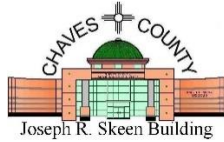


**CHAVES COUNTY
BOARD OF COUNTY COMMISSIONERS**

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, SEPTEMBER 15, 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 Taylor 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, Detention Director, Justin Porter, Road Supervisor, Joe West, IT Director, Andrew Rey, County Clerk, Cindy Fuller, County Assessor, Sandra Stewart, Sheriff Mike Herrington, media, staff, and guests.

APPROVAL OF MINUTES

MOTION MADE TO: APPROVE THE MINUTES FROM THE ADMINISTRATIVE MEETING HELD ON AUGUST 18, 2022, AS AMENDED
MOTION MADE BY: COMMISSIONER DANA
SECOND MADE BY: COMMISSIONER EZZELL
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR
OPPOSED: NONE

PRESENTATION

New Mexico Counties, Problems Facing Detention Facilities in New Mexico

Bill Williams, Chaves County Manager, stated the presentation from New Mexico Counties has been postponed because they had problems with travel.

UPDATE ON THE ECONOMIC DEVELOPMENT CORPORATION

Mike Espiritu, Economic Development Corporation President

Mr. Espiritu stated Ascent Aviation is moving a lot of dirt and it’s starting to look nice. They are still on track for an early/late spring/summer opening next year. He recently testified for a JTIP award for Dean Baldwin. They received over \$163,000.00 for 25 new jobs at an average wage of \$15.50 with full benefits. He also testified for Pecos Valley Productions this past Friday. They were awarded \$233,715 and change for 29 new jobs, average wage of \$17.05 with full benefits. JTIP has a Step-Up program that isn’t used much but it allows existing employees to receive training and benefits. Pecos Valley put in an application and received the full award of \$5,280.00 for 15 trainings of existing employees. Last month the JTIP Department came for a site visit. USA Beef is up to sixty employees right now and they are growing and continuing to build on to their facility. They have purchased a facility in Roswell to expand their operation for processing because they are running out of room. They also visited Red Mountain Arsenal. They are looking for employees, they pay good wages, and have more work than they can handle. They are entering into the international markets for their products. They spent time with the senior leadership at Eastern New Mexico University, Dr. Powell, and his team. There is funding available that helps

the university pay for course work for trainees of employers in the JTIP program. They met with General Aviation Support, Dean Baldwin, Ascent Aviation, Cavalier Air Space, and Aersale.

They had an opportunity to apply with the State to become a certified economic development organization. It's a new program and if they are successful, they can receive a grant. Part of the application requirement was a site visit. A team came down from Santa Fe to learn more about how they are serving this area. The result seemed positive from their perspective. They will learn more at the end of the month at the Governor's economic conference in Albuquerque where they will announce the award. The resounding comments from everyone that attended, about 20 folks, was astounding.

**AGENDA ITEMS
AGREEMENTS AND RESOLUTIONS**

1. AMENDMENT 3 TO AGREEMENT A-19-042 BETWEEN CHAVES COUNTY AND ROSWELL-CHAVES COUNTY ECONOMIC DEVELOPMENT CORPORATION FOR PROFESSIONAL SERVICES

PRESENTER: BILL WILLIAMS, CHAVES COUNTY MANAGER

Mr. Williams stated the County Commission approved Agreement A-19-042 with the Roswell-Chaves County Economic Development Corporation to provide professional industrial/economic development services. On May 21, 2020, the Board of Commissioners approved Amendment No. 2 to the Agreement which provided \$25,000.00 to be used as an incentive for a housing project. Since that time EDC has reported that positive changes for housing in our community have eliminated the need for those monies to be used for a housing project incentive. Amendment No. 3 to Agreement A-19-042 would allow the EDC to use the money, along with a grant from Xcel, to perform an environmental clearance site survey/study for the Roswell Air Center. Staff recommends approval.

Further questions and comments from the Commissioners:

Commissioner Ezzell asked why the Air Center needed an environmental clearance site survey/study? Mr. Espiritu stated EDC applied for a grant opportunity with Xcel Energy. It is a matching grant and tied to creating a mega site at the Air Center. There are nearly 4,500 acres, and a lot is land that is unused. There are very few airports with that land mass that are available for development. Working with the Air Center they identified two parcels that will equal 1,800 acres. This means future economic development. The money will help to fund the geotech and environmental studies which are required to make the property shovel ready. It won't be a certified site, but it will be a ready site and Xcel will help market this.

MOTION MADE TO: ACCEPT AMENDMENT NUMBER THREE TO AGREEMENT A-19-042
MOTION MADE BY: COMMISSIONER DANA
SECOND MADE BY: COMMISSIONER EZZELL
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR
OPPOSED: NONE

2. RESOLUTION R-22-050 – DELETION OF PROPERTY AND PROPOSED DISPOSTION

PRESENTER: LUCIA SERRANO, ASSISTANT FINANCE DIRECTOR

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

MOTION MADE TO: APPROVE RESOLUTION R-22-050
MOTION MADE BY: COMMISSIONER BILBERRY
SECOND MADE BY: COMMISSIONER DANA
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR
OPPOSED: NONE

3. RESOLUTION R-22-051 ACCEPTING COOPERATIVE AGREEMENT BETWEEN CHAVES COUNTY FLOOD CONTROL AND USDA, NRCS

PRESENTER: BILL WILLIAMS, CHAVES COUNTY MANAGER

Mr. Williams stated they would like to pull this resolution. After Stan's legal review of this resolution, it was determined that this action is not necessary. He wanted them to be aware that Chaves County is the fiscal agent for this agreement between Chaves County Flood Control and the USDA, NRCS. The total amount of the grant is \$780,000.00. Flood control will be responsible for a 20% match which is \$195,000.00. The Chaves County Flood Control Superintendent, Richard Smith, will be signing the documents. No action is necessary.

Further questions and comments from the Commissioners:

Commissioner Ezzell asked what was going to be done.

Mr. Smith stated he can't answer the question right now. When the Corn's settled there in the 1870's they built a dam called the Macho Draw. This is the largest watershed that comes to the Pecos River. It is 2,847 square miles. The dam washed out 25 years ago and they put it back and now the channel that takes the water around their farm is washing out. They applied to a program called ENWP and got approved for two large silt control fences. This is the first time for Chaves to use the NWP program. Commissioner Ezzell asked if there were any issues at the third diversion and the dike to the south after this last event. Mr. Smith stated no.

4. RESOLUTION R-22-052 ORDERING THE CHAVES COUNTY ASSESSOR TO IMPOSE THE 2022 CERTIFIED TAX RATES

PRESENTER: BILL WILLIAMS, CHAVES COUNTY MANAGER

Mr. Williams stated the County Commission receives a Certificate of Tax Rates from DFA each year in September. The Commission is required by statute to issue a written order imposing the tax at the rate set on the net taxable value of the property. A Resolution ordering the County Assessor to impose the rates must be approved each year. It is important to point out that these tax rates are set by the Secretary of DFA and not the County.

MOTION MADE TO: APPROVE RESOLUTION R-22-052
MOTION MADE BY: COMMISSIONER DANA
SECOND MADE BY: COMMISSIONER EZZELL
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR
OPPOSED: NONE

5. RESOLUTION R-22-053 AND AGREEMENT A-22-040 BETWEEN CHAVES COUNTY AND NEW MEXICO DEPARTMENT OF TRANSPORTATION ACCEPTING TRANSPORTATION PROJECT FUNDS

PRESENTER: MAC ROGERS, PUBLIC SERVICES DIRECTOR

Mr. Rogers stated the State Transportation Commission awarded Chaves County a grant from the Transportation Project Fund (TPF) for the Brasher Bridge replacement. The New Mexico Department of Transportation (NMDOT) has allocated \$1,187,500.00 in State TPF funds with a local match requirement of \$62,500.00 for a total TPF award amount of \$1,250,000.00. Staff recommends approval.

MOTION MADE TO: APPROVE RESOLUTION R-22-053 AND AGREEMENT A-22-040
MOTION MADE BY: COMMISSIONER EZZELL
SECOND MADE BY: COMMISSIONER BILBERRY
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR
OPPOSED: NONE

OTHER BUSINESS

6. REQUEST FOR OUT OF STATE TRAVEL

PRESENTER: BILL WILLIAMS, CHAVES COUNTY MANAGER

Mr. Williams stated he is requesting ratification for out-of-state travel for the NACO Conference that was held in Denver Colorado on July 20-24, 2022.

MOTION MADE TO: APPROVE REQUEST FOR OUT OF STATE TRAVEL
MOTION MADE BY: COMMISSIONER DANA
SECOND MADE BY: COMMISSIONER BILBERRY
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR
OPPOSED: NONE

7. DFA APPROVAL OF FY 22-23

PRESENTER: LUCIA SERRANO, ASSISTANT FINANCE DIRECTOR

Ms. Serrano stated the attached letter from DFA – Local Government Division – was received indicating its official approval of our final budget for FY 2022-2023. No other action is required. In accordance with Section 6-6-2E NMSA 1978, the Local Government Division has reviewed and certified the final budget for fiscal year 2022-2023. Budgets approved by the Division are required to be made a part of the minutes of our governing body according to section 6-6-5 NMSA 1978.

MOTION MADE TO: HAVE THE MINUTES REFLECT THAT DFA HAS ACCEPTED OUR 2022-2023 FINAL BUDGET
MOTION MADE BY: COMMISSIONER EZZELL
SECOND MADE BY: COMMISSIONER BILBERRY
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR
OPPOSED: NONE

8. PERMISSION TO PURCHASE A CLASS A PUMPER TRUCK FOR THE EAST GRAND PLAINS VOLUNTEER FIRE DEPARTMENT

PRESENTER: MAC ROGERS, PUBLIC SERVICES DIRECTOR

Mr. Rogers stated the East Grand Plains Volunteer Fire Department is requesting approval to purchase a Class A Pumper Truck. Funding for the vehicle will come from the apparatus replacement schedule and fire funds. The specifications have been approved by the State Fire Marshall’s Office. Staff recommends approval.

MOTION MADE TO: APPROVE THE PURCHASE OF A CLASS A PUMPER TRUCK FOR THE EAST GRAND PLAINS VOLUNTEER FIRE DEPARTMENT
MOTION MADE BY: COMMISSIONER DANA
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 \$1,979,190.29
MOTION MADE BY: COMMISSIONER TAYLOR
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.

Bonnie Brainerd, 1012 N. Lea, Roswell, 88201

Ms. Brainerd stated she is here to talk again about voter integrity. She is the treasurer for Larry Marker who is running as a write in candidate for Commissioner of Public Lands, a state office. When you do a write in, and you fill in the dot, and write in the name, it drops into a special box. It has to be hand counted because they can’t read your writing. That box only holds 200 ballots, approximately. That creates a problem because they are fully prepared to win this election and fully prepared to have a lot of votes. She had a list of the tabulators and counts from the 2020 election, which was a presidential election, so chances are we won’t have that kind of turnout. The two earliest machines had just under 5,000 ballots. You limit her to 200 ballots per machine, what

happens to her other votes. She needs some kind of support from the County Commissioners that this isn't going to happen in our county, and they aren't going to stop a valid candidate from having all of his votes counted. What do you guys think? Are you aware of this? Are you aware of all the problems with this system? It's jacked up and it's wrong.

Commissioner Ezzell stated it's not the county commissions job to run the election, it's the county clerk's job. Ms. Brainerd stated it's the county commissions duty to stand up for this county. We have a great county, a great board, a phenomenal county clerk, a phenomenal Sheriff, but what the hell guys? They have an uphill battle, he's the only candidate running for that position that is oil and gas. We're an oil and gas county. We need you to stand up and figure this out right now not November 7th. Do something, stand up.

Commissioner Ezzell asked Cindy if there is a procedure for emptying the boxes? Cindy Fuller stated this is something they have been talking about with Mr. Marker's campaign and Ms. Brainerd. Yes, we have a procedure in place for early voting to check the write in bins each and every day. There is a procedure and accountability system to remove those ballots. She stated she has been doing testing in her office on a test election for this very purpose to see how many write in ballots the machine will hold. She has also reached out to Bernalillo County because they are a much bigger county and have dealt with a larger number of write in candidates and they have never had a problem with the machine not taking them. There are other things they can look at, such as, at the end of the night going through all of the ballots and making sure if any of those did not divert into the write in bin that they get those out. She stated she is committed to making sure every vote in this county counts and will do what they need to do to make sure that happens.

Tim Jennings, 2716 N Pennsylvania, #48, Chaves County Flood Commissioner

Mr. Jennings stated they heard earlier about the event on Macho Draw. Mike Mathews, Assistant City Manager, Karen Sanders, and himself spent some time going around and checking. They also went out with the national weather service who came down here because that was such a unique event. One of the biggest problems they have is the gauges on the rivers and they need to get the National Weather Service to put better gauges at every place they can put a gauge so they can determine the proper flow. This also affects the amount of water we must deliver to Texas. We need to have more accurate information. It would be nice to have a gate and gauge on Rocky Arroyo. It would be nice to see how much water comes between the dam and Roswell. This last storm we didn't have that problem but the storm before that washed out structure three. We don't have an accurate way to gauge the amount of water. That would be very helpful. Outside of all the rattlesnakes that were moved out from the river bottom, the amount of water and the time it took to get that water from the Clovis Highway to Roswell took a lot longer than people thought because of the amount of water that was outside the river. It seemed to diminish by the time it got to Artesia.

Chuck Waltrip, 9 Richmond Road, Dexter

Mr. Waltrip stated last month at the meeting the question was brought up about the Dominion machines and they were told it was a process. He asked where we are in the process to ensure that there are no more shenanigans with those things. Commissioner Ezzell stated he is not aware that anyone has filed any kind of action against the Secretary of State yet. Mr. Waltrip asked if an action needs to be filed. Commissioner Ezzell stated he thinks that's the only remedy there is and original jurisdiction would be in the New Mexico Supreme Court.

Sheriff Mike Herrington

The Sheriff stated he is working hand in hand with the fair board to make sure there is good security and to make sure the flow of traffic is going to be done smoothly. The Roswell Police Department, Chaves County Sheriff's Department, Dexter Fire Department, Sierra, and the Roswell Fire Department are all meeting. They've had two meetings so far and will have another one on the 29th. He will have ten deputies out there and Mounted Patrol will have ten officers. RPD will have officers out there. He expects that things will go smooth. It has been great to see everybody working together for the benefit of Chaves County. This year the Chaves County Sheriff's Office will be escorting the Veteran's Parade to keep the Veteran's from being charged a fee for their parade. It will be a rolling parade. There are thirteen floats and will be fast moving. He wants more people in the community to know there will be a Veteran's parade next month and encouraged people to come out in support.

No comments were received online.

MANAGER'S COMMUNICATIONS

Mr. Williams thanked God for the rain. He prayed for the safety of the kids involved in the school bus accident. He and Commissioner Bilberry met with the New Mexico Cattle Growers Association last Tuesday and talked about the 30x30 and where that is heading. They also talked about the Forest Service Plan in Chaves, Eddy, Lea, and Otero Counties and their unwillingness to work with local governments as they are required to by law. There was a newspaper article in today's paper about the Airport Advisory Committee requesting the City to accept the report that was given to them by the Airport Authority Steering Committee in February of last year. The Airport Advisory Committee did task the County Manager and the City Attorney with trying to figure out what a JPA would need to look like to go before the Chaves County Commission and City Council. There will be talks about this over the next period of time. He introduced Ana Nieto, the new Procurement Officer. Ana comes to us from the City of Roswell and is already fully certified. He also introduced Shane who is working for our IT Department. They are doing a great job replacing old hardware. Our HR Department is representing us at the State Fair at the NM Counties booth, the Assessor has been working on the tax rates, the Clerk's Office takes in documents, handles IPRA requests and also elections, and Finance catches all the little things that need to be corrected. Last month the Treasurer's Office had Treasurers from all over the State and did a great job of hosting and represented us well. The Sheriff's Department is doing a great job. The Administrative Office could use some candy as well because they give it out to Pecos Elementary School. The Detention Center is doing things behind the scenes and making sure we're safe. The maintenance department does a great job with the buildings. He can't say enough about Joe with Road Department, getting the grant for the Brasher bridge, they all do a good job. He thanked all the departments and thanked the Commission for allowing everyone to do their jobs.

COMMISSIONERS' COMMUNICATIONS

COMMISSIONER TAYLOR

Commissioner Taylor stated it's great we've gotten some rain, but he's had several constituents complaining about the mosquitos. Who is responsible to spray along the riverbeds that run through the city? Mr. Williams stated Chaves County Road Department handles all of the vector control in the County. People in the City need to call the Road Department and they will schedule it. There are certain limitations on how often they can spray but they respond quickly. They do rivers, streets, and alleys but don't do private property but anywhere public. Commissioner Taylor stated he understands one of the major problems is along Spring River which runs through Roswell.

COMMISSIONER DANA

Commissioner Dana stated we are thankful for the rain, but it does bring the mosquitos and weeds. She thanked the Road Department for taking care of spraying. Every Department is very responsive, people just need to pick up the phone and ask. When people call her, she will ask them if they called, and they will say no. She thanked Jessica for the phone list. In response to people coming and talking about the Dominion machines and elections we have an election coming up November 8th and this is your first line of defense. The machines didn't just pop up this year, this problem didn't just pop up. We've had these machines around for many years. We have someone that is running for Secretary of State this year. If you don't like what is happening, get out and vote. She has heard that people are frustrated and aren't going to vote, ok then don't gripe to her about what is happening because it starts with us getting out and voting for candidates that will hopefully take care of some of these problems. It's not going to be an overnight fix. If you have questions, please make sure you call. She had someone that called and the Clerk's Office was right on, sent her the statute and she was able to call the person back with information.

COMMISSIONER EZZELL

Commissioner Ezzell congratulated Lucia and the Finance Department for the thumbs up from DFA on the budget. He asked Joe if he could build a bridge over Brasher faster than the city can build one at Atkinson? He thanked everybody for their hard work and stated it's going well.

COMMISSIONER BILBERRY

Commissioner Bilberry stated he would like to reflect all the things that have been said and thanked everyone for their hard work. Bill commented on going to the Cattle Growers meeting and they appreciated all the things he had to say and what Chaves County is doing on the 30x30 and also for the Cattle and Agriculture Industries. He's very thankful for the rain, it's made his life a lot easier, and he'll take the mosquitos and the weeds along with it.

COMMISSIONER CAVIN

Commissioner Cavin stated he would like to echo all the things that have been said. He wished Ms. Brainerd hadn't left because when they have public comments he tries not to respond to the comments until it's his turn to have public comments. It should be known that they are concerned that elections count and their Clerk, Ms. Cindy, does an amazing job. He wishes Larry Marker all the luck in the world trying to get elected as a write in candidate. Here in Chaves County when the votes are put in and taken, he is sure she has this under control for the write in ballots. If at some point in time she thinks she is losing control of that she will come to us to help manage and get it under control. He wants Mrs. Brainerd, and anyone else who is concerned, that they are paying attention to it but their jobs as Commissioner is to support the County Clerk. They have a lot of things going on from now until their next meeting. He thanked the Sheriff for the work he is doing, and he hopes we will see everyone working together. He's had some board meetings and will talk about those in the October meeting. It's unfortunate that NM Counties was not able to be here today to talk about the situation we have going on statewide with the detention facilities. He thanked Justin for everything he is doing. House bill 11 opens the door for lawsuits just like House Bill 4. It's damaging to all of us. Hopefully in the next Legislative session we get some people that are elected and have common sense to do the right things. God bless Chaves County and the United States of America.

The meeting was adjourned at 10:24 am.

BOARD OF CHAVES COUNTY COMMISSIONERS

William E. Cavin, Chairman

Jeff Bilberry, Vice-Chairman

Dara Dana, Member

ATTEST:

Cindy Fuller

T. Calder Ezzell Jr, Member

Richard C. Taylor, Member