

**CHAVES COUNTY  
BOARD OF COUNTY COMMISSIONERS**

William E. Cavin, Chairman  
Jeff Bilberry, Vice Chairman



Dara Dana, Member  
T. Calder Ezzell Jr, Member  
Richard C Taylor, Member

William B. Williams, County Manager

---

**ADMINISTRATIVE MEETING MINUTES  
THURSDAY, MAY 26, 2022  
CHAVES COUNTY ADMINISTRATIVE CENTER – JOSEPH R SKEEN BUILDING  
#1 ST. MARY'S PLACE, ROSWELL, NM 88203**

**CALL TO ORDER**

Chairman Cavin called the meeting to order at 9:00 AM.

**PLEDGE OF ALLEGIANCE**

Commissioner Ezzell led the pledge and Commissioner Bilberry led in prayer.

**DETERMINATION OF QUORUM**

Those present were Commissioners Cavin, Bilberry, Ezzell, Dana, and Taylor.  
Also present were County Manager, Bill Williams, Public Services Director, Mac Rogers, County Attorney, Stan Riggs, Facility Maintenance Director, Scott Massey, Detention Center Director, Justin Porter, Road Supervisor, Joe West, IT Director, Andrew Rey, Finance Director, Anabel Barraza, County Clerk, Cindy Fuller, Planning and Zoning Director, Louis Jaramillo, Sheriff, Mike Herrington, media, staff, and guests.

**APPROVAL OF MINUTES**

MOTION MADE TO: APPROVE THE MINUTES FROM THE BUDGET MEETING HELD ON MAY 12, 2022 MOTION MADE BY: COMMISSIONER DANA SECOND MADE BY: COMMISSIONER TAYLOR IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR OPPOSED: NONE
--

**PROCLAMATIONS**

**NMMI COLTS 3A STATE CHAMPIONSHIP DAY**

Commissioner Cavin read the proclamation and proclaimed Thursday, May 26, 2022, as NMMI Colts 3A State Championship Day. NMMI Coaches were present to accept the proclamation and a photo was taken with the Commissioners.

**NMMI COLTS BASEBALL COACHES DAY**

Commissioner Cavin read the proclamation and proclaimed Thursday, May 26, 2022, as NMMI Colts Baseball Coaches Day honoring the outstanding coaching careers of Charlie Ward and Steve Rogers. NMMI Coaches were present to accept the proclamation and a photo was taken with the Commissioners.

**AGENDA ITEMS**

**A. PUBLIC HEARINGS**

- 1. CASE Z-2022-004 – TO APPROVE OR DENY A SPECIAL USE PERMIT FOR A COMMUNITY SOLAR PROJECT IN AREA I ZONE A-R – AGRICULTURAL - RESIDENTIAL**

**PRESENTER: LOUIS JARAMILLO, PLANNING AND ZONING DIRECTOR**

Mr. Jaramillo stated Mr. Warren along with Changing Vision of Energy, (CVE), North America Inc. are requesting a special use permit for a 3.6-megawatt community solar facility at 334 Tumbleweed, being located on Tract 1 and 2. The property is accessible from Tumbleweed Road

and Shadow Road, both privately maintained roads. The majority of the area is vacant, however, there is a zoning violation on the property. There are two recreational vehicles being occupied on the property and an accessory on the property without a primary residential structure. These are not permitted uses in the Ag-Residential District. To ensure these violations are corrected, Staff will be requesting an eleventh condition of approval to be included. It is bound to the north and east by vacant land, zoned A-Agriculture and to the south and west by farm/residential homes zoned A-R. This area is not in the flood hazard area per the 2009 FRIM maps; however, Staff is cautious of this designation as this area is prone to flooding and ponding due to storm water flow from the areas to the west.

CVE North America Inc. has provided a development plan for the proposed community solar facility. The facility would be ground based and would connect to the existing distribution line in the area. The solar facility would be completely fenced in by a six-foot chain link fence with three barbed wire strands at the top. CVE North America has also provided a de-commissioning plan upon abandonment of the site.

The Chaves Planning and Zoning Commission was concerned with neighbors to the south not being aware of the proposed community solar facility. The Commission included a 10<sup>th</sup> condition of approval that states, "The agent or staff shall notify the three property owners further south along Shadow Road and beyond the 100 ft. notification area." Staff did send notification letters to the owners in English and Spanish, informing them of this public hearing. Staff has not heard from the owners.

The Planning and Zoning Commission recommended Approval of the special use permit by a vote of 4-0 with 10 Conditions of Approval and based on Findings of Fact 1-3 stated in Staff's report. Staff would also like to include Condition of Approval #11 stating, "the owner shall have 60 days to correct the zoning violation by removing the 2 RVs and the accessory structure from the proposed properties. Also, the owner shall not permit similar zoning violations to reoccur on the property in the future. Failure to comply with these conditions shall result in the immediate termination of this special use permit." Staff will provide an update to the Commission at the regularly scheduled meeting on July 28, 2022, concerning this case.

Commissioner Cavin opened the public hearing for public comments.

**IN FAVOR:**

Carson Weinand, Senior Business Developer for CVE, 1 Parkview Avenue, Jersey City, NJ  
CVE is a National renewable energy developer based out of New York City; they are part of a larger company called CVE Group that is headquartered in France. The overall company is 12 years old; the NY City office has been around for five years. They have 35 mega-watts across seven projects that are operational in Massachusetts. They have a 77 mega-watt portfolio project ready for construction in New York starting in a couple of months. Beyond this they are expanding into different states and can only develop where the laws allow them to. They've expanded into New Mexico but also in Virginia, Pennsylvania, and are looking at Ohio. They have over 100 projects operational worldwide totaling over 500 mega-watts. The New Mexico Community Solar Program was passed in early 2021 and is a pilot program to take the State through 2024. It's a 200 mega-watt program split across the three major utilities, PNM, Xcel, and El Paso. 125 mega-watts is allocated to PNM, 45 mega-watts is allocated to Xcel, and 30 mega-watts is for El Paso. Once the pilot program is through in 2024, they have let them know there will be a more long-term program with a larger amount of capacity.

This program officially opens up at the end of the year. It will be an RFP where solar developers have to bid on their projects. The Public Utility Commission will rank and select the winners. The scoring criteria includes, permits, the ability to finance, percentage of community solar customers that are low income, the percentage discount that will be offered, local community benefits that are being offered, and also site feasibility characteristics. If each project were the maximum size, 5 mega-watts, that would mean there would be nine projects in Xcel. Their project is only 2 ½ mega-watts.

Community Solar is a mechanism to allow residents to participate in the community solar program without actually having the ability to have solar panels on their property. They have a remote solar community facility, there could be subscribers that will receive monetary credits that show up on their bill as a deduction. They generate electricity that is pushed back into the grid, Xcel will give them monetary credits for all that electricity and then they tell Xcel where to allocate the credits. They move the credits from their account over to your monthly utility bill and it shows up as a deduction and reduces the amount that is due to Xcel. If you have a \$100.00 bill, they can allocate \$100.00 in credits to your bill and you will owe Xcel \$0.00 but in turn, you owe CVE a second bill, \$80.00 or \$90.00 for those credits.

There are some low-income requirements with the program at the State level. 30% of all subscribers for the project need to be qualified low income. They will receive and allocate credits for 25 years. There are no sign-up costs, no termination fees, it's month to month. The project off of Tumbleweed Road is a 3.6 mega-watt project on 20 acres spanning two parcels owned by Thomas Warren. The property is currently vacant, and the two RVs will be moved within 60 days. They have a 50-foot property line set back. The equipment will be tracker panels that face east in the morning, are motorized, and follow the sun throughout the day and will face west in the afternoon. They will be about nine feet high at their highest point and 15 feet spaced apart. There will be about 8,000 panels. CVE will donate \$1.00 per panel to a local non-profit, charity, or environmental agency. As part of their permit there will be an \$8,000.00 local donation.

Neil Bindermann, 3751 E. Crossroads stated he is in favor. Tumbleweed looks like the Air Force uses it for bombing practice. Who is going to fix it? Bill Williams, Chaves County Manager, stated they went on road hearings a few years ago on Shadow Road and that road does have some deep holes in it and is 18 feet wide at its widest point with fences and telephone poles. They have talked about vacating this road, so they need to discuss whether they want someone to fix it or they want to vacate it. Mr. Bindermann asked about the tracking on the solar panels and if they would be noisy? Mr. Weinand stated not noisy. Mr. Bindermann stated FEMA says we're not on a flood plain, but members of the Commission are saying we are. Can they get this clarified? It's important to everyone in this area. Commissioner Cavin stated he thinks this is dictated by the US Army Corps of Engineers. Louis Jaramillo stated CVE will provide a survey to determine if they are in the flood zone if they are granted the project. The road will also be improved. Mr. Bindermann asked if they could re-assess? Commissioner Cavin stated he would concur but normally the Army Corps of Engineers determines. They don't have the ability to change it but will look into it to see if there is some way to have it re-assessed in the near future.

There were no comments in favor online.

**OPPOSED:**

No one in the Commission chamber.  
No one online.

Commissioner Cavin closed the public hearing from comments.

**Further discussion/questions from the Commissioners:**

Commissioner Taylor asked what type of credits or deductions will CVE be getting?

Mr. Weinand stated they won't get any electricity credits or deductions and won't have any electricity bill. For the financing of the project there are federal tax credits.

Commissioner Taylor asked how the project will be financed.

Mr. Weinand stated CVE will have an equity stake in the project around 20% and they are the long-term owner/operator, the remaining 80% will be a mix of the people that take advantage of the tax credits and a long-term loan.

Commissioner Taylor asked if there will be any applications for industrial revenue bonds. Mr. Weinand stated no industrial revenue bonds.

Commissioner Taylor asked if it will be fully subject to our property taxes? Mr. Weinand stated yes.

Commissioner Ezzell asked if there are going to be 40 or 50 of these projects around the State, what are the odds of any one project actually coming to pass. Mr. Weinand thinks there will be a lot of projects that bid into the RFP that don't get awarded. They will either have to drop out, withdraw their permit, or wait for the next project. They feel pretty good about their chances in Xcel.

Commissioner Taylor asked how many customers the project will service. Mr. Weinand stated around 800 customers.

Commissioner Dana asked about the customers. Mr. Weinand stated they have to be Xcel customers but don't have to be in Chaves County. They do try to target customers as close to the project as possible and move out. They get customers through traditional marketing methods.

Commissioner Dana asked what happens after 2024? Mr. Weinand stated this is a question mark right now, but the State has indicated that they will introduce a secondary program. If they are awarded in the 200 mega-watt program, they will receive the incentives that have been defined for the program for 25 years. There may be a different set of rules for the next program but that doesn't impact their project.

Commissioner Dana asked what the incentive was for this piece of land. Mr. Weinand stated there is a lot that goes into picking a site and it starts with the correct utility territory, appropriate acreage to include at least 15 acres, it needs to be flat and dry enough, the property owner needs to be interested, and interested at a rate that works for them, it needs to be zoned appropriately, and then they consider the utility infrastructure.

Commissioner Dana asked how many properties they have found in Chaves County that are ideal for this project? Mr. Weinand stated in Xcel they are actively pursuing three to five projects in Chaves County.

Commissioner Ezzell asked in his opinion, under the existing program, how many of these projects will Counties in New Mexico possibly have. Mr. Weinand stated there is a lot more attention on PNM right now. Valencia County is being overwhelmed with these projects. In Xcel in Southeastern NM this isn't the case. Solar developers are a little wary of the 45 mega-watt cap. It's also much less densely populated, and the infrastructure is hit or miss. PNM will have a lot of projects that don't get awarded. They may have to wait until the next project in 2024 and beyond.

Commissioner Dana asked if this gets approved today, what are the next steps? Mr. Weinand stated their next steps are to prepare their submission to include site control and an option to lease. It could still get denied at the State level. The biggest bucket of points in the scoring criteria is permits. They have their permits and feel confident that this will give them an advantage.

Commissioner Taylor asked how the billing will work. Mr. Weinand reiterated the billing process discussed earlier. Commissioner Taylor asked if the bill could exceed the credits? Mr. Weinand stated yes. If they allocate too many credits, it's banked and carried over.

Commissioner Cavin asked if the property owner is all in on this deal? Mr. Weinand stated yes. Commissioner Cavin asked who is managing the property since the owner is in North Carolina. Louis Jaramillo stated they are not aware of who is managing the property.

Commissioner Cavin asked if they are prepared to get the property cleaned up to meet the conditions within 60 days. Mr. Weinand stated the property owner is already moving the RVs.

Commissioner Dana asked who will maintain the panels? Mr. Weinand stated they have an operations and maintenance department and will also contract with a local firm.

MOTION MADE TO: APPROVE WITH CONDITIONS 1-11 AND FINDINGS OF FACTS  
MOTION MADE BY: COMMISSIONER EZZELL  
SECOND MADE BY: COMMISSIONER BILBERRY

FURTHER DISCUSSION: Commissioner Ezzell stated he’s had 11 of these projects come across his desk so get ready for a lot more of these. It seems like it’s wasting time for the ETZ, City zoning people, and local governments. Mr. Weinand stated they are hoping the 2024 program is not RFP based because that in itself creates a lot of extra work. Commissioner Ezzell stated the way it is set up now completely takes the free market out of it.

IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**2. CASE Z-2022-005 – TO APPROVE OR DENY A ZONING CHANGE FROM ZONE A-AGRICULTURAL TO ZONE D – INDUSTRIAL IN AREA 1**

**PRESENTER: LOUIS JARAMILLO, PLANNING AND ZONING DIRECTOR**

Mr. Jaramillo stated that Mr. Mitchell and JHTC Investments wishes to zone change approximately 1,070 acres of vacant land located in sections 2, 3, and 10 of T14S R25E from Zone A-Agriculture to Zone D-Industrial for the operation of a crushing facility and new mining areas. The proposed area is approximately 1,500 feet west of the intersection of US 285 and Chickasaw Rd. and extends east approximately 1.5 miles along the south side of Chickasaw Rd. JHTC Investments has proposed placing the crushing facility in the far SE corner of Section 10 being over a mile south of Chickasaw Road. JHTC Investments is currently operating a crushing, asphalt plant and mining area, on leased property, just across the street at 73 Chickasaw Road. Mr. Mitchell has stated they would be relocating the existing facilities, if approved. The crushing and asphalt facilities were approved as a Special Use Permit in April 2018. Mineral exploration is a permitted use in Zone-A Agriculture District, per Article V of the Chaves County Zoning Ordinance No.7.

Chickasaw Rd. is a 30-foot wide, chip-sealed, county-maintained road with 40 feet of right-of way. Traffic is heavy along this road due to numerous dairies, farms, and accessibility to the Town of Hagerman from US 285. The Chickasaw-US 285 intersection does have deceleration and acceleration lanes in both north and south bound traffic lanes. The 2016 Comprehensive Master Plan does recommend Commercial and Industrial Districts along US 285; however, the width of the corridor is not stated in the Plan. Staff has tried to establish a common distance on either side of the main road and is concerned with the Industrial zoning request extending into agricultural areas further east.

Staff is in favor of the zone change for areas in Section 3 and 10 but is not in favor for the area in Section 2, T14S, R25E. Staff believes the area in Section 2 would serve as a buffer area between the Industrial and Agricultural areas to the east. Mr. Mitchell is in agreement with Staff’s recommendation. The Planning and Zoning Commission recommended Approval of the Zone Change for areas in Sections 3 and 10 T14S. R25E, only, by a vote of 4-0 with six Conditions of Approval and based on Findings of Fact 1-4 stated in Staff’s Report.

Commissioner Cavin opened the public hearing for public comments.

**IN FAVOR:**

Jim Mitchell, 5006 Thunderbird, Roswell, NM 88203

Mr. Mitchell stated they came down a month ago and saw P&Z. There are actually two cases which includes the next case they will hear. The second case is a 40-acre facility at the corner of Chickasaw and 285 which would be their new yard. They are currently mining out there now and they have some employees but are getting ready to double the staff to 41 people working at this facility. The economic impact is around \$15 million per year. There was a question about traffic and there is quite a bit of traffic, but they don’t anticipate adding any additional traffic to what they already have out there. They worked with NMDOT to get signage put up on 285. They

bought 650,000 gallons of diesel last year and they get \$.50 of improvements per gallon on that highway and they are trying to talk them into some flashing lights and other things. They worked with Chaves County back in 2018 when they started this facility when they re-chipped Chickasaw. They donated a bunch of chips to the County to widen that portion. It's around 38 feet wide. There is an old windmill at that site, and someone was concerned what would happen once the mining site caught up to that. They will have Atkins Engineering go out and cap that well. Dust mitigation is always a big deal. They are doing everything in their power on every project they have to keep the dust down, but they are losing that battle. They will go out and build a new crusher site facility. They are paying royalties on the ground they have now and want to stop that. The current pit they are in is depleting itself, so they need to move. They have a monthly opacity test they must pass to make sure the dust is in compliance with the State and Federal regulations. There is a little dip to the back towards Villapando Farms and it's not going to be very visible from the highway. There is a berm that goes across the very top corner of the southwest end of the corner and it's a flood levee. They won't ever get close to this.

Mike Espiritu, 950 College, President of the Economic Development Corporation  
Mr. Espiritu stated they support this project of the economic impact it will have for our County, the jobs it will create, and also the capital investments as the operations continue.

No one online.

**OPPOSED:**

No one in the Commissioner Chamber.  
No one online.

There was no further discussion or questions from the Commissioners.

<p><b>MOTION MADE TO: APPROVE THE ZONE CHANGE IN CASE Z-2022-005 SUBJECT TO STAFF'S FINDINGS AND CONDITIONS</b> <b>MOTION MADE BY: COMMISSIONER EZZELL</b> <b>SECOND MADE BY: COMMISSIONER TAYLOR</b> <b>IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR</b> <b>OPPOSED: NONE</b></p>
---

**3. CASE Z-2022-006 – TO APPROVE OR DENY A ZONING CHANGE FROM ZONE A-AGRICULTURAL TO ZONE D – INDUSTRIAL IN AREA 1**

**PRESENTER: LOUIS JARAMILLO, PLANNING AND ZONING DIRECTOR**

Mr. Jaramillo stated Mr. Mitchell and JHTC are requesting a zone change to the parcel that is adjacent to US 285 and Chicksaw. This is their new proposed office and parking area. They are currently operating this facility at 73 E. Chickasaw and will be moving that over. There won't be mining at this facility. The area is vacant except for an old gravel pit that was used for improvements to US 285. About a year ago there was some question about what was going on there and they did go out and investigate. This is when they found out they were proposing this project. Staff is in support of this and the Commission did recommend approval by a vote of 4-0 with seven conditions of approval and findings of facts 1-4 stated in Staff's report.

Commissioner Cavin opened the public hearing for public comment.

**IN FAVOR:**

Jim Mitchell, 5006 Thunderbird, Roswell, NM

Mr. Mitchell stated this facility will be a first-class operation. They are building a new shop, 80 x 140, and moving their people in Hobbs to this facility. They've done the earth work and utilized the old excavation pit they used on 285 for their drainage. This operation will be a good use for this property and when they get done, there will be multiple uses for the facility to last a long time.

Mike Espiritu, Roswell Chaves County EDC

This project, the relocation from Hobbs to Chaves County is a big step for more jobs to be created and the economic impact. He thinks this is significant and he urges them to approve.

No one online.

**OPPOSED:**

No one in the Commissioner Chamber.

No one online.

There was no further discussion or questions from the Commissioners

MOTION MADE TO: APPROVE THE ZONE CHANGE IN CASE Z-2022-006 SUBJECT TO STAFF'S CONDITIONS AND FINDINGS  
MOTION MADE BY: COMMISSIONER EZZELL  
SECOND MADE BY: COMMISSIONER TAYLOR  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**UPDATE ON THE EDC**

***PRESENTER: MIKE ESPIRITU, PRESIDENT ECONOMIC DEVELOPMENT CORPORATION***

Mr. Espiritu thanked the Commissioner for their support and stated April was a busy month for them. He spent some time on the road and one of the areas he participated in was the Air Services Conference in Phoenix. This is important because it pertains to the air traffic and ability to have flights daily with American Airlines to Dallas and Phoenix. They met with several different airlines about possible new carriers to go to different locations. Those conversations are continuing. It appears at this point the third Dallas run will be starting again soon and a second Phoenix run probably by the end of the year depending on if the pilot shortage can be rectified. He also attended the National Workforce Conference in DC and talked a lot about strategies and how we can develop workforces in our local areas. He attended the MRO Americas Conference and trade show and met with a number of companies. This generated a couple of great leads with new companies. The biggest impact they learned from that conference was that when they said they were from Roswell/Chaves County they said you have ASCENT Aviation coming there and that's a big deal. For them to recognize us means they are paying attention to our community. He believes that ASCENT is the launching pad for a lot of other opportunities.

Last month he testified for a couple of different companies. Pecos Valley Productions is a cannabis company in the County, and they are growing by leaps and bounds. They have close to 200 employees and have a number of dispensaries over nine counties in the State. They were awarded funding for an additional 19 trainees. Their average wage is around \$20.00 per hour and they have full benefits. They are really working towards helping their people stay longer. They are a strong supporter of our county and communities. Last year they contributed over \$27,000.00 to different agencies. He also testified for Admiral Beverage. Their facility on Brasher is really taking shape. This will entice more opportunity in our county.

From a career tech education standpoint, they continue to work with all the school districts in the county. They are very involved with Hagerman, meet regularly, and went down to help with a career day. They also had a career event in Dexter called Elevate 22. They are working towards some other platforms to help all the school districts to raise the bar in providing opportunities for young people to a good start in their careers and lives.

Last month they met with USA Beef, they are growing and expanding their physical plant. They have over 70 employees and several new contracts. They will continue to keep an eye on them and help them out. They have a couple of new agricultural projects. Project Final is a company that has already conducted a site visit here and are fully capitalized which means they have their own funding. The other project will be doing a site visit in the middle of June. They had a hiring event last week in partnership with the city and the Department of Workforce Solutions. They

had about 43 companies, 124 job seekers, and preliminary numbers on those that were hired were about 25. Some companies are still going through background checks and verifying.

The engineer's estimate by Armstrong Engineering was about \$14.8 million dollars for the horizontal constructions. This is a three-phase project, first is the demo work and basic infrastructure, second is horizontal or the foundation, paving and parking, and the third is vertical or the actual building of the building. ASCENT Aviation has already paid for the building and it's on its way. The city pushed an RFP out for the second phase, and they absorbed the cost of the first phase which was close to three million dollars. The second phase bid was for \$14.8 and only bidder came back at nearly \$21 million which is a sizeable difference from the estimate. The city rejected this bid and rebid it and received two bidders. Each bid was about two million less than the original number of about 18 or 19 million dollars. The city is considering rejecting that bid and working towards another alternative to get the project moving forward. ASCENT is still hiring people and they have a presence at the Air Center. The time frame has been extended to the early Spring of 2023.

**AGREEMENTS AND RESOLUTIONS**

**4. AGREEMENT A-22-005 FOR BETWEEN CHAVES COUNTY AND THE STATE OF NEW MEXICO, DFA/LOCAL GOVERNMENT DIVISION FOR DWI LOCAL GRANT FY 22/23**

**PRESENTER: ELLY HOLLON, DWI COORDINATOR**

Ms. Hollon stated the Chaves County DWI program was awarded \$52,500.00 in local DWI grant funds for fiscal year 2022-2023. This funding will be utilized to fund a full-time treatment provider and supplies for the court compliance program. The term of the agreement will start of July 1, 2022 and will extend to June 30, 2023. Staff recommends approval.

MOTION MADE TO: APPROVE AGREEMENT A-22-005  
MOTION MADE BY: COMMISSIONER DANA  
SECOND MADE BY: COMMISSIONER BILBERRY  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**5. RESOLUTION R-22-020 – APPROVAL OF BUDGET ADJUSTMENT FY 21-22**

**PRESENTER: BILL WILLIAMS, CHAVES COUNTY MANAGER**

Mr. Williams stated this item has been scratched from the agenda. This item was a mistake on the agenda, and they talked about this last month.

**6. RESOLUTION R-22-021 – CONDEMNATION RESOLUTION**

**PRESENTER: LOUIS JARAMILLO, PLANNING AND ZONING DIRECTOR**

Mr. Jaramillo stated staff has received numerous complaints from neighbors concerning these properties and their structures, trash, debris, and waste. Some of these properties have been a menace to neighbors for years and others have been recently abandoned and forgotten. Notice of violation letters and warning have had little effect. Transients and others continue to look for abandon structures to occupy. Staff has determined that condemning these properties is in the best interest of the community's health, safety, and welfare. State Statue 3-18-5 NMSA require staff to notify the owners by certified mail, return receipt, post the Resolution on each property and advertise this Resolution, one time, in the local newspaper. The owners will have ten (10) days, after the certified letter has been mailed, the posting of the resolution has been completed, and the resolution has been advertised, to respond and/or request a public hearing concerning this resolution. If approved, clean up would begin in the fall/winter of 2022-2023 by the Chaves County Road Department. There are nine properties listed in exhibit A.

MOTION MADE TO: APPROVE RESOLUTION R-22-021  
MOTION MADE BY: COMMISSIONER DANA  
SECOND MADE BY: COMMISSIONER TAYLOR  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE



**7. RESOLUTION R-22-022 – CHAVES COUNTY ANNUAL ROAD HEARING DISPOSITION**  
**PRESENTER: MAC ROGERS, PUBLIC SERVICES DIRECTOR**

Mr. Rogers stated for the 2022 road applications received in February, the freeholders have completed their report to the Commission, the Commission held a public hearing, and the roads were viewed by the Commission. The Resolution before the Commission requests the disposition of the four maintenance status change requests and three road vacation requests. The Freeholders recommended approval of all applications. The road vacation requests will take effect immediately and the maintenance status change request applicants will have six months to ensure their road meets County standards. All applicants will be notified of the action taken by the Commission.

Maintenance status change requests:

Application #3 – requested by Martin Contreras for approximately 400 feet of Palacio Street.

Application #4 – requested by the Buena Vida Improvement Association for approximately 570 feet of Loma Linda.

Application #5 – requested by the Buena Vida Improvement Association for approximately 1,500 feet of Via Del Sol.

Application #6 – requested by the Buena Vida Improvement Association for approximately 3,061 feet of Las Flores.

MOTION MADE TO: APPROVE MAINTENANCE STATUS CHANGE REQUESTS FOR APPLICATIONS #3, #4, #5, AND #6  
MOTION MADE BY: COMMISSIONER BILBERRY  
SECOND MADE BY: COMMISSIONER DANA  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

Road vacation change requests:

Application #1 – requested by Peter Ambs for approximately 630 feet of Hemlock Avenue

Application #2 – requested by John Gilmore for approximately 1,450 feet of Adobe Trail Road

Application #7 – requested by Shirley McIntosh for approximately 600 feet of Aspen Road

MOTION MADE TO: APPROVE ROAD VACATION REQUESTS FOR APPLICATIONS #1, #2, AND #7  
MOTION MADE BY: COMMISSIONER BILBERRY  
SECOND MADE BY: COMMISSIONER EZZELL  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**8. RESOLUTION R-22-023 – IMPOSING THE NON-PROHIBITIVE LICENSE TAX ON STATE LIQUOR LICENSE HOLDERS**

**PRESENTER: BILL WILLIAMS, CHAVES COUNTY MANAGER**

Mr. Williams stated this is a resolution that would impose the non-prohibitive license tax on the persons holding state licenses under the Liquor Control Act as distributors of alcohol within Chaves County. The annual tax, per Section 7-24-2 NMSA 1978 shall not exceed \$250.00 per license. The Chaves County Board of Commissioners are empowered to impose this tax by resolution on or before the first day of June of each year. Last year the State waived this fee. We only have four license holders that this affects in the County, and this is something we have done in the past. Staff recommends approval.

MOTION MADE TO: APPROVE RESOLUTION R-22-023  
MOTION MADE BY: COMMISSIONER DANA  
SECOND MADE BY: COMMISSIONER TAYLOR  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**9. RESOLUTION R-22-024 – DELETION OF PROPERTY AND PROPOSED DISPOSITION**

**PRESENTER: LUCIA SERRANO, ASSISTANT FINANCE DIRECTOR**

Ms. Serrano stated the Commission's approval of this resolution will allow staff to remove the attached inventory. Exhibit A has all the assets listed. Staff recommends approval.

MOTION MADE TO: APPROVE RESOLUTION R-22-024  
MOTION MADE BY: COMMISSIONER DANA  
SECOND MADE BY: COMMISSIONER BILBERRY  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**10. RESOLUTION R-22-025 – APPROVAL OF BUDGET INTERIM FY 22-23**

**PRESENTER: ANABEL BARRAZA, CHIEF FINANCIAL OFFICER**

Ms. Barraza stated Resolution R-22-025 is the approval of the interim budget for fiscal year 22-23. She thanked the finance committee and staff. They have reviewed all the departmental budget requests with elected officials and department heads. On May 12<sup>th</sup> we had a budget workshop where the entire budget was presented. They have amended the budget document and it is being presented in its revised form and she has presented them with new summary pages. The changes include they got a response from NMDOT regarding the three major projects including CAP, COOP, and School Bus. The total for these three projects is \$894,620.00 but the State will be funding \$670,965.00 and the county funding \$223,655.00. Another increase is for law enforcement officers where they have tentatively agreed to the collective bargaining agreement. The total budget for the county is \$54,837,575.00. The overrun from revenues to expenditures is \$287,290.00. This is a tolerable amount, and the budget is in balance. With this approval they will be in compliance with the deadline of June 1<sup>st</sup>. Staff recommends approval.

MOTION MADE TO: APPROVE RESOLUTION R-22-025.  
MOTION MADE BY: COMMISSIONER EZZELL  
SECOND MADE BY: COMMISSIONER BILBERRY  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**11. RESOLUTION R-22-026 – APPROVAL OF BUDGET ADJUSTEMENT FOR FY 21-22**

**PRESENTER: ANABEL BARRAZA, CHIEF FINANCIAL OFFICER**

Ms. Barraza stated the Finance Department is requesting a budget adjustment for this fiscal year. The items are in Exhibit A and are for motorgraders that were bought from a lease for the Road Department and for their extended warranty, two vehicles for the Assessor's Department, a land purchase, and an increase to house inmates in other counties. Staff recommends approval.

MOTION MADE TO: APPROVE RESOLUTION R-22-026  
MOTION MADE BY: COMMISSIONER BILBERRY  
SECOND MADE BY: COMMISSIONER EZZELL  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**12. RESOLUTION R-22-027 – APPROVAL OF POLICY FOR ACCEPTANCE OF DEBIT/CREDIT CARD OR ELECTRONIC MEANS FOR PAYMENT**

**PRESENTER: ANABEL BARRAZA, CHIEF FINANCIAL OFFICER**

Ms. Barraza stated on May 4<sup>th</sup> of 2022, DFA sent out a memo, #22-06, asking for all local governing bodies to adopt procedures and acceptance of payments by credit card or electronic transfers. They referenced the New Mexico State Section 6-10-1.2 NMSA which says, "a local governing body may accept payment by credit card or electronic means", and that we may charge a convenience fee to cover that cost. The resolution and policy attached will allow Chaves County to continue accepting payments by credit card or electronic transfers and will help us be in compliance to turn in with our budget. Staff recommends approval.

MOTION MADE TO: APPROVE RESOLUTION R-22-027  
MOTION MADE BY: COMMISSIONER EZZELL  
SECOND MADE BY: COMMISSIONER DANA  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**BID'S/RFP'S**

**13. RFP-22-003**

- 1. INMATE MEDICAL SERVICE**
- 2. AWARD AGREEMENT A-22-024 FOR INMATE MEDICAL SERVICES**

**PRESENTER: SANDRA RODRIGUEZ, PURCHASING DIRECTOR**

Ms. Rodriguez stated on April 7, 2022, three companies submitted proposals for RFP-22-003 for inmate medical services. An evaluation committee reviewed and rated the written proposals. Formal interviews were also conducted with all three companies. At this time, Staff recommends the award be made to Wellpath, LLC and that the board authorize the Chairman to execute Agreement A-22-024 between Wellpath and Chaves County, due to the contract agreement starting in June. Staff recommends approval.

MOTION MADE TO: APPROVE RFP-22-003 AND EXECUTE AGREEMENT A-22-024  
MOTION MADE BY: COMMISSIONER DANA  
SECOND MADE BY: COMMISSIONER EZZELL  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**14. RFP-22-004 – BANKING SERVICES**

**PRESENTER: SANDRA RODRIGUEZ, PURCHASING DIRECTOR**

Ms. Rodriguez stated Pioneer Bank of Roswell NM was the only proposal received under RFP-22-004 for banking services. Staff found the proposal responsive to specifications, and the evaluation committee conducted the review of the proposal, giving the offeror a total of 88 points out of a possible 100. Staff recommends award be made to Pioneer Bank. If awarded, an agreement will be on the agenda for consideration at the next commission meeting.

MOTION MADE TO: APPROVE RFP-22-004  
MOTION MADE BY: COMMISSIONER EZZELL  
SECOND MADE BY: COMMISSIONER DANA  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**OTHER BUSINESS**

**15. APPOINTMENT OF MEMBER TO THE JOY CENTER BOARD OF DIRECTORS**

**PRESENTER: BILL WILLIAMS, CHAVES COUNTY MANAGER**

Mr. Williams stated Three members of the JOY Center Board of Directors are appointed by Chaves County. Presently those members are Ms. Rita Kane Doerhoefer, Mr. Robert McCrea and Ms. Phyllis Fix. Mr. McCrea, who is the Community Representative on the Board, is terming out in August, 2022. Monica Duran, Executive Director of Chaves County Joy Centers, Inc., has requested that Mr. McCrea be reappointed to the position by the Chaves County Board of Commissioners. Staff recommends that the Commission reappoint Mr. Robert McCrea to the position.

MOTION MADE TO: REAPPOINT MR. ROBERT MCCREA TO THE CHAVES COUNTY JOY CENTER BOARD OF DIRECTORS  
MOTION MADE BY: COMMISSIONER BILBERRY  
SECOND MADE BY: COMMISSIONER TAYLOR  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**16. WAIVER OF RIGHT-OF-WAY FEES FOR BERRENDO WATER COOPERATIVE WATER LINE REPAIRS**

**PRESENTER: MAC ROGERS, PUBLIC SERVICES DIRECTOR**

Mr. Rogers stated The Chaves County Right-of-Way Use Permit Ordinance requires that fees be collected for right-of-way excavations. Berrendo Water Cooperative has requested a waiver of permit fees for road excavations to repair water distribution lines. Permit number 2470 in the amount of \$1,870 is located along Nanticoke Road and permit number 2475 in the amount of \$4,490 is located along Milky Way Road. A provision of the Ordinance allows for the Board of

Commissioners to waive these fees. Chaves County Road department has inspected all road repairs. Staff recommends approval.

MOTION MADE TO: APPROVE FEE WAIVER FOR BERRENDO WATER COOP  
MOTION MADE BY: COMMISSIONER BILBERRY  
SECOND MADE BY: COMMISSIONER EZZELL  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

#### **APPROVAL OF CHECKS**

MOTION MADE TO: APPROVE CHECKS IN THE AMOUNT OF \$2,598,521.23  
MOTION MADE BY: COMMISSIONER BILBERRY  
SECOND MADE BY: COMMISSIONER DANA  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

#### **APPROVAL OF REPORTS**

MOTION MADE TO: APPROVE REPORTS  
MOTION MADE BY: COMMISSIONER DANA  
SECOND MADE BY: COMMISSIONER BILBERRY  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**UNSCHEDULED COMMUNICATIONS LIMITED TO THREE MINUTES PER VISITOR NOT TO EXCEED 15 MINUTES. NO FORMAL ACTION WILL BE TAKEN BY THE COMMISSION.**

Larry Connolly, 2815 Encanto, Roswell

Mr. Connolly thanked the Commission for condemning the properties. He knows money is tight and he's afraid before the 75<sup>th</sup> anniversary festivities, July 4<sup>th</sup>, that we're going to have to do something about his favorite property on South Main. He wants an empty bucket out there right before the tours start going down Main Street.

Rita Kane Doerhoefer, Secretary of Keep Chaves County Beautiful, Litter control person, Education person, and she helps write the budget, from very narrow, unstripped, Chicago Cubs mailbox, Mark Road

Ms. Doerhoefer stated two weeks ago everybody was in here talking about their budgets and asking for money and she was asked if she was going to come up, no, she does not ask for money. She is asking for time. She listed several people and departments. She thanked them in advance for approving the MOU for the new grant cycle. She goes to every clean up. They are painting Courthouse rocks. She thanked them for not taking her off the JOY Center Board. They are trying to get more people to come to the Midway JOY Center. They need internet, the parking lot got paved.

Bruce Young, 208 Coddington

He understands that the landfill will no longer be granting free firewood. He's been using this for the last 15 years to heat his home.

Commissioner Cavin told him this would be a question for the city.

Mr. Young stated since the city decided to raise the price on returning tires, has anybody noticed out in the county that the proliferation of used tires has increased? This was a non-productive move they made.

Keon Ahghar, 2707 Gaye Drive, Roswell, NM 88201

He thanked the Commissioners and county for being able to work with the indigent patients over the last couple of years. They started looking a little deeper at the contract last year and had an attorney look at it and were advised to make some changes before moving forward. The changes weren't able to be made because it would require ordinance changes and what not so they will not be signing the contract for next year.

Commissioner Cavin asked if anything can be done to facilitate this because they do great work for our community.

Mr. Ahghar stated they would love to continue to work. There are some technical details about the contract that left a liability. The definition of "scope of care" was essentially treating life threatening illnesses and replacement dentures. Those were the only two things that are defined. When they are doing other stuff for the clients it would put them in a spot where they are providing services that are not approved. They would love to continue working with the county, but adjustments need to be made.

Neil Bindermann, 3751 E. Crossroads

He uses the garbage compactor, and we have a lot of people who are ignoring the signs and putting in couches, tires, and shingles. He asked if there was any way there could be surveillance cameras installed to catch the dumpers?

Commissioner Cavin stated they are working on this.

Louis Jaramillo, Planning and Zoning Director

The Chaves County Land Commission will need their nominees. That will be coming before them in June.

#### **MANAGER'S COMMUNICATIONS**

Mr. Williams stated everyone did a great job on the budget. He thanked the Commission for providing an increase for the Sheriff's Deputies. He congratulated NMMI. He told Mac good job on the road hearings.

#### **COMMISSIONERS' COMMUNICATIONS**

##### **COMMISSIONER TAYLOR**

Commissioner Taylor thanked all the staff for the work on the budget. It's election time, go vote. At this office they have a 100% voter turnout.

##### **COMMISSIONER DANA**

Commissioner Dana thanked Rita for inviting her to the JOY Center. She stated it's a great facility. After COVID, people stopped going. With the improvements, she hopes Seniors will get out. The Chaves County 4H sharpshooter team is going to Nebraska. They need to raise \$8,000.00. She is helping them fundraise.

##### **COMMISSIONER EZZELL**

Commissioner Ezzell thanked Anabel and Lucia for the great budget and stated we are good stewards of the taxpayers money.

##### **COMMISSIONER BILBERRY**

Commissioner Bilberry thanked everyone and encouraged people to vote.

##### **COMMISSIONER CAVIN**

Commissioner Cavin stated he is excited that law enforcement will be getting raises. As we go into Memorial weekend, we need to remember those who are working and keeping us safe. Uvalde is a tragic preventable event. We have to get behavioral health under control. We have to do our due diligence. They've had a lot of good meetings this week. Fires in the State have burned 700,000 acres, a lot of them in wilderness areas. The Ruidoso fire was devastating and burned over 200 houses. Commissions around the State are working hard to do their part.

**CLOSED SESSION: PURSUANT TO SECTION 10-15-1-(H), (2) DISCUSS LIMITED PERSONNEL MATTERS, SECTION 10-15-1-(H)(5) COLLECTIVE BARGAINING NEGOTIATIONS, SECTION 10-15-1-(H)(7) DISCUSS THREATENED OR PENDING LITIGATION**

MOTION MADE TO: GO INTO CLOSED SESSION AT 11:21 AM
MOTION MADE BY: COMMISSIONER BILBERRY
SECOND MADE BY: COMMISSIONER EZZELL
COMMISSIONER TAYLOR: YES
COMMISSIONER DANA: YES
COMMISSIONER EZZELL: YES
COMMISSIONER BILBERRY: YES
COMMISSIONER CAVIN: YES

MOTION MADE TO: COME OUT OF CLOSED SESSION AT 12:03 PM  
MOTION MADE BY: COMMISSIONER EZZELL  
SECOND MADE BY: COMMISSIONER DANA  
COMMISSIONER TAYLOR: YES  
COMMISSIONER DANA: YES  
COMMISSIONER EZZELL: YES  
COMMISSIONER BILBERRY: YES  
COMMISSIONER CAVIN: YES

The meeting was adjourned at 12:03 pm.



*Cindy Fuller*  
Cindy Fuller

**BOARD OF CHAVES COUNTY COMMISSIONERS**

*William E. Cavin*  
William E. Cavin, Chairman

*Jeff Bilberry*  
Jeff Bilberry, Vice-Chairman

*Dara Dana*  
Dara Dana, Member

*T. Calder Ezzell Jr.*  
T. Calder Ezzell Jr, Member

*Richard C. Taylor*  
Richard C. Taylor, Member