reduced list, like metal roofing, I need more details. How do you plan on eliminating or removing these items, they're needed. We're going to need more explanation.

Scott Mays-Wilson Engineers and Architects: We're going to be providing a sprinkler system that covers the whole building. It meets the code and will do the job in case of a fire. The reason why it's reduced in cost, not removed from the building, is because we've eliminated a lot of individual spaces, a lot of offices, and a lot of rooms where the partitions go all the way up to the ceiling, where you need to provide sprinklers. There's less material, and less labor when you have an open floor plan such as that of A102 instead of the many offices that plan A101 has. It's a reduction in cost based on the simplicity of the design. It doesn't decrease the effectiveness of the system. With the metal roofing, we are going with a less expensive roof.

Ryan Schwebach-County Chairman: The original concept was coming down to the next three years, anticipating around eight and a half million dollars. This Commission intended to put those funds towards this to get paid off in the immediate future. Is that still a consensus of this Commission?

Samuel Schropp-County Commissioner: Yes.

Ryan Schwebach-County Chairman: Even if you go with A103, the first question, and must be realistic, we're getting an estimate of \$13 million, it's going to be more than \$13 million. That's the reality. Where do we come up with the difference in money? We at least need to have a plan.

Kevin McCall-County Vice Chair: We borrowed \$9.5 million from the bank.

Ryan Schwebach-County Chairman: We have two years to commit that. The incoming Commission could have the potential ability to say, we don't want to pay it off.

Samuel Schropp-County Commissioner: What's the interest rate? If you look at the interest rate, you may not want to pay it off. Let's keep that in mind as we are concerned about what a future Commission may or may not decide. The tools have been laid out to accomplish this.

Ryan Schwebach-County Chairman: We start getting this \$18 million range. I look at this \$14 million, A102, and I agree with the concept of keeping the square

footage. That's a budgetary stretch. We have designed this building solely on square footage, on the needs of what is assumed within this County, and our budget.

J. Jordan Barela- County Manager: Would it be prudent for us, at the staff level, to look at budgetary concerns, potential financing options, and what grant options are available to give this board some determination of what we might be able to obtain or finance for this project through other means? Would that help the board in their determination in terms of these floor plans?

Ryan Schwebach-County Chairman: Yes, I think it's foolish to think that's the only answer because I thought we were clear on keeping this at a ten million budget with the assumption it was going to cost another two. I was comfortable with that, and that's what we don't have right now. What we need are some options for a very expandable building. With future grants and future money coming in we can add to it relatively cheaply, but I need to look at the details. I do agree that it's foolish to cut so many square feet that we're just moving from one problem to another. I need to delve into it a little bit more into what the square footage costs.

Scott Mays-Wilson Engineers and Architects: Our reference number per square foot on these options is about \$450 on average per square foot. We have the same square footage options on A102. I think these numbers are conservative. There are no guarantees on the bid numbers as they come in. A lot of this is what's going on out in the market and the region, and specifically, what's going on in Albuquerque in terms of construction and labor pools versus what's going on in Torrance. There's no guarantee. This is an estimate based on factors and experience.

Ryan Schwebach-County Chairman: I think we need to look at A102. We need to hone in on that and get serious about where we can cut it back in the attempt. I don't know if we can get it down to that \$10 to \$12 million budget. More can be done.

Samuel Schropp-County Commissioner: Or where can we come up with the money? I would recommend that we need to step into a detailed plan of where we can come up with the additional money. At \$456 a square foot on A102 and the size of the building, I think that's the best value for the County for the next 40 years. The question is, how are we going to pay? Between now and January 1st we can lock in grants and federal funding to help us out with this. We're against a deadline. The new Congress comes in on January 1st, and they have both houses of Congress, and they are going to do what they've been promising which is reducing

the budget and cutting spending. We need to lock this in now and then cost overruns that come because of policies that we'll just have to deal with. We need to lock in some money.

Ryan Schwebach-County Chairman: As for the concept of prices going up, nobody can predict the future because a lot of statistics say they are coming back down. We need to hone in on A102, to have contingency plans. In my opinion, if it can be a rough estimate within the budget, we can swing it one way or another.

Samuel Schropp-County Commissioner: What this Commission is going to need to do is provide the square footage that the staff will need to accomplish their goals. We will need to look at utility costs and use the most efficient utilities. Set ourselves up for improvements in the future.

Kevin McCall-County Vice Chair: This building is 22,000 feet, knowing the square footage now, I think it's important to come back to where you are going with that. We need to increase it. 30,000 feet probably is the number.

J. Jordan Barela- County Manager: From a staff perspective, if A102 is somewhat of the direction, as far as cost per square foot, I think that gives some direction. We have a cost number we can look at. We know what the gap is, and we can try to identify, minus engineering, what's the balance, and what it is going to take to get us there. I think it does give us a little bit better of a target to focus on in terms of trying to bring a more realistic plan to the board in terms of getting us within budget. Once we identify the funding, we could have at least a number. That would be the engineering component, at the design determination of the board.

Ryan Schwebach-County Chairman: What we do need from the engineers is we need to hone in on A102. We need to be able to pick it apart on different items. The roof is one example, looking at the concrete reinforcement and another example, looking at these blueprints. Looking at \$450 a square foot on something this size, without much open space. I would like to get the budget information together and arrange a time with engineers and architects. Get the cost analysis, and then plan a special meeting for our Commission to sit down, go through it piece by piece, and have an honest direction to move forward. Is everyone good with that?

Kevin McCall-County Vice Chair: Yes.

Samuel Schropp-County Commissioner: Yes.

B. GRANTS: Request Direction on Final Design for the Torrance County Fairgrounds Based on Design Options Provided by the Project Architect, Studio Southwest Architects.

Amanda Lujan - Grants Administrator: Southwest Architects provided four options for the new multi-purpose building at the Fairgrounds. We are here to get some clarification on which design option we will go forward with. One of the reasons we're doing that is because, to get a proposal from them about their continued work, we need to have an idea of which plan we go with. At the last meeting, option two was struck because it involved knocking down the hot barn. We technically have options one, three, and four. On the first page of the packet is a summary of the cost of each of the plans. The total amount we have from Capital Outlay is \$4,928,800. Laura Anderson, the architect, is on via Zoom if you all have any questions.

Samuel Schropp-County Commissioner: Capital Outlay is dedicated money.

Kevin McCall-County Vice Chair: Given to us by our State Legislators. Set aside for this project and this project alone. For the public, the money for the fairgrounds was given to us through the years. In the six years I've been here, I worked hard on this. These are monies that the state has appropriated to this project to the tune of \$4.9 million.

Amanda Lujan - Grants Administrator: \$2 million of that money came from the Governor for the fairgrounds. Option one is the 22,500-square-foot building that we were originally looking at. Its cost per square foot is \$240.40 and the total cost is \$5,000,454. That calculates a deficit of \$525,200. Option two, we don't want. Option three, the square footage is 20,400, and the cost per square foot, \$227.35 total cost, is \$4,637,865. We would have \$500,488 remaining, based on this quote. Option four is 17,400 square feet. The cost per square foot is \$231.09, the total cost would be \$4,020,972 and we have \$907,828 remaining from the capital funding. To give you another idea, we do have about \$700,000 that will revert at the end of this fiscal year.

Laura Anderson - Architect: I want to mention that the design costs and architectural engineering can be estimated at 5% of the construction costs.

Samuel Schropp-County Commissioner: On options three and four. What do you envision for the interior of this building?

Laura Anderson - Architect: It is an insulated, prefabricated metal building, it has concrete floors and Windows.

Samuel Schropp-County Commissioner: Options three and four are within our budget. We can commit before costs start changing.

Laura Anderson - Architect: Estimates include an escalation, annual escalation rate of 6% with an estimated construction start date of February 1st. We're probably not going to be able to make that, but there is at least an escalation within this estimate up until that date. I did want to mention that these buildings and the links they're on are based on the 30-foot module to match the existing structural system of the other barns and the arena to make efficient use of those existing buildings. That's why you have to go 60 feet north from the existing barn. In option four, it turns on an L and still the 50 feet. Option three is a little bit wider at 90 feet maintain a 10-foot alleyway between the existing barns and the new multi-purpose building.

Kevin McCall-County Vice Chair: During our last meeting, we talked about needing a firewall between the existing building and the new and it was probably going to be a CMU wall. Is that in this estimate?

Laura Anderson - Architect: Yes, it is.

Ryan Schwebach-County Chairman: That existing barn is an open building. It's a pole barn. Does it still require that firewall?

Laura Anderson - Architect: If it's within 30 feet of the new building, yes.

Amanda Lujan - Grants Administrator: We need to take the opportunity to reauthorize now because they are starting to change philosophies on allowing counties and entities to do that.

J. Jordan Barela- County Manager: In terms of what I've heard from the state level, if we're showing progress toward design and construction, I think we're in a much better position. Another factor the board should consider is the longer this process drags out with appropriations that are pending, our overall budget could shrink, which is why we wanted to bring this work today to try to get some general direction. After going to the infrastructure conference, which both Misty, myself, and Amanda went to, that was the tone that we were getting from the state, they

wanted to see forward momentum for reauthorizations. If that wasn't being seen, they may not be approving those.

Amanda Lujan - Grants Administrator: They are offering support to finish projects, but they are also tightening some of the guidelines.

Kevin McCall-County Vice Chair: Does the architect need a verbal commitment to go to option three? Then what's the next step?

Amanda Lujan - Grants Administrator: We need you to select an option, and then the committee and I will work with Laura to start the proposal and the design process. We will be coming back to you with a contract.

Action Taken:

Kevin McCall-County Vice Chair: Motion to approve option three.

Samuel Schropp-County Commissioner: Seconds the motion.

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

MOTION CARRIED

C. EMERGENCY MANAGEMENT: Request Approval of the FY2024 Emergency Management Performance Grant (EMPG) for \$51,058.00 with a Local Match of \$51,058.00. EMPG Reimburses 50% of the Salary and Benefits for an Emergency Manager and 25% of the Salary and Benefits for an Emergency Management Specialist.

Samantha O'Dell-County Emergency Manager: This is for the EMPG grant that we receive annually. It pays up or reimburses up to 50% of the salary and benefits for me as the Emergency Manager, and up to 25% for Julie as the Emergency Management Specialist, we did receive the \$51,058 for this award.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve

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. EMERGENCY MANAGEMENT: Request Approval for FY2024 State Homeland Security Grant Program (SHSGP) Funding for \$290,300.00 with No Match Requirement.

Samantha O'Dell-County Emergency Manager: This is the grant that we have requested funding to upgrade the Dispatch and Sheriff's Department to move to the state radio system. We did not receive everything that we requested. However, we are receiving \$290,300. The way that that is dispersed is Dispatch will receive \$240,300 which will allow us to upgrade half of the consoles. There are currently six consoles. They use two consistently, and at times there's a third in use. This is something that was discussed with the Dispatch Director initially, she was okay with us doing three for the initial and then the \$50,000 is for the Sheriff's Department which is to upgrade their handheld radios that they recently received to get them up to the state radio system. It's going to cost \$56,000. We are \$6000 short, but we're looking at some other funding sources to make that happen.

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: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

E. FINANCE: Request Approval of the New Finance Manager Job Position, Job Description, and Approval of the Proposed Annual Salary Range (\$56,000.00 to \$60,000.00).

Misty Witt-Deputy County Manager: This is the item that was approved at the last Commission meeting in the Finance Department. This is the description of the new position job that the County Manager and I have come up with. The new position would be titled Finance Manager; to keep consistent with the other jobs in that department, they would still report directly to me as the Finance Director. This position is essentially taking on the day-to-day tasks for things that I was doing as the Finance Director. I'll still have ultimate oversight, but they're going to do a lot of data entry of the day-to-day tasks that are outlined in this job description.

Action Taken:

Kevin McCall-County Vice Chair: Motion to approve

Ryan Schwebach-County Chairman: Seconds the motion.

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

MOTION CARRIED

F. FINANCE: Request Approval of Salary Increase for Assistant Finance Director to \$62,000 Due to Increased Managerial Duties and Salary Compaction, as a result of the Reorganization of the Torrance County Finance Department.

Ryan Schwebach-County Chairman: What this position does is fill the need within the Finance Department to keep day-to-day operations and the chain of command. I wanted the public to know that it's a good move, it's a cleaner setup. We removed Misty from the Finance Department. It's not a new position, it's a redefined position.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve

Samuel Schropp-County Commissioner: Seconds the motion.

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

MOTION CARRIED

G. FINANCE: Request Approval for Payment of Unauthorized Purchases to Pitney Bowes for \$132.78 for Invoice Number 1026197229 for Tape Strips for the Postage Machine.

Misty Witt-Deputy County Manager: A purchase order is in place for the postage machine lease. However, the supplies are not included in that lease.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve

Samuel Schropp-County Commissioner: Seconds the motion.

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

MOTION CARRIED

H. GRANTS: Request Approval of Grant Agreement from the New Mexico Department of Finance and Administration Local DWI Program for \$142,393.97, and Approval of Required Match Funding for \$15,821.55 for a Total Grant Amount of \$158,215.52, for Education, Outreach, Prevention and Enforcement of DWI. - **Deferred**

I. ROAD DEPARTMENT: Request Change Order Approval for Purchase Order Number 24-000474 to Melloy Dodge for \$4,306.92 for Vehicle Diagnostics and Repair.

Leonard Lujan-County Road Superintendent: I opened a purchase order for this. I had to take my truck in to get diagnosed because it stopped running. They started working on it. Then they kept calling me. They needed this part, needed that part. I had a PO already open. That's what we were told before, if I opened the PO, we could continue with it. It should have only been for the diagnosis, but I needed the vehicle fixed, so I told them, let's fix it.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve.

Samuel Schropp-County Commissioner: Seconds the motion.

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

MOTION CARRIED

J. FINANCE: Request Approval for 2025 Payroll/Holiday Calendar.

Ryan Schwebach-County Chairman: Do you have any major changes on holidays?

Misty Witt-Deputy County Manager: We did not add any holidays that have not been approved prior, but the same holidays that you've approved from year to year.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve

Kevin McCall-County Vice Chair: Seconds the motion.

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

MOTION CARRIED

K. CLERK: Torrance County Board of Commissioners Convene as County Canvassing Board to Review and Clarify the Canvass of the 2024 Local Election.

Linda Jaramillo-County Clerk: Per statute 1-13-13(A)(B), the post-election duty of the County Canvassing Board, you the Commission, shall certify the results of the 2024 General Election. The canvass shall be done no later than 10 days from the date of the election. The statute states that the Canvassing Board shall approve the report of the canvas of the returns, declare the results, and issue a certificate of the canvas of the results. This certificate of the canvas report shall be given to the County Clerk and a copy will be sent to the Secretary of State.

There is no specific direction as to how this should be done. Over the years, Linda Kayser and I would present reports and results to the Commission and offered to go into as much detail as the Commission at the time required. What I have for you today are two reports, the County Tabulator Canvas Report. This report gives the total votes per tabulator in our polling locations that were brought to us in the form of voting machine tapes generated by all our voting machines when the polls closed on Election Day. One memory card with election results is brought in from each tabulator along with the tapes. The results from the memory cards are loaded into the RTR, Results Tallying reporting, in a secure server in our office for reporting on election night. Chief Deputy, Sylvia Chavez and Senaida Anaya, Bureau of Elections, and I checked the report for accuracy by reading the totals of voting machine tapes and comparing them to the report. All was in order, and there was no variance in the vote totals from the results on Election Day.

The second report is the Bucket Summary Report. These totals include hand tally totals and provisional ballot totals. These were added to our canvas of results the day after the election. This changes the totals on Election Night, which is why they are called unofficial results.

In Absentee by Mail, we had 875 Absentee Ballots issued. 17 of those were UOCAVA. These are uniformed overseas voters. We also had one provisional absentee of those 875 ballots issued, and 828 ballots returned. Nine voters went to the polls and signed an affidavit of nonreceipt of the Absentee Ballots which they requested, and they were allowed to vote at the polling place. This brings the total number of absentee ballots not returned to 38. I believe this is the smallest number of ballots not returned that we have ever had. I wanted to address the ballots that were sent out without the return address. All of them were returned except three. I tried to be as transparent as possible in all elections. When I became aware of this,

I immediately talked with my Absentee Board to isolate these ballots from the rest and informed the Commission. All these ballots had only the name of the voter and Torrance next to their name to identify the County they came from. Because of this, the Post Offices knew they had to come to us in Torrance.

In-person, Early Voting here in the County Admin Building, had 1155 voters. This was in 16 days because we were only open during business hours, and we had a holiday. My precinct workers at the site did an excellent job in processing voters efficiently and professionally. In-person, early voting at the Moriarty Civic Center had 2,731 voters. This was done in 11 days. On Election Day, these same precinct workers processed 776 voters. They did an excellent job in processing voters efficiently and professionally. I had four ballot-on-demand stations, plenty of voting booths, and enough precinct workers to keep the lines moving. Only on the first day of voting did voters have to stand outside, and not for very long.

On Election Day, we had 2507 voters at all our polling places. My Precinct Boards processed voters efficiently and handled situations throughout the day. We have the Same Day Registration in place. We had 445 Same-Day Registrations during voting, with the Civic Center having the most. On Election Day, the system got bogged down with so many throughout the state processing the Same-Day Registrations. At our polling sites, voters were waiting in line, and they became a little irate, it eventually came back on and the longest wait they had was 30 minutes. The rest of the voters continued to vote while this was being done.

In all elections, the County Clerk follows all election laws to the letter. Planning and organizing begin many months before the election. In all elections, you hire people who you feel will do a great job, and we train them and instill in them the importance of the job they will be doing for the sake of democracy. The County Clerk has the responsibility of running fair and honest elections, and it rests upon you to serve the people and give the best to ensure they trust you. We were done with our reporting by nine o'clock, that's two hours after the polls closed. We have all of these materials here from the election. It is at your discretion to go through all these materials one by one, or I can review the final totals of the bucket list. It's entirely up to you what you'd like to do.

Samuel Schropp-County Commissioner: Do you have a chain of custody?

Linda Jaramillo-County Clerk: Yes.

Samuel Schropp-County Commissioner: For the cards that come out of the machines?

Linda Jaramillo-County Clerk: Yes,

Samuel Schropp-County Commissioner: Do you have confidence that those cards were not tampered with?

Linda Jaramillo-County Clerk: Yes.

Samuel Schropp-County Commissioner: Do you have confidence in the integrity of the machines?

Linda Jaramillo-County Clerk: Yes.

Samuel Schropp-County Commissioner: I don't need to go through each of those bags. Do you Mr. Chairman?

Ryan Schwebach-County Chairman: I do not please proceed with the Bucket List.

Linda Jaramillo-County Clerk: On the bucket list:

Kamala D. Harris and Timothy Walz, 2144
Laura Ebke, and Tricia Butler, 6
Robert F Kennedy, and Nicole Shannon, 81
Chase Oliver and Mike Ter Maat, 34
Jill Stein and Randolph Ware, 21
Donald J Trump and JD Vance, 4880
Claudia de la Cruz and Karina Garcia, 13
Martin Heinrich, 2455
Nella Louise Domenici, 4600
Steve Jones, 4741
Melanie Ann Stansberry, 2280
William Burton, Scott, 1089
Ant Thorman Thornton, 2596
Elizabeth Liz Stefanie, 1670
Stephanie the Lord, 3192
Brett Hons love, 1260
Zachary Withers, 323
Anita Gonzalez, 1150

Clint Wellborn, 5444
Sylvia Chavez, 5570
Kathyrn Hernandez, 5388
Linda Jaramillo, 2034
Judicial retention for Brianna Zamora, yes, 3765 no, 2161
Judicial retention. Jennifer Attrit 3625 yes, 2158 no.
Judicial retention for Shamara l Henderson, 3501 3516 yes, 2229 no
Judicial retention Megan Duffy 3541 yes, 2175 no
Judicial retention Shannon Murdoch path, 3577 yes, 2336 no
Constitutional amendment, one yes, 5745 no, 1014
Amendment two yes 5130 no 1609
Constitutional Amendment three, yes 2663 no, 3747
Constitutional amendment four, yes, 3922 no, 2300

I'd like to congratulate Sylvia Chavez and Kathyrn Hernandez on their win, and myself, I suppose, for my win as Commissioner for District Three. This was an excellent election because of everyone who worked together to make it successful. We had some situations, but we handled them well and swiftly. I'm so proud of Sylvia, Senaida, all the staff in my office, and all the people and workers who made this possible. Thank you.

Samuel Schropp-County Commissioner: I cast my vote on Election Day and today's certification of the Presidential Election is acknowledging the hard work and integrity of the Torrance County Clerk's staff and poll workers involved in the voting process. Madam County Clerk and Commissioner Elect, Linda Jaramillo, has done a remarkable job in rehabilitating the Clerk's Office along with her staff, Sylvia Chavez-Clerk Elect, Senaida Anaya-Bureau of Elections, Genell Morris, Kevin Pham, and Mackenzie Carlson. They all did an excellent job of conducting and fair and equitable election in Torrance County.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve

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

L. PLANNING & ZONING: (PUBLIC HEARING) Continuation of Approval of the Decision by the Planning & Zoning Board to deny the Quick Grow, LLC, Application for a Conditional Use: Commercial Greenhouse Operation. The Subject Property is Described as Tract A within the SW4, Section 32, T6N R8E, NMPM known as 70 Akin Farm Rd N.

Action Taken:

Ryan Schwebach-County Chairman: Motion to move into Public Hearing

Kevin McCall-County Vice Chair: Seconds the motion.

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

MOTION CARRIED

11:21 AM

Samuel Schropp-County Commissioner: My recusal will remain in effect.

Michael I. Garcia-County Attorney: Sworn in Mr. Chen, Todd Smyth, Hailey Love-Melcheck, Johnny Romero, John Humpries, Brandon Fuks.

Feng Ping Chen Agent for Quick Grow, LLC: I'm here to continue the appeal for the conceived conditional use permit on 70 Acres Road. On October 9, 2024, the Commission requested an additional four items to be handed in. Number one is to have a revised site plan to achieve a maximum distance between the operation site and the neighbor's property. Please see pages one to four. The closest neighbor is more than 1000 feet away. It's further than the required order abatement distance required by most of the municipalities of this county. Item number two is the structure of the warehouse, among other things, the double door design is to ensure a zero leakage of light from the warehouse. On pages five to seven, under item number three, we have the most advanced odor abatement equipment and technology available in the field. The business entity we chose is Ecosorb, which is an affiliate business entity of EcoLab. This entity has been in business for over 30 years. According to their sample, we have a record of 98.7% of the odor being eliminated. You can refer to pages eight and nine for item number four. The treatment of the spent material such as potting soil and the leaves of the plant will be hauled away by the solid waste service company. The service entity is Estancia Valley Solid Waste Service Company 249 Side Winder, Moriarty, New Mexico, 87035.

Please refer to page number 10, which states that there is a requirement for state guidelines in their operation. Finally, this applicant will offer to accept the inspection of the site by Torrance County P & Z officials in the future. Also, Septic will be only used for sanitation usage.

Todd Smyth – Resident: I'm here in opposition to this grow facility, the simple fact is that they're turning a farm and agricultural land into a commercial business. The commercial business has buildings, it has lighting. It has issues that shouldn't be in that area. I did extensive research on air filtration systems. I do not believe what he's saying is the truth. I have not found any company that will guarantee that the air filtration and the air coming out of this building will be clean and pure. I have not found anybody yet who will design an HVAC system that's saying this air is going to come out of here at least 50% clean. Some companies will do that design, but it's very costly. These gentlemen can claim to be residents of Torrance County. Since the last meeting, they were here one day after the last meeting. They showed up on Monday of this week for this meeting. They're not residents of Torrance County. They come and they go as they please. That's fine. That's their property. They're not here for our economy. They're here for their own.

There's a grow operation on Highway 542, right now, and as part of the DOT, we had to do some fence repairs. I told that individual they needed to take care of that part, and they said, "That's not ours". These are buildings that are already abandoned hoop houses. Nobody wants to have part of them. Nobody wants to take responsibility for them. Now they're starting to fall apart. We've had some of these hoop houses collapse during the snowstorm. They're not sustainable. We have our water issues. We're doing water dips in Edgewood to check water levels, and the water levels are going down. I understand that they have said that they're using only a small portion of their allotted water rights, but at the same time, there are still farms that are going under. I sat here for this whole meeting, and I listened to you gentlemen discussing the planning of the new administration building. You are spot on. You want to know exactly what's going to happen with that building. You want to know the color, why is the paint so cheap, etc. Why can't I have that in my neighborhood? Why can't these people say this is what we're going to have? It's not going to be a piece of junk building. It's going to look decent. It's going to be covered up. I can't have that same ability to look at that plan. Where are the plans?

They say they're the furthest away for building a residence is 1000 feet. That's my house. One thousand feet from my house. I have pictures from Mr. Schropp's yard. I have pictures from my yard, I have pictures from three neighbors, and all we see is the center pivot on that land. The center pivot on that land is the most centralized

piece of that property. All we're going to see is metal buildings. You are discussing a \$4 million building for the Torrance County Fairgrounds. I don't think you have to do that anymore. If any more of these operations come in, what's the point? I don't see any point in spending \$4 million for kids to try and have agricultural animals and have all this when all we have is pot farms to grow. If the gross receipt tax from all these illegal farms were coming to the County and if this was done legally, there wouldn't be a discussion of money. You would have a surplus of money.

We have the regulations department and the licensing department begging the Cannabis Control Board, to stop. You have to stop. We can't control this. We were out of control a month ago, please stop. Do not issue licenses. Do not issue anything else. We have no control over this. We have 17 agents in New Mexico for all our cannabis growth plantations. Oklahoma has 45 they can't look at anything for six to eight months to see if they're doing things legally. I came up with a lot of Ordinances that I thought were a good idea. Their waste disposal. I did not realize that the Estancia Valley Solid Waste dealt with hazardous materials. I did not know that. I know there is one facility in Torrance County that does that, and they're outside Mountainair. These are hazardous waste materials, gentlemen. There are Ordinances based on the state of New Mexico, codes 16-8, and 215, waste of cannabis and cannabis products permitted methods that don't say to take them to any landfill. They must be properly disposed of as hazardous waste. As for air filtration systems, why can't we look at something that has an HVAC system that cleans this air? We're putting this in my neighborhood. We're putting this in everybody's neighborhood. All we're going to hear is that rumble. They don't talk about that. They don't talk about all the noise that's going to come from them.

Being in the DOT if you're going to put a commercial business, you have to improve the road and driveway. Where's that coming in? They're not offering anything. They're offering bribes. They're offering a donation that'll help pay for the fair building. As a resident of Torrance County for my whole life, I find it offensive that these gentlemen say that they're citizens of the United States. I've raised my kids here. Other people are raising their kids here, their grandkids here. If we're going to let this place go to pot, then what are we doing here? Why are we trying to make this a better place for ourselves and our children? Why are we building fair buildings? Why are we building administrative buildings? We have wind generators and wind turbines coming in. I know that creates a lot of money for the County. That's legal money. That's money that comes in that you all see. Where does this money go? Does anybody see half of it? Does anybody see a quarter of it?

I see trucks and vans from California in the middle of the night driving. Why is everybody from California driving out of Torrance County in the middle of the night? Couldn't answer that question. We don't have the enforcement here to be able to control some of this stuff. We need to stop, I beg you that no matter what they come up with, no matter what they say, they're only here for their sole purpose of using our resources and leaving when you look at this matter. When you consider this matter, please consider whether you know the buildings that are already abandoned, the problems we already have with the existing buildings and the existing grow operations. Why do we keep inviting this in? Why do we allow this? Thank you for your time.

Hailey Love-Melcheck – Resident: I'm here today because I've still got concerns as to what has been suggested with the conditions that are being outlaid to potentially see this go through. My first question is about what measures are being put in place to ensure the enforcement and the stipulations that once these conditions are enforced or put in today, who is going to enforce them, and what measures will the council take for these conditions to be met? We know from experience that if this is approved, the CCD is bound by law to issue a license on a trust basis, and then, because of the lack of manpower enforcement and authority given to them, there is little that they can do to stop and shut down the offenders with violations. It's previously been discussed at length.

We need to update the Ordinance, and I'm glad to see it on the agenda today. It's also prudent to discuss things that are within the P & Z documentation that haven't been addressed by the application in the initial process with the P & Z Board or during the appeal process. The checklist that they provided to the applicants points four, A, B, and C, none of which have been addressed, and it references pedestrian safety, traffic safety, and emergency access in case of fire, flood, or catastrophe. B references off-street parking, loading areas, or refuge and service areas. Refuge comes up in detail in other areas with hazardous waste. It also then goes on to identify the disposal of water and liquid waste facilities. Although the application suggests that there will be no water waste if you are watering your plant at home and you are catching the drip in the tray, there's nothing to say that the water won't spill over that. There is still going to be water waste.

They should be well versed in the need to comply with Planning and Zoning Ordinances, and therefore purchasing the land before having all their ducks in a row is on them. It's not for us to then satisfy their need as property owners to be able to do what they want with their land. I appreciate that's a difficult position to

be in because you're trying to satisfy everybody's needs in the community. These gentlemen aren't living here in the community. It was claimed that they were residents and were living here. As for the four items that were given as conditions. The maximum distance away from existing neighbors' residences. It states in his passage and what he read that the closest neighbor was more than 1000 feet away. I don't know what the legal stipulations are or what distance you put in, but from center of residence to center of residence, that is correct on the plans, but if you take it from the distance of the buildings that are creating the odor you are likely going to be affecting residents. That distance is not 1000 feet. It's 868, a Google map reference can pull that up. I don't know the legality of that, but if you're stating that it's going to be 1000 feet from the closest property then it should be from the closest property.

Another thing that was mentioned in the previous appeal meeting had to do with, why aren't the metal structures being moved back onto the land or further away from the road. From the way that I see it, it's further east into the center of the property. If there are 160 acres, why is it still situated in the same place? It was raised as a point and agreed upon. That would be a condition that it could be moved and adjusted accordingly. I don't see that on the revisions in the plan. I still see it in the same location. It looks like the same documents that were provided in the application. I'm looking for clarification as to why that condition hasn't been met in this appeal process, or is it in the works? I don't know the structure of the warehouse. I can't comment on those in terms of the double Door structure and where there would be light exposure, etc. The zero leakage of light is upheld and is honored and accounted for.

What's not been addressed is the conditions that are placed on the lightning for the external of the property. The cameras, CCTV, and digital surveillance are required for cannabis operations as part of their licensure measures. Therefore external lighting will be required and therefore that's creating the right solution, which is a direct concern with the P & Z Ordinance, and it should be addressed now before we go forward today with the final decision, I could go on to read the Ordinance and things that it says, but the facts are out, that the information is there can be fact-checked.

This leads to a side note of concern for me, Mr. Brandon Fuks and his wife Chelsea, and their young daughter, who spoke during the P & Z meeting about the safety of their children, and even Mr. John Humphreys spoke on behalf of Miss Georgina Cooper, who's already suffered a home invasion. Mr. Chen has suggested that the applicant won't have armed security on site but instead would rely on

insurance for the property. This doesn't provide public safety for the community. It provides insurance money if a cannabis farm or location is under theft or robbed. It doesn't protect the public or our community.

I'm not as advanced as Mr. Smith about the odor abatement equipment. I don't understand how the system can provide that with no evidence. Then in their actual documentation, of which there are a few, they say that there's no evidence, no data recorded. They say that there's no odor. In the evidence on their website, if you delve into that, it says that there's no data available. It also says that there are no toxins within this system, and it says that it's environmentally friendly and safe for employers and neighbors. Then in the document that I referenced, it says all individual ingredients of this material have a known acute toxicity. Keep out of the reach of children. A lot of ecological information provided on those pages within that document state that there is no actual evidence to support their claims. It's kind of a get-out-of-jail-free card on their website, they can say one thing, but it's not true. Unfortunately, that's as far as my knowledge goes. I'm hoping that other farmers here today can talk about the air system.

I am the first to talk about these environmental impacts. It's one of my passions. The main thing was under the impression that Estancia Valley Solid Waste did not manage hazardous waste. This is hazardous waste being that there are going to be pesticides, insecticides, fertilizers, etc., being used to control and grow the plants. It was requested that they stipulate the site that they were going to use, but then no information on waste collection other than the address of the Estancia Valley Solid Waste was given. Mr. Chairman previously had advised that in the three other states, he recognized that the states had laws on the usage of the products for the safety of humans and the environment, and within these three other operations that they run with crypto farms, they should then be able to satisfy yourself and the community that they are following, the community the conditions set out within the P & Z and within the permits that you're going to provide and the conditions that you set. Not all fertilizers and pesticides are hazardous waste, but we've not been given any information as to whether they are using hazardous waste or not. It's never been clarified. It's never been discussed in any detail. No pest control has been talked about, and that may be beyond the remit of these meetings. Being the case that this is hazardous waste, I was under the impression with the research that I did before I joined here today that EVSWA did not deal with hazardous waste and toxic waste, and I've got references to documents that I found on the website suggesting that.

The extra burden on the county roads, with the excess traffic, hasn't been identified. One other question I had was the size of the buildings. A 15-foot-tall building, I'm trying to understand the length and the height that is required for these plants. Fifteen feet is exponentially large for a plant that is in a pot, which is 11 meters, which is what's provided in the application. In that pot size, you shouldn't be growing more than 90 centimeters, which is less than a meter, so if the plants are only going to be this tall, what is the excess 15 feet required for, HVAC or systems and ventilation? Surely, they don't need to be this height. In my research, vertical stacking of plants, so you can grow two levels of plants. If that's what they're planning on with the height, and this is speculation, then that would account for the 15 feet. They've claimed that they're only going to be doing 20,000 plants at a time, which is a stipulation given by the licensure. If that is the case, then why is there a need for eight buildings?

I've done the math. If you take the pots and you work out how many pots of that size in the space of 6000 square feet each of the buildings, you don't need eight buildings to do that. Within that, you still need room to move, still need room to process. There's equipment, etc. Even with that accounted for, it's an excess amount of space. There are calculators online that you can find that can type in your square footage, and it tells you exactly how many plants you would get with that square footage depending on the size of the pots that you're using or the height that you're tending to grow them. There's so much that goes into this that they average based on the square footage, 6000 square footage, that you can grow 40,000 plants, and that's across the eight buildings. One building would be 5000 if we're only growing 20,000 plants. Why do we need eight buildings to satisfy that need? There's also confusion, having read through all the notes and previous meeting minutes as to exactly how much they're requiring. At one point, from the diagrams and the calculations that I've made, it's 48,000 square feet. Mr. Chen has specified that it's 60,000, I would like clarity as to whether it's 48,000, that is on the plan or 60,000 because if it's 60,000 then where are the other two buildings coming from, and what are they for?

I've demonstrated that they've been assessing buildings based on the numbers if there's only one license on that property. Given that as a fact, we know from previous statements, Mr. Gardener mentioned that there's generally in these row houses more than one licensure agreement. It could be a condition that you put that they've already stipulated they're not going to expand any further than the 60,000 but could it be a stipulation that they only have the one license on that property if they've not got any plans to extend? Could it be that you prevent more licensure, without it coming back to Planning and Zoning, because they are going through

this approval process with this understanding. If that understandings changes, perhaps we could start it again and then address the situation once measures have changed and things have been accounted for.

The other reason for bringing in that stipulation that I just mentioned, with perhaps only one license on that premises, and then no extension contingency would be to address the water issues, because currently, they're saying only X amount of water is going to be used, and it's been hashed out. I don't need to go into more detail about that, but if there are more licenses and more plants then obviously more water would be used, and therefore it would be changing the agreements that are coming here today and that are being made. Thank you for your time and thank you for listening.

Johnny Romero – Resident: Two of the most important factors in all this is they addressed a little bit on the zoning. Does that mean that when there's a complaint, are they going to let the zoning in? Also, Law Enforcement has had problems with what's already here and what's already around the state of New Mexico roads. Torrance County has trouble keeping up with what they have. I know their existing roads, and I have an idea of the area. Most of those roads are dirt roads, and you do get to the pavement at a point. What happens? I don't know how big the rigs are that are going to be running through there, or how often they're going to be there. This last snow we had would be a problem for anybody to get in and out. Is the County ready to deal with that situation where a big truck jacks in there? Somebody needs to get out. They can't, I know it could happen to anyone, but these are things that you need to address because I feel that our Law Enforcement can't keep up with the problems they already have with them. Where this stuff can be controlled at this point is with you, because the state of New Mexico is having trouble keeping up with it.

If anybody watches the news, you've heard what happened in Farmington. It happened here. They confiscated. They're growing twice, three times as much as they're permitted for. They can't go in there and find out if they're doing it. Some operations are here that have gone to court. They've been found guilty, and they still can't control them. All I'm saying is it can be controlled at this point.

John Humpries - Resident: I appreciate the comments that have already been made, and I'll just add a few things. One, in addition to the lighting issue, in terms of lighting from the warehouses, in the previous meeting, there was discussion about and concern about requirements for exterior and perimeter lighting, and that was not addressed in their revised proposal. I think that they have not adequately

addressed the concerns that were raised. I want to return to the solid waste issue just to point out that it is the Estancia Valley Solid Waste Authority, not Solid Waste Services Company. This morning, I made a call to the Solid Waste Authority and was told that they have a very limited number of roll-off containers, they do not do pickup in terms of they don't have a route that they would do pick up from a facility like this. With their limited number of containers, they already have a long waiting list, and they are referring people to other service providers.

It's concerning that this applicant didn't even do basic homework about solid waste. I did not ask the Solid Waste Authority the specific question about hazardous waste, but it was irrelevant because they said they couldn't serve this facility anyway, and then also weigh in on the fact that nothing in this application includes a commitment not to expand. They're focusing on warehouses, but there's nothing that says that two years from now, they wouldn't put up 20 hoop houses or double the number of warehouses or anything like that. It's of concern because what is approved or included in this application doesn't represent what the future might look like. Thank you, that's what I have to say.

Brandon Fuks – Resident: I just like to talk a little bit about these very basic requests that the Commissioners asked from the last time we met, and this applicant has still failed to meet and explain these very simple requests. For instance, it was asked to provide the filter system that these applicants were going to use. Instead of providing filter numbers, and model number extraction points, they simply provided a pamphlet that doesn't tell you anything. Secondly, they don't talk about exterior lighting or the perimeter fencing that needs to happen. None of that has been mentioned. If you look at any of these additional growth operations, they all have it.

They haven't talked about fire suppression when it comes to commercial buildings. They haven't commented on any of the fire suppression that's required for these buildings. They haven't talked about the uptick in security that's needed, the damage to the roads is going to be caused by these rigs. At the end of the day, I would ask a question to the Commissioners, if we're leaning towards approval on this, I would ask you to open up parcels of your land next to your attractions and your housing and invite these applicants over to you and that gut feeling that you have right now, we don't want them next to us either, for all of the reasons that have been stated today and previously.

Michael I. Garcia-County Attorney: Do you have any rebuttal?

Feng Ping Chen: Yes. Thank you very much for this opportunity to respond to the four previous complaints. I will start with Mr. Humphries, he's saying we are not providing the filter, but we already, zeroed in on the Ecosorb store and then Eco Lab, already in the business for over 30 years, and then one of their specialties is for the odor neutralizer for the cannabis system. We believe they even show the empirical data for successfully eliminating the odor was 98.7%. I'm an engineer. We can only live with empirical data. We cannot live with somebody's imagination. All we can do is present the actual experimental data and actual data that can be provided to us. We are all human beings. We can do only what is humanly possible. We cannot say we can, absolutely do this. We are not God. At this point, we had to rely on people in the special area to provide your service, to accommodate our daily life. He was asking about the filter, the model, and this and that. I mean, our attention comes to the reality we want to implement the project. We had to present all the details in order. CID approves ours like a building permit. Everything will be detailed, every model, every size, dimension, and even the location where it's going to be installed. It's going to be the blueprint in a PO.

I need to explain what our next procedure is. One person is talking about exterior lighting. It's part of my missing form. I was misinformed. All I had to do for this meeting was to provide the full additional information requested by the Commission. That's why I only address those items. Nevertheless, the exterior lighting, we already have taken into consideration. We need to create a system that will create a minimum impact on the environment. We have already purchased the property. We are going to be the residents here. Before our operation, we may stay here for two days, or three days, because nothing is going on here. We are not going to spend over half a million dollars in investment, and then give up, and throw it away. We are not that rich. We are going to implement all the motion detectors and lighting systems. We will not light up the whole field. That would be the best we could do. On a fire suppression system. Many of our people have come from running a restaurant with fire separation systems and fire protection systems are very important to our operation, including this cannabis operation. The closest, business entity is the American Fire Protection Company in Albuquerque, New Mexico. That company has been in business for over 20 years. Then comes the CID requirement on fire protection and fire prevention systems. We will use that company as our presentation, to get a building permit. As far as security, I don't know very well about this area. We can only use what is available for our facility, or our property. We are not reaching out and saying, we'll pave a road. It's not practical. I don't believe anybody who comes to this county had to pave the whole county to become property owners. I don't want to be that way. We work with the status quo. This is a free country, and everybody is entitled to their own opinion.

Then talking about the distance. The reason I chose 1000 feet is because I have no municipality that has been specified. What is the responsible distance for the odor requirement? Ecosorb is a company that has been in business for 30 years. I asked them what the most acceptable distance for the majority of the municipality or this county is, they said the largest one is 1000 feet. Johnny Romero talked about us cooperating with P & Z officials, and then he also had the same question I have, because this is new territory to us. We don't know how this municipality works. Who is going to enforce the building code? At this time, all we can do is say is we didn't accept P & Z officials to visit our site. When it's necessary, but in the future, if the County has established enforcement, we will open our facility whenever they think it's necessary to visit our facility. That's the best we can do. As for the road rules and regulations, we are new residents. We don't know what's going on, we don't have that much input. Number two, the lady was so diligent, how marijuana was grown, and so much other related information, I appreciate. People have their interests, related to their own deep beliefs.

We like to do business to benefit the whole society, not to hurt the whole society. You are saying she cannot find any odor abatement, technology, or information but then what we presented to them the Echo Lab. We can get you a whole operation menu from that company. That company has been in business for over 30 years. They have a lot of cases. They do have empirical data they can present. I cannot argue with anybody because of their imagination. I can work with solid data, confirmation, and evidence. To her concern, she's entitled to her opinion because she's working very hard for the betterment of her children. I'm a father, and I'm a grandfather, I can relate. Real life is real life. We can only with a real-life situation regarding that odor.

They were talking about external light, I already said what we're going to do. We also take any input so we can improve our situation to accommodate everybody's needs. She was talking about insurance versus violation. We also consider the most valuable thing in this world is human life. We don't want anybody to get into violent situations. From our experience, we don't want to hire, night watchmen. We don't want to hire bodyguards or security guards with an actual weapon. We don't want to get into a confrontational situation. All we can do is buy the property insurance, and then we will input all the monitoring equipment. We will ensure that when somebody tries to damage the property or try to hurt the people there, the police can be notified. That's the best we can do. We need to use the electrical wire fence. We need to hire, people without weapons like watchmen. That's not our intention, our intention here is to conduct business without hurting anybody. The

best we can do right now is to put a monitoring system accessible to the police department or local officer, and then the other thing is to buy the insurance.

We're not going to put up more warehouses. In the last meeting, we already promised we would stop right here. A unit of our warehouses, period, no more expansion in the future, because of this other area we can go. We don't want any more impact on this community. We can promise what we can do right now. We're not going to expand our operation in the future. Then the lighting. Lighting is the biggest problem for hoop houses. That's why we, already eliminated the hoop house operation. Thank you very much,

Todd Smyth – Resident: As far as the New Mexico Department of Transportation, we do require when a commercial permit comes in that they do road improvements. They must do driveway improvements. You must do it per state law. You must improve as far as we want them to. The landowner requires them to improve as far as they want to. This is very evident down on Highway 285, where all the wind generators are coming up. It is a fact that they do have to make road improvements. The second fact is New Mexico code 16R2-24. An applicant must always maintain this on their licensed premises. This is a complete and detailed diagram of the premises. The diagram shall be used by the division to determine whether the premises can require the cannabis regulations act or division rules of The Lynn and Erin Compassion Use Act This is cannabis for medical use. B The diagram shall show the boundaries of the property and proposed premises to be licensed to the dimensions of each area where the cannabis plants will be cultivated, the locations, and the dimensions of the areas where the horticulture and cultivation are applicable.

The diagram shall include, as applicable, any equipment to be used, entrances, exits, interior partitions, location of lights, and the cannabis rooms, windows, and doorways. The diagram shall include a brief statement, description or principal activity to be conducted in each area of the premises. The diagram shall show where all the cameras are located and assign numbers to each camera for identification purposes. The diagram shall not contain any highlights or markings, the diagram shall be in black and white print. The proposal premises consist of only a portion of the property. The diagram must be labeled indicating which portion of the property on the proposed premises and what remaining property is to be used for the proposed premises consists of only a portion of the property that will contain two or more licensed premises. The diagram will be supplemented with a description and how two licensed premises are managed on the property. I

have spent half a million dollars on the property where I live. I have done that over the last 30 years. It's taken me 30 years to spend half a million. Thank you.

Feng Ping Chen: Thank you for this opportunity. I forgot to mention one item. I don't know why they classify it as the spent material, or why this cannabis grow is a hazardous material. It's an agricultural product. We would follow the Cannabis Control division guidelines. I'm using the kind of soil, the kind of insecticide, the kind of fertilizer that is harmful to the environment. I don't believe we should be classified as hazardous material. You mentioned the rules and regulations of Torrance County for doing business. I appreciate his information, but this is wise. I know that information is already being required by the CID we asked to apply for the building permit to build our facility. Those are in the guidelines for the city. Thank you very much.

Kevin McCall-County Vice Chair: How many buildings are you wanting to build and what size?

Feng Ping Chen: Eight, 100 X 60, 6000 square feet.

Kevin McCall-County Vice Chair: How many plants are you trying to get licensed for?

Feng Ping Chen: The maximum number of plants is 20,000 but in the initial application, you can only allow 18,000 for each license with 5000 gallons of water a day.

Ryan Schwebach-County Chairman: This Commission is required to look at an appeal to uphold or deny the Planning and Zoning decision of denial of this permit before us from correct consent. Based on the evidence brought before me, and in light of the public testimony, and the location, I will make a motion to uphold the P & Z decision, because I am not satisfied that the adverse effects of this proposal will be mitigated.

Action Taken:

Ryan Schwebach-County Chairman: Motion to uphold Planning & Zonings decision.

Kevin McCall-County Vice Chair: Seconds the motion.

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

Action Taken:

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

Kevin McCall-County Vice Chair: Seconds the motion.

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

MOTION CARRIED

12:58 PM

12. ADOPTION OF ORDINANCE/AMENDMENT TO COUTY CODE

A. PLANNING & ZONING (PUBLIC HEARING) Request Approval of Ordinance No. 2024-04, An Ordinance Amending Ordnance No. 2020-06, the Torrance County Zoning Ordinance.

Action Taken:

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

Kevin McCall-County Vice Chair: Seconds the motion.

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

MOTION CARRIED

12:59 AM

Michael I. Garcia-County Attorney: Sworn in: Clayton Garner and John Humphries.

Clayton Gardner – Resident: I'm glad this is on the agenda, and I think it's great that this came up right after this appeal decision. I hope we can go after this even more aggressively. This is a good change. I think the conditional use permit, especially in agriculture preservation districts, because that's where the big part of these grow operations is a good thing. I'm in support of the conditional use. Honestly, I think it was something that probably should have been happening throughout. Unfortunately, three pot farms happened before we had an opportunity to have this public hearing. I'm glad we're having it now to show that there is public support against these. I think some other things need to be addressed. These

hoop houses need to be addressed, I think after the discussion today, the metal buildings need to be addressed because that was kind of an avenue, I see, that was used to get away from the hoop houses.

Solid waste was brought up today. I think it needs to be addressed in zoning. I think the goal of addressing these issues in the Zoning Ordinance is, so we don't have to go through this, because unfortunately, this isn't going to be the last time we go through one of these appeals. If we have some proactive rules, some proactive ordinances, I think we'll have a stronger ability to turn these down. The appeal process isn't done, and I hope everybody realizes that the appeal process goes on and on. Pat Davis, with his group, is going to appeal that's going to go farther. I haven't seen any information on these. These are kind of never-ending. I think the stronger our Zoning Ordinances are, the more it's going to help to do what the public wants and to have rules that are fair to everybody. For example, we talk a lot about rules even when you see people around here, farmers, most of them grow outside. I mean, that's the way you see it. I think if a cannabis farmer says, hey, I want to go grow cannabis outside, I think we all would have said, go, give it a try. I think I understand that for zoning, you must make rules. I think lights are a big deal with these. Cannabis smell is a big thing with cannabis. Anything you can do to address these issues? Planning and Zoning, going through y'all because they appeal, and then it is moving up. I think that would be a positive. Thank you.

Samuel Schropp-County Commissioner: The people in Torrance County came together and made their government work. We can't do it by ourselves. My neighbor, Mister Smythe, sent all of us his suggestions for improving the ordinances, strengthening the ordinances. One of the things to remember is that this provides a fair environment for people who want to come into the County and do business, they know upfront the limitations and what's going to happen. I appreciate you being here. Be sure to email me with your suggestions. I'll pass them on to Planning and Zoning and the others and email the three of us. We all have to be involved in this to make it work. I thought we got in trouble for emailing the commissioners.

Ryan Schwebach-County Chairman: Does anybody else wish to speak in this public hearing concerning the change of ordinance that was for it? Is anybody against it?

John Humphreys – Resident: I'm going to say what Clayton said and supports I think this is a good initial step, and I appreciate the work that the staff and the Commissioners have put into this. To reiterate I hope it is just a first step, and that I

and some folks that I had worked with have also submitted some suggestions for further strengthening. We look forward to further conversation. Thank you.

Ryan Schwebach-County Chairman: Is that all the public comment on Zoom, and in person who wishes to speak?

Donald Goen-County P & Z Director: No further on Zoom I indicated.

Ryan Schwebach-County Chairman: We had a chance to review these proposed changes.

Kevin McCall-County Vice Chair: If this ordinance had been in place earlier, how many of the current grows would this have affected?

Donald Goen-County P & Z Director: I would estimate plus or minus a half dozen, there were a few that were permissive, under the current ordinance. One of the issues, for example, was the D1 and D2 zones up and down the Highway 41 corridor, that is where some of the permissive ones did take place. Initially, when those zones were put into place, they just sliced right through everything. Antelope Springs, a formal PL subdivision, had D1 and a little bit of D2 running right through it. That was part of the reason why, when I examined this, I made it to where PL prohibited, D1, D2, and D3 within type one and type two subdivisions were prohibited. Those properties that are currently zoned as commercial still can conduct commercial activity, just not commercial greenhouses, within those formal residential subdivisions. I did take advantage of addressing some code enforcement issues and so on. This was to eliminate these gray areas and ones that were open for interpretation, to make it in as plain and succinct language as possible.

Kevin McCall-County Vice Chair: The issue when it comes to waste, should we stay silent on that in this Ordinance, or should we address it?

Michael I. Garcia-County Attorney: Dealing with waste is also something that you can deal with as a condition in the conditional use permit. It's not necessarily something that has to go into a zoning code regarding commercial greenhouses. Probably other Ordinances might be more specific and better suited to deal with it. I'm open to a different view on it, though there's a discussion about it, but primarily, I would not think that that is necessarily part of it.

Samuel Schropp-County Commissioner: Would it be better addressed in zoning or ordinance specifically as to a better classification of waste as a separate issue from what we're doing here today?

Michael I. Garcia-County Attorney: That would be my preference.

Samuel Schropp-County Commissioner: I think that's a very good point. We have to address that in the future, as we are refining our ordinances as things change in the County. That's one of the things we need to address.

Michael I. Garcia-County Attorney: To a certain extent, we already do have ways to deal with waste or other sorts of problems on properties. We do have enforcement on that kind of thing.

Donald Goen-County P & Z Director: Specifically, that would be solid waste. For example, one of the things that we're currently seeing around here is how many of these hoop houses have collapsed due to the snowfall. That's a solid waste violation. They need to clean that up. That's part of what I had already discussed with my Code Enforcement staff, is to get out there and start issuing these violations. We do have to give them some time to come into compliance, but as soon as the notice of violation is issued, the clock is ticking.

Kevin McCall-County Vice Chair: Does that matter on a permissive use or a conditional use?

Donald Goen-County P & Z Director: Doesn't matter if it's solid waste. That was part of what ended up happening just south of town here was that we ended up with a probation violation because we had already gotten a J and S, on him because of stuff blowing up against the fences blowing over onto the adjoining Ranch, etc. We have been addressing this throughout because that was one of our avenues of enforcement that we did have available to us, was to not just let them do whatever they wanted.

Samuel Schropp-County Commissioner: A little timeline on that. Shortly after I took office, I stopped in to greet the new business owner and spoke Spanish to the people who were there. Realized they didn't speak Spanish either. I saw the RVs and saw the trash, so I called to see if it was appropriate to call Don and direct him to check that. As I went down the road a little farther, I remembered all of the signs I saw in airports and prisons about human trafficking, so I called the Sheriff. Don went out with his Code Enforcement Officer and looked at the barracks that they

had built, the living conditions, the trash, the electric cords lying in the water, and the junk around there. He immediately wrote a notice of violation. I was looking for a boss, and I got somewhat uncomfortable, so I left. The Sheriff went out there and told me he thought I was right, that he didn't feel comfortable turning his back on those guys to get in the truck. That's where this whole thing started. That started in April of 23 and we've been trying to do something about this. That then expanded out into Bliss Farms. During that and the Notice of Violation, Don came up with all of the information that helped with their investigation and the state with their investigation. We have been paying attention. We have been trying to do something within the with the tools which we have available. Don was referring to all the trash and just obvious violations.

Donald Goen-County P & Z Director: You'll notice there is not an RV village down there.

Kevin McCall-County Vice Chair: Is the waste coming out of these, whether it be a hoop house or a building? Is the waste hazardous?

Samuel Schropp-County Commissioner: It's considered green waste.

Ryan Schwebach-County Chairman: Green waste, the herbicide pesticide applications fall under NDA, in which case you have a private pesticide license, and you can apply those pesticides. The assumption is, is that all that waste, your re-entry periods, your safe consumption, and your harvest periods are not in which case it becomes green waste.

Michael I. Garcia-County Attorney: I think one of the aspects of the waste disposal for cannabis, my understanding, is partial, but part of it is that there's not a remnant that can be taken out and used as a pot. I think that's part of the concern about how it's disposed of, at least as far as cannabis control probably is concerned.

Kevin McCall-County Vice Chair: You're saying that a product with THC, isn't laying on the curve for a kid to come by and grab.

Michael I. Garcia-County Attorney: I think that's part of the concern with disposal of it, so it's not necessarily treated like hazmat.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve

Kevin McCall-County Vice Chair: Seconds the motion.

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

MOTION CARRIED

Action Taken:

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

Kevin McCall-County Vice Chair: Seconds the motion.

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

MOTION CARRIED

1:19 PM

B. PLANNING & ZONING (PUBLIC HEARING) Request Approval
Ordinance No. 2024-04, the Torrance County Rural Addressing
Ordinance.

Action Taken:

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

Kevin McCall-County Vice Chair: Seconds the motion.

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

MOTION CARRIED

Michael I. Garcia-County Attorney: No one was present to testify. Sworn in
Ruban Gastelum

Ruben Gastelum - Rural Addressing, GIS Analyst: The purpose of this rewrite on Ordinance 97-6 at the time, had a lot of contradictory language. We are trying to clean that up and don't leave any questions as to addressing a property or not addressing property. The biggest thing was, it stated that an address would not be given without a permit. Then on the other end of that, it would say that a permit should be issued at the time of an address. We cleaned up that language to work in tandem with Planning and Zoning. Planning and Zoning started generating a permit, and then at the very end of that process, I'll address a property. When we

address the property, we know that both entities have been in communication. It's communication between two departments.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve.

Kevin McCall-County Vice Chair: Seconds the motion.

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

MOTION CARRIED

Action Taken:

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

Kevin McCall-County Vice Chair: Seconds the motion.

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

MOTION CARRIED

1:23 PM

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. -

Nathan Dial – Resident: I am not here as Mayor of Estancia. With this discussion, I have four pointed questions. First, in the past 10 years, has Torrance County operated the property located at 16 East Willow Lake Road, McIntosh New Mexico, as a Senior Center?

J. Jordan Barela- County Manager: I don't know the specific time frame, but it is not currently being used as a Senior Center.

Nathan Dial – Resident: Second question, has the property been used by Torrance County or any other persons or group, or for any events or gatherings outside of a senior center?

Linda Jaramillo-County Clerk: Yes, we used it as a polling place.

Nathan Dial – Resident: Does Torrance County plan on operating a senior center at the property?

Kevin McCall-County Vice Chair: I don't think we can speak for PMS, who is currently handling our Senior Centers.

Nathan Dial – Resident: If not, does Torrance County plan on returning the property as per the legal language of the quick claim deed?

Ryan Schwebach-County Chairman: As of now, no.

Nathan Dial – Resident: I'm following the verbiage in the Quitclaim deed, which says either run or senior center or return the property.

Ryan Schwebach-County Chairman: Return the property to whom?

Nathan Dial – Resident: The McIntosh Senior Center Incorporated.

Ryan Schwebach-County Chairman: Is that a viable entity? Do they exist? Are you represented?

Nathan Dial – Resident: Yes, sir.

Ryan Schwebach-County Chairman: Do you have representation of an operational corporation?

Nathan Dial – Resident: Yes, sir.

Ryan Schwebach-County Chairman: What you are saying is that you are representing the McIntosh Senior Center Incorporated. Do you want to take over ownership, and run it?

Nathan Dial – Resident: Or have the County run a Senior Center as the original Quit Claim deed states.

Kevin McCall-County Vice Chair: Is that organization filed by the Secretary of State?

Nathan Dial – Resident: Yes, sir.

Kevin McCall-County Vice Chair: Are you one of the representatives on that?

Nathan Dial – Resident: Yes, sir, me, Irina Dial, and Christina Estrada.

Ryan Schwebach-County Chairman: Have you been on it for a while? How did it come to pass?

Nathan Dial – Resident: In researching this year and seeing what's going on, I found out that it was available, and I recreated it.

Samuel Schropp-County Commissioner: When did you file the papers creating that?

Nathan Dial – Resident: A year ago.

Ryan Schwebach-County Chairman: We're going to stop right now. This discussion is going to be turned over to our Attorney to investigate this.

Samuel Schropp-County Commissioner: Mister Garcia, I would place a call to Mrs. Barela. She knows the details of what brought this to pass, and she was the one who spoke with the state and got an opinion on it.

Ryan Schwebach-County Chairman: I need more information before we proceed.

Nathan Dial – Resident: I requested an agenda item, but it's a discussion only.

Ryan Schwebach-County Chairman: I need some legal advice.

Nathan Dial – Resident: This issue has been going on for at least three managers. It's been brought up over the years.

Ryan Schwebach-County Chairman: Where my questions come in is the intent of the Quit Claim deed, because we have had control over our ownership, and so a Quit Claim deed simply has the title of a corporation. Is not necessarily the intent. What happened to the original Corporation? That's the part I don't understand.

J. Jordan Barela- County Manager: In anticipation of this, I did talk to a former Manager Barela. She had done some research into the property. It was my understanding that at least at the time, the McIntosh Senior Center Inc. was no

longer an existing entity which has sort of put us in that conundrum. In addition, the facility needed a little bit of work, so we were currently looking to see what type of capital investment it would take to get it back up to par. If that organization has been re-established, that's news to me, because at least under my conversations with Mrs. Barela, the last time she looked into this, that wasn't an active organization.

Ryan Schwebach-County Chairman: Essentially what we're talking about is because now there is also a corporation. You're essentially asking the County to, either start operating as a Senior Citizen, or option two, return the date and property to the Corporation.

Nathan Dial – Resident: Yes, sir.

Ryan Schwebach-County Chairman: Very interesting. I got to look into that one.

Nathan Dial – Resident: This deed should have been cleaned up years ago.

Ryan Schwebach-County Chairman: It absolutely should have been. I need legal advice on this. Thank you for bringing This to my attention.

B. MANAGER: Salinas Pueblo Mission National Monument Recognition of the Torrance County Sheriff's Office. – Kathy Garcia, Salinas Pueblo Mission National Monument

Heard with 5A

C. FINANCE: Discission to provide an update on the remaining work to be completed for the Manzano Well and Meter project.

Orlando Lopez – Manager of the Manzano Municipal Domestic Water Association: I have managed the Manzano Municipal Domestic Water Association for over 50 years. We're here to see the status of the funding for the meters and the well, in Manzano. I got an email from Misty a couple of days ago. It states that Manzano ARPA funds for pumps and meters are \$45,000. \$4,300 to Year Out Mechanical, \$9,300 Year Out Mechanical \$4,300, it goes on and states, New Mexico Meters, \$3000 New Mexico meters, \$6000 a total of \$39,922. Funds remaining are \$5,000, the estimate for the remainder of meter parts is \$13,800,

funds needed to complete the meters are \$13,800, and deficit funds are \$8,772. The resolution on that meeting held September of 2023, item number 13 says, to repair, and replace funds for two existing wells for Manzano Mutual Domestic Well Association of \$45,000, for the wells. It says up to 27 meters replacement and installed up to \$45,000, which is a total of \$90,000. In that email, there was \$45,000 total for both New Mexico Meters and for the wells, Year Out. I believe that is incorrect, in the past, when Tony Lowry was in Finance, we never had a say so on the negotiations that were done between Lowry and the contractor, whether it was New Mexico Meters or Year Out, we never had an input. Everything was done by the County, by the Finance Department. Mr. Lueras is here with some figures that we compiled about what we need to complete the project. Thank you.

Eddie Lueras: We're basing this on \$90,000.

Ryan Schwebach-County Chairman: Was it \$90,000?

Misty Witt-Deputy County Manager: After looking at the minutes, it said \$45,000 for the well in the pump and \$40,000 for the meters.

Ryan Schwebach-County Chairman: We're looking at \$85,000.

Misty Witt-Deputy County Manager: The resolution I gave you is pretty difficult to follow. It says \$45,000 and then parentheses, \$45,000.

Ryan Schwebach-County Chairman: I need to go back to what this Commission's intentions are, \$85,000?

Misty Witt-Deputy County Manager: As the minutes read.

Samuel Schropp-County Commissioner: I recollected that we were encumbering well money for Torreon. I do not recall specifically encumbering money for the Well, but I do recall encumbering money for the meters and the meter work.

Ryan Schwebach-County Chairman: Regardless of what this resolution says, I tend to believe that where we're at was \$85,000 simply because we were doing the math. With that being said for the second conversation, we're going to use \$85,000.

Eddie Lueras: Thank you, sir. Back in April of last year, Orlando approached me at the Rural Water Conference in Albuquerque. He informed me that Manzano might be getting some funding for meters and wells, and I would like your help

with the meter parts when we get the confirmation that we got some money, I'd like you to come to Manzano and go to each meter customer and identify and get a detailed description of what needs to be done. I compiled the list on August 10th. The names are the same, and the recommendations are the same, but I've revised it as time has gone on. It looks like New Mexico Meters charged for 40 meters, three-meter cans, and three hot taps. Yesterday, we went out driving around to get a more detailed description of what was cleaned out with the Vacter truck, and we determined about 20 of them were not vacated. We determined there were only two hot taps that were performed, and 39 meters were provided. One was not, if you look at the list of Pablo Sprinkler, I provided photos of his meter can, there you see that the original meter is still in there. That's charging for 40 only install 39. I wanted to make sure about the hot taps. The hot taps were complete. There are two complete services performed. Last meeting, we discussed the opportunity for rural water to assist Manzano in coming to a resolution. We offered to perform the work if the County would consider purchasing the materials for us to finish the job. I talked to my boss, the Executive Director for New Mexico Water, and I came up with a plan. I've approached a couple of my colleagues, if we can go to Manzano, one of us at a different time each month, and perform a task, identified here, we can get it done in a few months. He said, "Yeah, that's fine with me". That's still our proposal. We got a quote from Baker Utility for \$13,088.38. We want to replace the three of Mountainair's meter centers that we borrowed. I have included it on the list. I requested 19-meter centers. I was basing it on \$90,000, you come up with \$23,778.70, and you're outperformed for the wells. \$16,143.75 that New Mexico Meter performed for his services, which leaves a balance, all totaled together, is \$39,009.22. You get the \$85,000 and deduct that, and that would be remaining. I feel that money is better served to fix the wells because that's most important. That's why we're offering to do the work for the meters for free so that we can get most of the Well work done.

Ryan Schwebach-County Chairman: \$45,000 for the wells has not been used, or has it?

Eddie Lueras: \$23,778.70 has been used. Whatever is left with the meters continue with the wells. In total, it will be \$31,989.00.

Ryan Schwebach-County Chairman: We appropriated \$32,000.

Misty Witt-Deputy County Manager: We spent \$16,000 on meters. If we're going up to \$85,000 then it was \$40,000 for the meters, minus the \$16,000 to New Mexico Meters. So about \$24,000.00?

Eddie Lueras: If you combine the money left for both the meters and the wells granted, that leaves you with \$31,989.17, which I feel would be most beneficial to address the wells.

Misty Witt-Deputy County Manager: We did look into New Mexico Meters and what they billed us and what we got. There's one meter that was not installed out of the 40 that they billed for, and then there was one meter can and one hot tap that's not accounted for that they billed for. They billed for 40 meters, three-meter cans, and three hot taps. We can account for 39 meters, two-meter cans, and two hot taps. We're one-off on each of those.

Orlando Lopez – Manager of the Manzano Municipal Domestic Water Association: They charged for 40 meters being vectored, and in reality, did three meters. They didn't do 40 at \$150 each. Their total of \$6,000 should have been \$450.

Eddie Lueras: \$30 was the amount that they charged. We went around yesterday and looked at the they charged for 40 and only did 10.

Michael I. Garcia-County Attorney: They charged for 40 and only did 10.

Ryan Schwebach-County Chairman: How do we prove that?

Michael I. Garcia-County Attorney: Testimony and documents, or a demand letter.

Ryan Schwebach-County Chairman: I think it's worth pursuing. Where I have concern is that 40 meters were bought. Go back on how that came to pass, I'm pretty sure this is internal. I also feel, because of a lot of failures on our end we need to correct that situation.

Eddie Lueras: I'm used to working with engineers funding agencies and contractors. I was the Operations Manager for loans for nine years, and I was there for 35 years. I wanted to help with the details of what needed to be done. There was an email I sent about the well as the work that needed to be performed. It details the wellhead and the upgrades in the wellhead as well, because it's galvanized steel, and it needed some check valves and some air relief valves. I felt that needed upgrading. If you could find a very conscientious well-driller who will work for you and do the job right to begin with, you have to pull everything out. You must scrub it, you have to clean it, acidize it, and then let it sit. Then you must

pour water in it, good, clean water overnight, maybe 48 hours, so it'll clean up. When you put your camera down there, you get a nice, clean video. That would be the first thing you would want to do. Then you can determine what needs to be done. Do we need to re-drill, or can we clean it up? Put the smaller pump and motor in it that was proposed because it was pumping 49 gallons a minute with this new pumping motor, but they had to throttle it down to get it down to 20. It's working.

We have the other well work. We can manage the one well, rehab it, and utilize the second one. They're rehabbing that. That needs to be coordinated. We have to pick the right well driller, and that's where I would start. That's why I wanted most of the money to go to the well.

Ryan Schwebach-County Chairman: We need to lock that up to \$13,000 in light of this. I feel that we need to pull that out of General Funds, get that note taken care of, and then proceed to recoup from that contractor. Are you guys okay with that?

Samuel Schropp-County Commissioner: Yes.

Kevin McCall-County Vice Chair: If we don't?

Ryan Schwebach-County Chairman: Here's where my problem is that we went into this, and it was not a normal thing for this Commission to do. We did it because of the ARPA funds. It's one thing to set aside money for the ARPA funds, but now we have gone into a situation where we have put more liability because we made some mistakes. Not just providing the money, we're providing the details and servicing. Now you take the money that we've appropriated for fixing the well. What happens if that money doesn't cover it? That's where the issue lies. Is there other money to put into this? We can pull it for \$15,000 if they run into other issues. There's no guarantee it's going to be fixed. Where is the money coming from to fix it?

Eddie Lueras: What you want to do is phase it out. You want to find a conscientious well driller. Do the video. Concentrate on replacing the pump and motor as originally intended, and then you go inside the well house and see if you have anything else.

Ryan Schwebach-County Chairman: I feel this County is in for more than we anticipated because we don't want to get into the water business, regardless of any

one reason we're here is because of a hard deadline on the spending of the ARPA funds. My first goal is to try to clean that up, not pulling any other funds away. Ultimately, I don't want to burden our staff with administrating.

Kevin McCall-County Vice Chair: There are still funds available. That's where I'm struggling with pulling out the General Fund when there are funds available. When they have exhausted their \$85,000 then we need to get into the mediation and get it back. We'll do the best we can on this. We were very careful and very even with all the different land grants that were there.

Ryan Schwebach-County Chairman: The difference with this one is we were tasked with administrative work.

Kevin McCall-County Vice Chair: My point is that if we administrate \$15,000 out of General Funds and we don't recoup it. I remember that night very vividly. We were trying to be very fair with all the entities and their water. What do you do if we can't get \$15,000? Are we going to get the next land grant to come and ask for \$15,000 and then the next?

Ryan Schwebach-County Chairman: In all fairness, they aren't asking.

Kevin McCall-County Vice Chair: They're not, I think we need to exhaust what is there first.

Samuel Schropp-County Commissioner: I'm in favor of the course of action that Commissioner McCall is proposing because Mr. Garcia and I are privileged to some things that were going on about that time. Mr. Garcia and I will discuss that, and he can get with you and the County Manager, and maybe look at some other things that we don't want to be discussing in public, which may have a bearing on where this money is.

Kevin McCall-County Vice Chair: With the step approach, you're talking about with the well. We can get the meters, take that money that's remaining, get the well going, and do your step approach for the well. Let's see where we go from there and maybe never exhaust the \$85,000.

Samuel Schropp-County Commissioner: Based on this, I don't think we can take any action, but we have clarified the action that we've already taken based on that resolution.

Orlando Lopez – Manager of the Manzano Municipal Domestic Water

Association: I believe Mr. Price from Year Out forwarded some material to Misty on what needs to be done on the well, I think she got this last week. I told him how the well was built, and all the other specs on it. He did some research on it and sent me an email, but forwarded it to her, and the total wasn't going to exceed the \$45,000 that was allocated for the well.

Misty Witt-Deputy County Manager: I do not have a new quote from Year Out. I have an old quote that we presented to y'all the last time we discussed it for \$23,000.

Amanda Lujan - Grants Administrator: I wanted to clarify that one of the reasons the ARPA fund and everything were administered through us is because with ARPA funding, we would have to make them a sub-recipient of federal dollars, and that would add an extra burden on all of the land grants to meet several different audit and other requirements. That's why we serve as the fiscal agent, rather than granting the different entities the money.

D. FINANCE: Update regarding the United States Internal Revenue Service (IRS) proposed penalty for the last filing of calendar year 2022 W-2s.

Misty Witt-Deputy County Manager: An update from the last meeting. We called the IRS. I did speak with them about the notice previously for the late filing of the W2s. I found out some additional information. The first one, no action has been taken on Torrance County. There's not even a penalty imposed on our account. They are proposing the penalty at this point. There's nothing officially being done by the IRS other than sending the letter of what they're proposing this week. What I've done is, I've asked for a 45-day extension, so we can further research this. I also looked into the IRS publications regarding this notice, and there are certain reasons outlined in that publication why we can ask for either the removal of the fee or for them to be reduced. There are some areas where I think we could qualify under that, some of them being software errors, and things like that. We have been able to prove that we tried to file the W2s via Tyler, and that file failed. I believe that we do have some grounds to at least send in our request in writing to the IRS, and you can see if they're willing to dismiss or reduce the fees.

E. MANAGER'S REPORT: Personnel updates.

J. Jordan Barela- County Manager: I want to introduce Melissa Madrid, who's our new Executive Assistant in the Manager's Office. Nancy's last day was Friday. I got at least a week of overlap training, and she's hit the ground running. In addition to the hiring front, we did make an offer for the HR Director position last week, the applicant has accepted the offer, and so we're anticipating a tentative start date of November 20th. She has quite a bit of experience in dealing with a relatively large and diverse workforce, I think the entire panel was comfortable with that selection.

The declaration of emergency that the state issued about the recent snowstorm. That declaration could potentially allow the County, should the County do it, other municipalities and appropriate areas within the County to be eligible for reimbursements for our response to the snowstorm. That would cover the cost of personnel, materials, and equipment deployed during those 48 hours. It would be 7 pm Wednesday when the winter storm morning hit through 7 pm Friday. We are taking a look to see if it's taking quite a bit of time and calculations, but all department heads had a meeting on Monday to try to get Samantha the data, to make those calculations. As far as what personnel were out, what the overtime hours were, what equipment was, deployable materials, the Sheriff's Department, Dispatch, Roads, and Fire are all working as well as Facilities. One thing we would also be eligible for, up to this point, we haven't been notified of anything, but any property or damage to public property as a result of this storm could be incorporated as part of that process. There's certainly a lot of coordination internally, but we're also trying to get that information from the Municipalities within the County, as they would be eligible for this too, and my understanding is that would count towards that total minimum threshold you would have to meet to even make this doable for Torrance County. That total would be just over \$71,000, which you would have to calculate in total expenditures to get these costs to be reimbursable. That being said, we hope to make a recommendation to the board as to whether or not we cross that threshold, and whether this is something that it would be beneficial for us to pursue, still working on some of that data, though, if we do make that determination, it may require a special meeting to make that emergency declaration, which would be a resolution of this board declaring that emergency.

Samantha O'Dell-County Emergency Manager: Just to clarify, there were some questions about the threshold, that is determined per county based on per capita.

It's \$4.72 per capita, which is how they determine those thresholds, and that's where our threshold of \$71,012.40 comes in.

F. COMMISSIONERS' REPORTS

1) Kevin McCall – County Vice Chairman, District 1

Kevin McCall- County Vice Chair: In line with what we just talked about, it was a doozy of a storm, thanks to County employees who worked diligently to keep the roads moving, and first responders.

Samantha O'Dell-County Emergency Manager: Communication was extremely difficult, and we had a meeting earlier in the week with the County Public Safety Departments to discuss how to move forward with some of this. I requested a meeting with Selena, our Undersheriff, and State Police, to try to work on some communications with that. I have not yet received a response regarding that request. The Undersheriff is working on setting up a meeting with the highway department so that we can try to work on it from that site as well during these incidents. The state does have a state coordination meeting for Emergency Managers as well as all the emergency support functions that are activated, meaning State Police, Highway Department, agricultural, and any of them that are activated for that event. We were meeting twice a day. Something that we're looking at moving forward is how we can best get the information that I'm getting, how I can best get out to the individuals within the County, Dispatch, Fire, and Law Enforcement so that everybody kind of is receiving the same information.

We had a lot of challenges with I-40 closed, and I-40 is open, but open doesn't mean moving. What does that look like, and where do State Police resources versus where do we need to send County resources? That's something that we have met about this week and are looking to improve for the future. We have a whole list of items that we're going to work on to improve for future events.

2) Ryan Schwebach- County Chairman, District 2

David Dean Mavor of the Village Willard: Going back to what you were talking about, the parking lot on I-40 and the parking lot on Route 66. What it did is it turned the traffic down to Willard, and they went right straight down Hwy 41 across 60 to wherever they were going along towards into Texas. This hit our

County, and you're going to need to address it in some way. Whether we deal with it with DOT, or whatever. When it comes down to our County people, they did a very good job. Dealt with what they could do. When it comes time for the state to turn around and take interstates and turn them into our smaller communities, I'm sorry, this is something we need to address. My roads are not built for this. Whether they're a highway or not, they're not built for semis back-to-back. Thank you.

Ryan Schwebach-County Chairman: I want to reiterate thank you to the Fire, Sheriffs, Dispatch, Road Department, and everybody in this storm. I truly appreciate it. I also want to thank all of the election workers, the unsung heroes, because I went and voted in person there, in McIntosh, it was a steady flow when I was there. There was one individual that was not irate or anything, but you could tell this one individual was poking, and I watched the staff act professionally, and defuse a potential situation. He wasn't crazy, but I noticed that, and I appreciate that. It's important that citizens feel comfortable going to vote regardless and it was apparent that our staff knew people who walked in there. That's kind of nice. You don't get that in the big cities. It's kind of nice when they know exactly who you are and who your family is, and when your son votes for the first time, they're excited about that. Thank you.

3) Samuel Schropp – County Commissioner, District 3

Samuel Schropp-County Commissioner: We have a contract with Valencia Shelter Services. I referred three people to that in the last month. I want everybody to know that that is money being well spent.

The Fair Board is going to have an appreciation dinner invitation, on December 1, 2024, for all the volunteers.

When we were doing the budget, this is what I was explaining to everybody what goes on in Washington and what goes on in Santa Fe changes the monetary and economic policy that comes down to the three of us and the staff here to make it all work. This Commission is fiscally conservative with good reason. We have our differences in philosophy, but we all take the responsibility we have to the County and the citizens very seriously.

14. EXECUTIVE SESSION:

A. COMMISSION: Discussion of the Acquisition of Water Rights Pursuant to NMSA 1978 10-15-(H)(8).

Action Taken:

Ryan Schwebach-County Chairman: Motion to Executive Session.

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

2:21 PM

Action Taken:

Ryan Schwebach-County Chairman: Motion to Regular Session.

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

3:14 PM

Ryan Schwebach-County Chairman: We discussed the Acquisition of Water Rights Pursuant to NMSA 1978 10-15-(H)(8). We have instructed our attorney to move forward with the contract.

Action Taken:

Ryan Schwebach-County Chairman: Motion to move forward with the contract.

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

Ryan Schwebach-County Chairman: The next board meeting will be canceled due to the Thanksgiving holiday. There was never a meeting for November 25; it should have been the regular board meeting on the 27th, the day before Thanksgiving.

15. **Announcement of the next Board of County Commissioners Meeting:**
November 27, 2024, at 9:00 AM CANCELLED due to holiday.

16. **Signing of Official Documents.**

17. **Adjourn.**

Action Taken:

Ryan Schwebach-County Chairman: Motion to adjourn.

Samuel Schropp-County Commissioner: Seconds the motion.

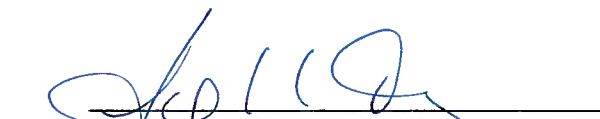
Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach
– County Chairman: – Absent: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

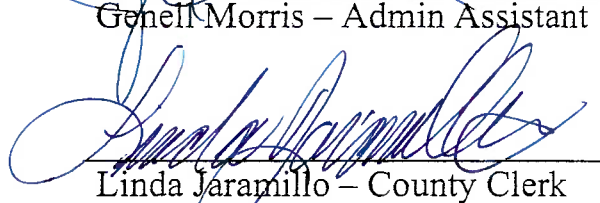
The meeting adjourned at 3:17 PM.



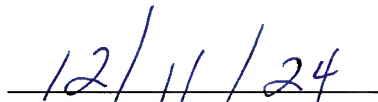
Ryan Schwebach – Chairman



Genell Morris – Admin Assistant



Linda Jaramillo – County Clerk



Date

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