

**MAY 23, 2019**

The Board of Chaves County Commissioners held their Regular Commission meeting in the Commission Chamber of the Joe Skeen Building, #1 St. Mary's Place in Roswell, New Mexico. Chairman Cavin called the meeting to order at 9:00a.m. Commissioner Ezzell led the pledge and Commissioner Bilberry led in prayer. Those present were Commissioners Bilberry, Dana, Ezzell, Corn and Cavin. Also present were County Manager Stan Riggs, Public Services Director Bill Williams, Sheriff Mike Herrington, Finance Director Joe Sedillo, Treasurer Charlotte Andrade, County Clerk Dave Kunko, news media, staff and guests.

#### **MINUTES**

Commissioner Corn amended the top paragraph of page 2 of the May 9, 2019 Minutes by changing the word Custodian to Clerk in 2 places and moving a sentence and adding the word add. Commissioner Corn moved to approve the Minutes from May 9, 2019. Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried. Commissioner Corn moved to approve the Road Hearing Minutes from April 23, 2019. Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried. Commissioner Corn moved to approve the minutes from April 18, 2019. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

#### **AGENDA**

Chairman Cavin moved Agenda Item #9 to item #1.

#### **RESOLUTION R-19-018 APPROVAL OF INTERIM BUDGET FY 2019/2020**

Mr. Riggs went over a few changes since the budget workshop. He stated \$4,000 was trimmed from IT and \$15,000 was added to the agreement with the City of Roswell Animal Control Department. This will help the Sheriff's Office. Three pickups have been ordered for the Sheriff. We have purchased the Reclaimer for the Road Department and it will be delivered on Tuesday. He thanked all the departments for their work on the budget. The budget includes a 2% COLA, a 5% Insurance increase and a ¼% PERA increase. Commissioner Corn moved to adopt Resolution R-19-018 the FY 2019/2020 Interim Budget. Commissioner Ezzell seconded the motion. Commissioner Corn stated the gross receipt tax indicators are showing a downward trend. Joe Sedillo added that Internet Sales may help but is an unknown. Retail is down almost 1 million dollars. Health indicators are down and oil and gas is up but is still an unknown. Mr. Sedillo added that development and new construction are both down. A voice vote was unanimous, and the motion carried. Mr. Riggs stated this budget will be sent to DFA and brought back for final approval in July once the books are closed.

#### **PUBLIC HEARING**

#### **CASE Z 2019-09 SPECIAL USE PERMIT IN AREA I, AGRICULTURAL-RESIDENTIAL**

Louis Jaramillo stated this special use permit is for a wind energy production facility. This would include 32 wind turbines and a substation in an Agricultural District. The Planning & Zoning Commission recommended approval with the stipulations and findings of fact. Chairman Cavin opened the public hearing to public comment.

**IN FAVOR:** Brian Sarantos mentioned his presentation last month on this project. Mr. Riggs asked about a decommission plan. Mr. Sarantos stated they are working on the bond and the decommission plan and would be made available.

**OPPOSED:** None

Commissioner Corn moved to adopt Case Z 2019-09 for a special use permit in an Agricultural District with the conditions of approval and findings of fact. Commissioner Dana seconded the motion. Commissioner Corn stated it was a shame the Economic Development Corporation left after the budget because this is a big economic development project. A voice vote was unanimous, and the motion carried.

## **AGREEMENTS AND RESOLUTIONS**

### **AGREEMENT A-19-005 WITH NMDFA FOR APPROPRIATION 19-D2939 FOR \$450,000**

Georgianna Hunt stated this legislative appropriation is for planning, designing, purchasing, repairing and replacing windows in the Historic Chaves County Courthouse. Commissioner Corn moved to adopt Agreement A-19-005. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

### **AGREEMENT A-19-006 WITH NMDFA FOR APPROPRIATION 19-D2940 FOR \$150,000**

Georgianna Hunt stated this legislative appropriation is for planning, designing, constructing and equipping a Walking and Exercise Trail at the Chaves County Complex. Commissioner Bilberry moved to approve Agreement A-19-006. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

### **AGREEMENT A-19-007 WITH NMDFA FOR APPROPRIATION 19-D2941 FOR \$400,000**

Georgianna Hunt stated this legislative appropriation is for purchasing and equipping a Water Tanker Truck for the Sierra Volunteer Fire Department. Commissioner Dana moved to approve Agreement A-19-007. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

### **AGREEMENT A-19-015 WITH NMDOT FOR APPROPRIATION 19-D3312 FOR \$250,000**

Georgianna Hunt stated this legislative appropriation is for repair and replacement of bridges on Red Bridge Road. Commissioner Dana moved to approve Agreement A-19-015. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

### **AGREEMENT A-19-016 WITH NMDOT FOR APPROPRIATION 19-D3314 FOR \$569,000**

Georgianna Hunt stated this legislative appropriation is to plan, design, replace, construct and install culverts for the Hobson Road Detention Pond and to plan, design, and construct improvements including paving for Hobson Road from Hummingbird Lane to Baker Road. Commissioner Bilberry moved to approve Agreement A-19-016. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried. Commissioner Corn thanked the legislature for all their help on these appropriations. This item is also economic development that the EDC chose to miss. Mr. Riggs thanked DFA for getting out these contracts early. He is very pleased with DFA's quick response.

## **RESOLUTION R-19-016 2019 CHAVES COUNTY ROAD HEARING REQUESTS**

Bill Williams stated the Chaves County Commission held a public hearing on the 2019 Road Hearing requests on April 18, 2019. The Commission reviewed and inspected roads on April 23, 2019. The Commission will make the final decision as to the disposition of the 2019 Road Hearing requests. Mr. Williams stated he would give the roads by group or type of request. The first group is maintenance status change requests from non-county maintained to county maintained. The four roads in this group are Sydney Street, Beverly Street, Devonian Road and Chicory Road. Commissioner Bilberry moved to approve the four roads requesting maintenance status change. Commissioner Ezzell seconded the motion. Bill Williams stated these roads will need to be brought up to County Standards. He did feel the roads were close to County Standards already. A voice vote was unanimous, and the motion carried.

Bill Williams stated the next group included three roads that were new road requests. The roads in this group are Old Chisum Lane, Shadow Road and Cindy Road. Mr. Williams did state these would also need to be brought up to County Standards. The Roads will be checked at the end of the year to see if this has been done and recommendation to the Commission will be made at that time. Commissioner Corn moved to approve the new road requests. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

Bill Williams stated the next group was Thirteen applications for road vacations. He explained these roads were Non-County Maintained and would not be used. Most of these applications were from the County hoping to clean up the County Road Map. Commissioner Bilberry moved to approve

the thirteen road vacations. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

**RESOLUTION R-19-017 REVISING THE CHAVES COUNTY BOARD OF FINANCE PERMANENT FUND INVESTMENT POLICY**

County Treasurer Charlotte Andrade stated that at the recommendation of the County's permanent fund investment advisor, Insight Investment, and with the support of the Chaves County Investment Committee, amendments in accordance with Section 6-10-10 and Section 6-6-19 NMSA 1978 Annotated are presented for consideration and approval. The main change is that it would come before the Board of Commissioners every two years for review. Commissioner Corn moved to adopt Resolution R-19-017. Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried.

**ITB/RFP RFP-19-1 INMATE MEDICAL SERVICES**

Sandra Rodriguez stated at the last Commission Meeting RFP-19-1 was awarded to Wellpath, LLC. Chaves County was unable to reach an agreement with Wellpath, LLC. The RFP process states that if an agreement is not reached the County has the option to recommend award to the seconded highest ranking offeror. Staff is recommending award to Corrhealth and requests the Board authorize the Chairman to execute Agreement A-19-009 between Chaves County and Corrhealth. Commissioner Corn moved to approve award of RFP-19-1 with Corrhealth and authorize the Chairman to execute Agreement A-19-009. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

**RFP-19-3 INVESTMENT MANAGEMENT**

Sandra Rodriguez stated this Request is for Investment Management Services for the Chaves County Permanent Fund. Commissioner Corn moved to approve award of RFP-19-3 to Insight Investment. Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried.

**AGREEMENT A-19-008 WITH ASA ARCHITECTS**

Sandra Rodriguez stated this Request for Proposal is for planning and design services for the courthouse elevator project. At the April 18, 2019 Meeting the Commission awarded RFP-19-2 to ASA Architects. This agreement is the contract for those services. Commissioner Corn moved to approve Agreement A-19-008. Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried.

**OTHER BUSINESS**

**PERMISSION TO PUBLISH CVE FRANCHISE AGREEMENT ORDINANCE 0-104 FOR PUBLIC HEARING**

**PERMISSION TO PUBLISH OCEC FRANCHISE AGREEMENT ORDINANCE 0-105 FOR PUBLIC HEARING**

Bill Williams stated these two items are requests to publish for public hearing Ordinance O-104, a Franchise Agreement with Central Valley Electric Co-op (CVE) and Ordinance O-105, a Franchise Agreement with Otero County Electric Co-op (OCEC). Commissioner Ezzell moved to approve permission to publish Ordinance O-104 and Ordinance O-105. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

**REQUEST FOR APPROVAL OF OUT OF STATE TRAVEL – SHERIFF'S OFFICE**

Sheriff Herrington stated this item is a request to send 3 certified deputies to a training course in San Marcos, Texas entitled "Outdoor Human Remains Recovery". It is a hands-on training at \$800 per person and he does have the money in his budget. Commissioner Corn moved to approve out of state travel for 3 deputies to attend training. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

**REQUEST FOR APPROVAL OF OUT OF STATE TRAVEL – SHERIFF'S OFFICE**

Sheriff Herrington stated this item is a request to send 1 certified deputy to a training course in National Harbor, Maryland entitled "NADCP Rise 19" hosted by the National Association of Drug Court Professionals. The Drug Courts will pay all costs to attend this training. Commissioner Bilberry moved to approve the out of state travel. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

#### **APPROVAL OF CHECKS**

Commissioner Bilberry moved to approve checks in the amount of \$1,974,899.60. Commissioner Corn seconded the motion. A voice vote was unanimous, and the motion carried.

#### **APPROVAL OF REPORTS**

Commissioner Bilberry moved to approve the reports for the period. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

#### **UNSCHEDULED COMMUNICATIONS**

Bill Williams thanked Keep Chaves County Beautiful who has been working with George Libby on the County Vegetation. He mentioned he has 35 signs from Keep Chaves County Beautiful.

Randy Robertson mentioned allowing for public comment on all agenda items. He knows the budget is tight and has provided a sign in sheet for this purpose. He asked that the County consider this proposal.

Larry Connolly said he realizes the budget is tight and tough decisions have to be made. He was glad the Sheriff received vehicles but he wished the EDC had received additional funds.

Rita Kane Doerhoefer thanked the Commission, Finance and Sandra for all their help. Keep Chaves County Beautiful has made a difference. They picked up trash on Red Bridge Road. A new grant will be coming in soon.

Road Department Superintendent Joe West mentioned the work of Keep Chaves County Beautiful. The Road Department will be picking up the Reclaimer. They will receive training while working on West Country Club Road. He invited the Commission to observe.

Sheriff Herrington thanked Diane Taylor and the DWI Committee. He stated they have a great video that he would like to use. He mentioned the Sheriff's Explorer Program. He hopes it may produce potential Deputy Candidates. The Command Post will be set up at Hike it Spike it. He thanked Finance, Sandra, and Stan for their help on the budget.

#### **MANAGER'S COMMUNICATION**

Mr. Riggs stated the next Regular Commission Meeting would be June 27<sup>th</sup>. He mentioned meeting with Leprino and the City of Roswell in reference to the issuance of Industrial Revenue Bonds. They will be negotiating the new PILT payment. The School Districts will also be involved. He said CorrHealth will take over July 1<sup>st</sup> and he anticipates a smooth transition. A State Land Office Hearing will be conducted in Chaves County today on the wind farm. He is proud of the work Sandra, Joe and Bill did on getting the used piece of equipment for the Road Department. There are numerous steps to follow. He thanked everyone for their work on the budget.

#### **COMMISSIONERS' COMMUNICATIONS**

Commissioner Corn mentioned the WIR Conference in Spokane. There are some interesting things going on with the Department of the Interior. There was a session with Steve Tyrone the Deputy Assistant Director of Resources and Planning with the U.S. Department of the Interior. His presentation had "Coordination" listed as the first item. He stated they learned about Coordination through the work on the Carlsbad RMP. We made more of an impact than we realized. He challenged the other Counties from the Western States to step-up and require "Coordination". He also attended a session on Forest Restoration and explained how it was tied to SRS funding. He also explained how SRS and PILT funding are tied together. He was happy to see there is an effort to get the forest land back into

production. He also attended a session on Economic Development. They gave insights on how to obtain funding for economic development programs. The last session he attended was on Powering Local Economies and Forging the Future with Smart Residents Grid. He mentioned a presentation from the Washington Secretary of State and problems they had in the 2016 Election. She mentioned enhancements made to their systems. New Mexico is moving toward same day voting and he is not convinced that proper procedures are in place to keep someone from voting multiple times. They show up, register to vote and go vote. He mentioned HB 407 and all the issues created from this 400-page bill. He thanked County Clerk Dave Kunko and his staff working diligently on this new law. He believes there will be some corrections made during the next session.

Commissioner Dana thanked Keep Chaves County Beautiful for their work at the fishing hole on Red Bridge Road. People need to pick up their own trash. We have been talking about economic development. She mentioned that the Hike It Spike It Tournament has been held in Chaves County for over 20 years and is one of the largest events in this area. People come from all over the Country to attend this event which really benefits Roswell and Chaves County.

Commissioner Ezzell thanked everyone for their hard work on the budget. He believes it is a good budget. He stated the EDC has been asked by the Commission to present projects to be considered by the Commission and they did receive money in the last budget for such a project. The current contract will expire June 30<sup>th</sup> and a new contract will be negotiated once they find a new Executive Director. The Commission is committed to support Economic Development.

Commissioner Bilberry thanked everyone for their work on the budget. He stated we must continue to move forward, stay transparent and continue to step-up our game.

Chairman Cavin stated it has been a busy month. He mentioned the "Every 15 Minutes Program". He has been involved in eight of them. They always get everyone's attention. It is a great training and very emotional. He thanked Diane Taylor, Alice Eppers and the Sheriff for all their work on this year's program. They had a good trip to Spokane. We have gotten the attention of the Department of the Interior and they have changed their mindset to "Coordination" instead of "Cooperation". They recently met with the State BLM Director and had a long conversation about the Carlsbad RMP. Washington D.C. has this at the top of their list to get this RMP done. The Director hopes to have a decision in the near future. This RMP affects Eddy, Lea and Chaves County. He stated his out of state travel was paid for by NMC because he is one of New Mexico's representatives on the board. Hike It Spike It is a great event for this area. Chaves County and the City of Roswell are at a crossroads. The State Legislature has given us the opportunity to have an Airport Authority. We must move this forward. This Authority if done right can have an economic impact never seen before in this area. He told the Sheriff he appreciates the difference he is making doing the right thing for this County. Remember what Memorial Weekend is all about. Be safe and God Bless America.

The meeting was adjourned at 10:30 a.m.

## **BOARD OF CHAVES COUNTY COMMISSIONERS**

\_\_\_\_\_  
William E. Cavin, Chairman

\_\_\_\_\_  
Jeff Bilberry, Vice-Chairman

**ATTEST:**

\_\_\_\_\_  
Dara Dana, Member

\_\_\_\_\_  
T. Calder Ezzell Jr, Member

\_\_\_\_\_  
Dave Kunko  
County Clerk

\_\_\_\_\_  
Robert Corn, Member