



**CHAVES COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**Jeff Bilberry, Vice Chairman  
T. Calder Ezzell Jr., Member**



**Dara Dana, Member  
Richard C Taylor, Member  
Michael J. Perry, Member**

**William B. Williams, County Manager**

**ADMINISTRATIVE MEETING MINUTES  
THURSDAY, DECEMBER 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 Ezzell led the pledge and Commissioner Bilberry led in prayer.

**DETERMINATION OF QUORUM**

Those present were Commissioners Cavin, Ezzell, Bilberry, Dana, and Taylor.

Also present were County Manager, Bill Williams, Public Services Director, Mac Rogers, Detention Center Director, Justin Porter, Road Supervisor, Joe West, IT Staff, Shane Villanueva and Steven Collachio, Finance Director, Anabel Barraza, County Clerk, Cindy Fuller, County Treasurer, Charlotte Andrade, Planning and Zoning Director, Louis Jaramillo, Sheriff Mike Herrington, media, staff, and guests.

**APPROVAL OF MINUTES**

MOTION MADE TO: APPROVE THE MINUTES FROM THE ADMINISTRATIVE MEETING HELD ON NOVEMBER 17, 2022  
MOTION MADE BY: COMMISSIONER DANA  
SECOND MADE BY: COMMISSIONER EZZELL  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**PROCLAMATION – GATEWAY CHRISTIAN WARRIORS FOOTBALL CHAMPIONS DAY**

\*Postponed until January 2023

**PROCLAMATION – GATEWAY CHRISTIAN WARRIORS VOLLEYBALL CHAMPIONS DAY**

\*Postponed until January 2023

**PROCLAMATION – GODDARD HIGH ROCKETS VOLLEYBALL CHAMPIONS DAY**

\*Postponed until January 2023

**PROCLAMATION – WILL CAVIN DAY**

Commissioner Bilberry read the proclamation and declared December 31, 2022, as Will Cavin Day in Chaves County. A plaque was presented to Commissioner Cavin and a photo was taken with his fellow commissioners.

**PRESENTATION – COUNTY EMPLOYEE LONGEVITY PINS**

Chaves County Manager, Bill Williams, read the names of awards as follows:

**5-year pins**

Ray Matta, Crystal Gonzalez, Corina Perez, Miguel Barrientos, Nicholas Taylor, Carmen Susie Collachio, Randy Perez, Stephanie Carrillo, and Richard Sosa

**10-year pins**

Jose Lopez, Stephanie Eldridge, Pete Hernandez, Zachary Moore, Steve Castro

**15-year pins**

Gerald Cox, Elly Hollon, Mike Rey, and Raul Morales

**20-year pins**

James Serna, Robert Ortiz, Angelo Gurule, Jeff Ortega, Maria Cassidy, and Gabriel Gurrola

**25-year pins**

Martha Lewis and Laura Hite

Laura Hite received a plaque for her retirement. Oralia Torres also received a plaque for 26 years of service and her retirement. The Commissioners took photos with each group of recipients and thanked them for their service to Chaves County.

**PRESENTATION – CHAVES COUNTY FLOOD CONTROL – ANNUAL REPORT**

Flood Commissioner Tim Jennings and Flood Superintendent Brian Houghtalin were present. The Commissioners received a written report. Mr. Houghtalin stated they have eight full time employees and one part time. The equipment operators are responsible for the daily operation and maintenance of the 23 pieces of equipment as well as ten work trucks. They also have one executive assistant and a Superintendent. They hope to build on the work Dick Smith did and modernize some of the processes. They will purchase new equipment and software. They have already purchased some surveying equipment and software, and an ARC GIS desktop license. In September the Flood Commission entered into an agreement with the NRCS for an emergency watershed protection program grant. This will be used to do an erosion control project on the Corn Ranch north of Roswell. They are hoping to get a preliminary design and cost analysis soon. There is a comprehensive list of their projects, large and small, listed in the report.

Tim Jennings, Roswell Mayor, stated Commissioner Cavin brought a problem to him about Nancy Lopez School. He worked through the State and got everybody together, it was a perfect example of what can happen when people all work together. The thought now is that the State will end up with Nancy Lopez and turn it into a training facility for school disasters. He stated government works when we all work together. He pledged that to them from the city and appreciates them working with the school system and how well everything came together.

**UPDATE FROM THE ROSWELL CHAMBER OF COMMERCE**

*Presenter: Andrea Moore, President, CEO*

Ms. Moore stated the Chamber has had a wonderful 2022. They made and sent over 1,000 relocation packets, fielded thousands of calls about tourist attractions in and around our community, fielded just as many calls from people interested in moving to the area and inquiring about amenities available, they just completed their second full year of the Roswell Now magazine and it continues to grow. They mail directly to every household in the county which is just shy of 30,000. Next year Roswell will be turning 150 years old, and they are already working on exciting articles to showcase this. Leadership Roswell is up and running and will be returning to Santa Fe for the Legislative reception. They will attend Ag Fest in Santa Fe and are working on the Rise with Roswell breakfast here in Chaves County in March. They have started working with XCEL Energy to bring fast charging stations to our community.

They are also working with Dan Jennings who has created the 100% Chaves County Initiative, helping to ensure that 100% of our residents are protected and connected to thriving and surviving services. The Wool Bowl was a huge success. Tonight at 5:30 the Historical Society will have a drive through of lights. On the 18<sup>th</sup> at 2:30 at Pearson Auditorium, the Christmas Classic, presented by the Roswell Symphony will happen. The Chamber will be closed from December 21<sup>st</sup> through the 1st of January. In the two and a half years that she has been the Director of the Chamber they have come a long way. She is looking forward to the next couple of years making sure they have sure footing for the Chamber to repair any broken relationships and build new ones.

## **UPDATE FROM THE ROSWELL-CHAVES COUNTY ECONOMIC DEVELOPMENT CORPORATION**

***Presenter: Mike Espiritu, EDC President***

Mr. Espiritu stated they had a pretty tough challenge getting MedEvac here but now they have an interim lease with the city and will create 20 high wage jobs and he anticipates their footprint to grow. In January or February, we should see the long-term lease. Pecos Valley Productions is growing. They are the second largest cannabis grower in the state. They are working towards automation which saves a lot of the production costs. If you drive through any city there are cannabis dispensaries everywhere. He heard that Ruidoso had 30 to 50 dispensaries. This concerns Pecos Valley and other manufacturers because it reduces the market share and creates other issues. The state of Colorado legalized marijuana for recreational use as well a few years ago and they are seeing a downturn in the market attributed to policy. The city of Roswell purchased a RUBB building about a year ago for half the price because the building was designed for another customer, and they didn't take it. The city procured that and included the installation costs, but they had a difficult time trying to site that. Now, the Airport Advisory Commission and city council have agreed to site that at the former Mystic site and include some of the funds from the second five million dollars that Mayor Jennings acquired to help with the initial cost estimates for construction. They have a company that is probably going to go into that facility that will create between 50 to 100 new jobs.

In February of next year through April we are going to see the United States Navy return from Corpus Christi to do training. The EDC will host them, and this will be good for the economy. They also got word that a UK helicopter company is coming to Roswell to do testing and training. In February, during the session, the EDC will be hosting Chaves County Day with a legislative reception. They will send invites to that, and it will be at the Hotel El Dorado, 6:00 to 9:00 pm. Their business, retention, expansion program, Amanda Valdez, visited over 40 businesses last month and will continue to do that. One of the biggest areas they look at is to determine what resources businesses need to stay in business and grow their business. They will continue to help with resources. Their website went down in early October and is now back up. The site is up on a soft opening, and they should have the full website up in a couple of weeks. He talked about their magazine which is a recruitment tool and is available digitally as well. It's all about Roswell and Chaves County and why people should come here to visit and do business here. Next year they will hold some seminars and host Leadership New Mexico. In the fall of next year, they are hosting a national conference in which site consultants will come in from all over the world. This will highlight Chaves County to a lot of folks who have not had that exposure. Lastly, Mayor Jennings made the comment about the city and county working together and in the three years he's been here and when he first started there were challenges with folks working together and it has changed so much, especially in the past year, and he believes it's because of the work the Commission is doing along with Chairman Cavin. He told Commissioner Cavin he will miss him and appreciates all his work; he has been a big part of their organization on the executive committee and board and has been instrumental in making things happen in the county and helped make the city and county a stronger team.

## **UPDATE ON THE CHAVES COUNTY EXTENSION OFFICE**

***Presenter: Drew Garnett, Extension Ag Agent***

Mr. Garnett thanked the Commission, Andrea Moore, and Mike Espiritu for the help he receives from each of them. He stated they had the CEU's last month and 64 people attended. 4H is in full swing. Master gardeners is picking up and the next round starts January 7<sup>th</sup>. They are also having a master gardener meeting tonight at 5:30 and are looking to start a master gardeners' chapter here in Chaves County. The class is \$100.00 and is a 16-week online class. The cost helps to cover all the specialists that help run the class.

There have been some active pecan weevils in some homeowners back yards. The best thing to do is look at your pecans as you are harvesting them, look for holes, if you find them call him or the NMD inspector. They are here to help. Otero has been added to the pecan quarantine. Dona Ana is still pecan weevil free. This is a tough insect because of its life cycle.

## PRESENTATION – FINLEY ENGINEERING BROADBAND

*Presenters: Doug Dawson, President CGC Consulting and Andy Hines with Finley Engineering- presentation by phone*

Mr. Dawson stated the study was done to find out what the broadband situation is in the county. A slide show was presented covering the following areas:

**Purpose of the Study** – the primary scope of the project was to identify the locations in the County that do not have access to adequate broadband. The study was written to provide the facts needed for ISPs to request grant funding to bring broadband to the unserved area, inform elected officials about broadband issues and provide a framework for deciding how to find a broadband solution. Provide a primer for anyone in the general public who want to gain a better understanding of the broadband issue in the county.

**Study Area** – the analysis was done for all rural areas in the county where customers don't have access to at least 100/20 Mbps broadband. They looked at two different footprints – all rural areas with no adequate broadband, and just the areas that are not covered by the tentative FCC RDOF broadband awards. A lot of the rural county today either has fiber broadband or has a commitment from ISPs to bring fiber.

**Existing ISPs** – CenturyLink, Plateau Telecommunications, Leaco Rural Telephone Company, Penasco Valley Telephone, and Yucca Telecom are the incumbent telephone companies in the county. Sparklight is the incumbent cable company, serving only in towns and cities. There are two fiber overbuilders in the study area, Leaco Rural Telephone Company, and Plateau Telecommunications. Fixed wireless broadband is provided by Leaco Rural Telephone Company, Plateau Telecommunications, Penasco Valley Telephone, Southwestern Wireless, and Straight Shot Wireless. Residents also use satellite broadband and cellular broadband for home broadband.

**The RDOF Issue** – Three companies tentatively won funding in the FCC reverse auction. The largest winner is Resound Networks which promises fast wireless technology. The FCC still has not made this award. This creates a dilemma since these areas are in limbo until the FCC decides to award or cancel this funding. That means these areas are currently off-limits for other grant funding. The FCC cancelled all RDOF awards to Starlink, which had proposed to bring satellite broadband to rural parts of the county. Starlink appealed the cancellation. We don't know what this means in terms of other grants. The FCC approved a small award to Penasco Valley Telephone.

**Market Outreach** – They reached out to the public to ask about current broadband usage using separate online surveys for residents and businesses, online speed tests, and interviews with key stakeholders.

Andy Hines discussed:

**Network Design and Key Considerations** – largest investment, longest estimated life, where are we going to be over the lifetime of the investment, and usage curve. From a funding perspective, in 2019 the definition of broadband was 10 megabits per second of download speed by 1 megabit of upload speed. Going into four years later and we're already at 100/20.

**Technology** – The RFP asked them to consider what technologies might be used to close the broadband gaps. Finley Engineering considered both wireless and fiber technologies. They could not find a wireless solution that made sense due to the housing density, tress, and topology. They considered several fiber technologies and determined that passive optical network fiber technology is the best fit for the County. Network designed with XGS-PON technology capable of delivering 10 gigabit broadband. Required fiber: 1,127 whole study area and 617 miles in non-RDOF areas.

**Network Design and Key Considerations** – Fiber network follows existing utilities for aerial/buried construction. Cost models used an ODN capable of supporting active or passive technology. Capacity is 10 Gbps today across the entire network, the upper limits are a limitation of electronics not the ODN. There is one data center with redundant interconnect routes to one or more ISPs and extra fiber would be provided for future growth and expansion.

Doug Dawson discussed the cost of a new network – total rural area

	With Middle Mile	Without Middle Mile
Fiber	\$ 51,737,469	\$ 43,072,712
Drops	\$ 734,303	\$ 734,303
Electronics	\$ 1,217,767	\$ 1,217,767
Huts	\$ 207,500	\$ 207,500
Operational Assets	\$ 201,380	\$ 201,380
Total	\$ 54,098,419	\$ 45,433,662
Passings	\$ 1,127	\$ 1,127
Cost per Passing	\$ 48,002	\$ 40,314

Cost of a new network – without RDOF

	With Middle Mile	Without Middle Mile
Fiber	\$ 38,123,132	\$ 30,737,562
Drops	\$ 438,480	\$ 438,480
Electronics	\$ 895,323	\$ 895,323
Huts	\$ 207,500	\$ 207,500
Operational Assets	\$ 195,850	\$ 195,850
Total	\$ 39,860,285	\$ 32,466,843
Passings	\$ 617	\$ 617
Cost per Passing	\$ 64,603	\$ 52,620

Financial Analysis – Total Study Area – Without Middle Mile

Substantial Grants needed:

<u>Penetration</u>	<u>Assets</u>	<u>Breakeven Grant</u>	<u>% of Assets</u>
50%	\$45.2 M	\$45.2 M	100%
60%	\$45.4 M	\$44.9 M	99%
70%	\$45.6 M	\$44.0 M	96%

Financial Analysis – No RDOF – No Middle Mile

<u>Penetration</u>	<u>Assets</u>	<u>Breakeven Grant</u>	<u>% of Assets</u>
50%	\$32.4 M	\$32.4 M	100%
60%	\$32.5 M	\$32.5 M	100%
70%	\$32.6 M	\$32.6 M	100%

Financial performance is sensitive to other key variables:

Interest rates, loan terms, broadband prices, and cost of the network.

**Grant Funding** – Congress passed an infrastructure bill with over \$42.5 billion for broadband funding that will mostly be aimed at rural areas. Grants will be awarded through the State. The New Mexico share might be over \$1 billion. With some minor limitations the County can use ARPA funding for broadband projects. The State of New Mexico will have several rounds of state broadband grants. There is also funding available for digital literacy grants for getting computers into homes, broadband training, and workforce development.

**Next Steps** – Identify staffing resources, reach out to ISPs, Community Outreach, and review local fiber policies.

**Dwight Menefee, Board Member, Penasco Valley Telephone Cooperative Inc.**

stated he appreciates the Commission looking into the needs of the County and he thinks Finley did a good job on their report. The report said the State has a huge mapping problem and wants to do things on their own and not use the ISPs. They formed a New Mexico Fiber Network’s Organization between all the ISPs. Anything the County can do to add on to this would be a help. There are some other reconnect funds that have been awarded to Leaco and PVT.

**Mitch Hubbard, Engineer Technician, Penasco Valley Telephone Cooperative Inc.**

Mr. Hubbard thanked the Commission for having this presentation and stated Doug Dawson is an industry expert. One of the things they look at for the grants is support from the counties in the form of letters and financial support. He went over some of the applications with Kelly Schlegel’s office trying to get funding for a very remote area and they were told to hold off. He was disappointed they were judging off price per customer. A minimal contribution would gain them points in the scoring and help bring money to this part of the state instead of it all going north.

**Bill Williams, Chaves County Manager**

Mr. Williams stated he believes they need to work with Finley and the data they have to determine where the greatest needs are and figure out which projects have support and which ones they need to back. They will put out an RFP and ask for input from the ISPs and proposals and then go through those just like they would any other contract to determine which one fits the needs of Chaves County the best and then vote.

**AGENDA ITEMS  
AGREEMENTS AND RESOLUTIONS**

**1.AGREEMENT A-22-005 BETWEEN NEW MEXICO FINANCE AND ADMINISTRATION AND CHAVES COUNTY FOR APPROPRIATION 22-G2769 IN THE AMOUNT OF \$75,000.00 FOR THE HEALTH DEPARTMENT CONSTRUCTION PROJECT**

***Presenter: Georgianna Hunt, Community Development Division***

Ms. Hunt stated staff is requesting approval for Agreement A-22-005 between Chaves County and the New Mexico Department of Finance for appropriation 22-G2769 in the amount of \$75,000 for the Chaves County Health Department Building project. Appropriation funding reverts June 30, 2026. Staff recommends approval.

Commissioner Ezzell asked what the \$75,000 is for. Ms. Hunt stated it's for the planning and designing phase of this project.

MOTION MADE TO: APPROVE AGREEMENT A-22-005 FOR APPROPRIATION 22-G2769  
MOTION MADE BY: COMMISSIONER DANA  
SECOND MADE BY: COMMISSIONER BILBERRY  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**2.REQUESTING APPROVAL OF AGREEMENT A-22-010 FOR APPROPRIATION 22-G2778 BETWEEN THE STATE OF NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION AND CHAVES COUNTY IN THE AMOUNT OF \$95,000.00.**

***Presenter: Georgianna Hunt, Community Development Division***

Ms. Hunt stated they are requesting approval of Agreement A-22-010 for Appropriation 22-G2778 between the State of New Mexico Department of Finance and Administration and Chaves County for the Chaves County Complex Suite D Renovation project.

MOTION MADE TO: APPROVE AGREEMENT A-22-010 FOR APPROPRIATION 22-G2778  
MOTION MADE BY: COMMISSIONER EZZELL  
SECOND MADE BY: COMMISSIONER TAYLOR  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**3.AGREEMENT A-22-043 – LEASE BETWEEN CHAVES COUNTY AND CHAVES COUNTY JOY CENTERS**

***Presenter: Bill Williams, Chaves County Manager***

Mr. Williams stated this lease is between Chaves County and Chaves County JOY Centers for the lease of a building located at 500 East Argyle, Hagerman, NM. This lease provides the location for a multitude of programs that are provided by the Chaves County JOY Centers for senior citizens in our community. Staff recommends approval.

MOTION MADE TO: APPROVE AGREEMENT A-22-043  
MOTION MADE BY: COMMISSIONER BILBERRY  
SECOND MADE BY: COMMISSIONER EZZELL  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**4. AGREEMENT A-22-044 – LEASE BETWEEN CHAVES COUNTY AND CHAVES COUNTY JOY CENTERS**

***Presenter: Bill Williams, Chaves County Manager***

Mr. Williams stated this lease is between Chaves County and Chaves County JOY Centers for the lease of a building located at 1822 N. Montana, Roswell, NM. This lease provides the location for a multitude of programs that are provided by the Chaves County JOY Centers for senior citizens in our community. A cost break down was provided on the what the JOY Centers pay as well as

what they donate to our community. They are charged an administrative fee for using these buildings. Staff recommends approval.

MOTION MADE TO: APPROVE AGREEMENT A-22-044  
MOTION MADE BY: COMMISSIONER DANA  
SECOND MADE BY: COMMISSIONER BILBERRY  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**5.RESOLUTION R-22-064 – BUDGET ADJUSTMENT FOR FY 2023**

*Presenter: Anabel Barraza, Chief Financial Officer*

Ms. Barraza stated the Finance Department is requesting a budget adjustment for line items in exhibit A. These budget adjustments are for various items like a Jr. Bill for the Joy Center, facility maintenance rebates and expenditures, purchase of a storage building, increase of cost for already approved capital outlay items, and various grants. Staff recommends approval.

MOTION MADE TO: ADOPT RESOLUTION R-22-064  
MOTION MADE BY: COMMISSIONER EZZELL  
SECOND MADE BY: COMMISSIONER TAYLOR  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**6.RESOLUTION R-22-065 – SUPPORTING THE NEW MEXICO COUNTIES 2023 LEGISLATIVE PRIORITIES**

*Presenter: Bill Williams, Chaves County Manager*

Mr. Williams stated each year New Mexico Counties works with the Board of Directors to determine the legislative priorities for the year. This year's priorities are House Bill 2 Appropriations – Detention Reimbursement Fund, Prisoner Transport and Extradition, and Emergency Medical Services. Item 2 is the Public Safety Package – Return to Work which would allow willing retirees to return to work to fill public safety positions, Recruitment and Retention Services, and Create a Fire and EMS fund supporting volunteer and paid staff. Item 3 would be to create a fund to help counties pay for construction and renovation of state district courthouses. Item 4 – IPRA election related items and data – clearly define how IPRA relates to election records and data. Resolution R-22-065 shows support for each of these priorities. Staff recommends discussion and approval.

MOTION MADE TO: APPROVE RESOLUTION R-22-065  
MOTION MADE BY: COMMISSIONER TAYLOR  
SECOND MADE BY: COMMISSIONER EZZELL  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**7.RESOLUTION R-22-066 – FINAL DISPOSITION OF ROAD STATUS CHANGE REQUESTS FROM THE 2022 CHAVES COUNTY ROAD HEARINGS**

*Presenter: Mac Rogers, Public Services Director*

Mr. Rogers stated in May the Commission gave preliminary approval for maintenance status change requests allowing six months for the roads to be brought up to county standards. This resolution is asking for the final disposition of the 2022 road status change requests. Applications #3 Palacio St; #4 Loma Linda, #5 Via Del Sol, and #6 Las Flores. The Road Department has inspected these roads and reports that they meet the stipulations for acceptance as a county road. We are requesting permission to place them on the road atlas and accept the maintenance responsibilities. All of these are located in the Buena Vida Subdivision. If approved, Chaves County will take over the roads on January 1<sup>st</sup>. Staff recommends approval.

MOTION MADE TO: APPROVE RESOLUTION R-22-066  
MOTION MADE BY: COMMISSIONER BILBERRY  
SECOND MADE BY: COMMISSIONER EZZELL  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**OTHER BUSINESS**

**8. APPOINTMENT TO THE CHAVES COUNTY LAND COUNCIL**

*Presenter: Louis Jaramillo, Planning and Zoning Director*

Mr. Jaramillo stated they are requesting to appoint Brian Archuleta to the Chaves County Land Council. Per Resolution 94-59, appointments to the Chaves County Land Council are subject to a majority approval by the Board. Mr. Archuleta would complete Mr. Hud Rhea’s term as a recreational use representative on the Land Council. Mr. Archuleta is retired from the USDA Wildlife Services where he served as a wildlife biologist. He currently serves on the Chaves County Planning and Zoning Commission. Mr. Archuleta’s appointment would complete the Chaves County Land Council’s nine-member roster. Each member of the Land Council represents one of three industries: Agriculture, Extraction, and Recreational Use. The Land Council meets on a quarterly basis each year. Representatives from State and Federal agencies are invited to attend and inform the Land Council on current issues and projects within Chaves County. The next scheduled meeting is on Thursday, January 12, 2023, at 6:00 pm.

MOTION MADE TO: APPROVE APPOINTMENT OF BRIAN ARCHULETA TO THE CHAVES COUNTY LAND COUNCIL  
MOTION MADE BY: COMMISSIONER DANA  
SECOND MADE BY: COMMISSIONER EZZELL  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**9. PERMISSION TO ADVERTISE – NOTICE OF PUBLIC HEARING TO AMEND THE CHAVES COUNTY ZONING ORDINANCE NO. 7**

*Presenter: Louis Jaramillo, Planning and Zoning Director*

Mr. Jaramillo stated they are requesting permission to advertise a Notice of Public Hearing. The Board of Chaves County Commissioners may consider proposed amendments and an addition to NM Chaves County Zoning Ordinance No. 7 at the regular scheduled meeting in January 2023. Permission to advertise a Notice of Public Hearing containing the date, time, location, title of the ordinance being amended, and a general summary of the proposed changes and addition as required per NMSA 3-21-14. The Notice will be advertised fifteen (15) days prior to the public hearing.

**GENERAL SUMMARY**

**To Amend Article 1 “General Statement”.** Restructuring the informational items, correct outdated referrals, establish the Planning and Zoning Commission, and clarify Staff procedures and requirements for public notice.

**To Amend Article 18 “Special Use Permit”.** Additional regulations and restrictions for consideration of special use permits.

**To Addition of Article 24 “Wind Energy Conversion System”.** Development standards required to construct new commercial wind farms in Chaves County with the purpose of protecting the health, safety, and wellness of the citizens of Chaves County, NM

MOTION MADE TO: APPROVE PERMISSION TO ADVERTISE FOR A PUBLIC HEARING FOR PROPOSED AMENDMENTS AND AN ADDITION TO CHAVES COUNTY ZONING ORDINANCE NO. 7  
MOTION MADE BY: COMMISSIONER DANA  
SECOND MADE BY: COMMISSIONER EZZELL  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

**10. PERMISSION TO PUBLISH – NOTICE OF PUBLIC HEARING REGARDING THE LOW-INCOME TAX REBATE ORDINANCE**

*Presenter: Bill Williams, Chaves County Manager*

Mr. Williams stated they are requesting permission to publish a notice of a public hearing regarding the low-income tax rebate ordinance. According to Section 7-2-14.3G NMSA 1978, in every odd numbered year the Board of County Commissioners shall conduct a public hearing on the question of whether a property tax rebate benefitting low-income property taxpayers in the county should be made available through adoption of a county ordinance. At the public hearing, the Board must



take action on the question and if a majority votes to adopt the ordinance it must be adopted within 30 days of the public hearing. The public hearing would take place at 9:00 am at the January meeting of the Board of Commissioners. Staff recommends approval for permission to publish for this public hearing.

MOTION MADE TO: APPROVE PERMISSION TO PUBLISH FOR A PUBLIC HEARING REGARDING POTENTIAL LOW INCOME TAX REBATE ORDINANCE  
MOTION MADE BY: COMMISSIONER TAYLOR  
SECOND MADE BY: COMMISSIONER EZZELL  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

## **11. 2023 CHAVES COUNTY ANNUAL ROAD HEARING SCHEDULE**

*Presenter: Mac Rogers, Public Services Director*

Mr. Rogers stated this is the proposed schedule for the 2023 road hearings. Applications will be available on December 27<sup>th</sup> and will be due on February 3<sup>rd</sup>. The Freeholder reports will be available at the March meeting followed with the actual road hearing in April. The final decisions on road vacations and preliminary approval on new roads or maintenance status change requests occurs at the May meeting.

MOTION MADE TO: APPROVE THE 2023 ROAD HEARING SCHEDULE  
MOTION MADE BY: COMMISSIONER DANA  
SECOND MADE BY: COMMISSIONER BILBERRY  
IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR  
OPPOSED: NONE

## **APPROVAL OF CHECKS**

MOTION MADE TO: APPROVE CHECKS IN THE AMOUNT OF \$1,591,336.44  
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 BILBERRY  
SECOND MADE BY: COMMISSIONER DANA  
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.**

### **Rita Kane Doerhoefer, very narrow, unstriped, Chicago Cubs mailbox, Mark Road**

Ms. Doerhoefer stated Scott left so she can't thank him but has anyone seen the trash cans? Has anyone seen that the camera is going to be up and operational next week? In the affirmative, yes. They will be up at Midway. She chatted with Mac and if these are working then Keep Chaves County Beautiful can order more but they need to know by April. Let's talk about roll offs. Every time she needs a roll off, she doesn't have to beg, cry, or bring in food, they are there where she needs them unlike the city that charges another city for the use of their roll offs, their people. Chaves County is just awesome in allowing people to use roll offs without being charged for them. She sees they didn't do a lease for the Midway Joy Center but that's ok. Commissioner Dara and I are doing a project out there. They will get it done and then take pictures and will invite all of you out there on a day they don't serve fish. Don't forget Wreaths Across America on December 17<sup>th</sup> at 10:00 at Memory Lawn. At 11:00 they will be at McBride, and she will be standing at the war memorial around noon. She told Commissioner Cavin that she still has his cell number and will still text him about the ball games. They will have a new board member on February 1 for Keep Chaves County Beautiful. She thanked all of them for all that they do. There is pecan brittle

in the Sheriff's Office coconut squares in Dispatch, special cake in the Clerk's Office, and a new concoction is in Finance. She hopes to see them at Wreaths Across America, have a Happy Hanukkah on Sunday night, a Merry Christmas, a happy and safe New Year. If you can't drive yourself home call her. Do not drink and drive. If you want more of her goodies, be at the Detention Center at 5:00 on Christmas morning. See you next year.

**Louis Jaramillo and Charles Yslas, #1 St. Mary's Place**

Mr. Jaramillo stated they have been tasked with enforcing a number of zoning issues that are constantly brought up to the Commission by citizens and they have reached a point where letters and notices are no longer effective on these residents. With great effort by the code enforcement officer, Richard Gutierrez, they have established a citation process which they hope to begin in January. Richard has worked many hours with the local magistrate court judges. Planning and Zoning and the Sheriff's Department will utilize the form approved. The courts have emphasized that they need to work with the Sheriff's Department on issuing the citations, delivering them, and making sure that everything is done by procedure per their requirements. One copy will go to the Planning and Zoning office, one to the courts, and one to the defendant.

Charles Yslas stated what they have done is similar to the city code enforcement. They've given the teeth to the county code enforcement to do the same thing. It's similar to getting a notice for not mowing your lawn, if you don't do what they ask you to do you get a citation which is punishable by a fine. They are working to adjust some things on the form and will roll this out in January. The code enforcement officer will be able to issue this citation and the SO will start to send a deputy with him for his safety until people get familiarized with the process. Residents will be given a notification, if they don't abide by the notification, they will be given a citation, which is basically a summons, and proceed from there. There are certain things on there they can site because they are non-law enforcement and anything else would be cited by the SO. This gives them teeth in enforce trash cleanup on property, running a business without a license, dismantling of motor vehicles without a dismantling license, and things like that. This will help alleviate some of the issues they are having down in that area, (base), and alleviate the complaints and problems or at least this is a good step in that direction.

Mr. Jaramillo thanked the Commissioners for the budget adjustment and stated in the summer they did a condemnation resolution on eight properties. Two of them have been cleaned by the property owners and they will be addressing the other six here in the next month of two.

There were no comments online.

**MANAGER'S COMMUNICATIONS**

Mr. Williams stated the special cake Ms. Rita left in the Clerk's Office, if any employees want to partake of that, wait until after 5:00 pm and ask Ms. Rita for a ride home. It's his understanding that she increased some of the ingredients. Our next meeting will be January 26, 2023. It was pushed out due to the Legislative session and New Mexico Counties. They will have a swearing in ceremony on December 30<sup>th</sup>, 2022, at 9:00 am. Judge Baldock has agreed to do that for them, and they greatly appreciate him and his time. The Terrace Hills miniature golf sign is down, and he has already had a call about that. They get probably a dozen calls a year asking if they would sell the sign because they had their first date there. They are refurbishing the sign so it can become a permanent part of the fitness trail. You'll also see that the trash cans are there as Ms. Rita mentioned. They are preparing to install the exercise equipment. He thanked everyone for the hard work that has gone into that project. It is being used by many people in the community.

He thanked all the employees and stated the longevity pins are always a great time of the year to showcase what we do here at Chaves County. He stated it's been a real honor to work with Commissioner Cavin and all the Commissioners. He thanked Commissioner Cavin for all the work he has done and stated he will be attending the NACO Conference with them in Washington in February to make some introductions and make sure our incoming Commissioner, Michael Perry, gets started on the right foot. He stated Happy Holidays and Merry Christmas to everyone and Happy Hanukkah.

## **COMMISSIONERS' COMMUNICATIONS**

### **COMMISSIONER TAYLOR**

Commissioner Taylor stated after hearing the Finley Engineering report we have a big challenge in this coming year that they need to look at. Hopefully they will have some workshops where they will get more explanation so they can go forward to make the right decisions. He stated he would like to give his personal thank you to Chairman Will Cavin for all his hard work over the last eight years and wish him well. He thanked him for all the hard effort he has put in and the good work he has done for Chaves County. He thanked the entire staff and stated the employees do an excellent job. He wished them and their families a very Merry Christmas and Happy Hannukah and all the people in Chaves County a Merry Christmas and Happy Hannukah. He hopes everyone has a blessed, healthy, and prosperous new year.

### **COMMISSIONER DANA**

Commissioner Dana stated she would like to thank the Road Department. She gets a lot of calls about trash. Thank you for the cameras, hopefully we can get those up and running and it might deter a little bit. She thanked Joe for the roll off at Midway. Her neighbor called and thanked her. It is appreciated. Talking about city and county working together, she is working with Councilor Arnold and the jail diversion program, trying to set up a pilot program. They are working with Legislators, our Detention Facility, New Mexico Counties, and trying to tackle some of the mental health issues. This will be a good partnership with the city and county. When we have partnerships, everybody wins. She thanked the Sheriff for keeping the walking trail safe. She thanked Will for everything he has done for Chaves County and for helping her with things. She appreciates him being a great mentor. She thanked all the employees of Chaves County and appreciates the commitment they make. Merry Christmas, Happy Holidays, and Happy Hannukah.

### **COMMISSIONER EZZELL**

Commissioner Ezzell stated he would like to congratulate everyone on the great year it has been for the county. There is great teamwork, and he is looking forward to having another great year next year. He thanked Ms. Rita for his loaf of bread and wished everyone a Merry Christmas, Happy Holiday season and a prosperous new year. He stated it's been an honor to serve with the Chairman, he's done a great job, and he appreciates his leadership.

### **COMMISSIONER BILBERRY**

Commissioner Bilberry stated this is the most wonderful county. He deals with other counties, and he can't express how great this county is. Everybody in it is like family. He thanked everyone for all they do and wished the blessings of the Lord on everyone through this season and the next year. Merry Christmas, Happy Hannukah, and Happy New Year. He told Commissioner Cavin he's never met a man who has as big of a heart to serve as he does, and it's been an inspiration for him. He's watched him stand in front of people and talk for private property rights and for people in the agriculture business and people that live on the dirt. From each and everyone of them that make a living out there in the dirt he says thank you. He always calls this a family, but he's gained a brother. He appreciates him and thanked him for his leadership and all he's done.

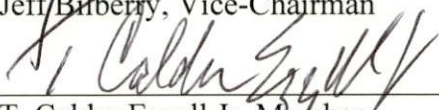
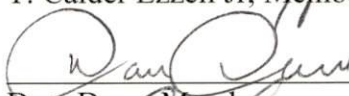
### **COMMISSIONER CAVIN**

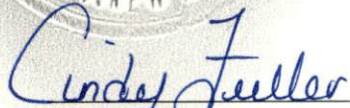
Commissioner Cavin stated eight years ago when he started, Commissioner Nibert made him come up and sit in the seat while he went out there to address the commissioners. Eight years ago, he had no idea what he was getting himself into and how busy he would be. The things we do we do with each other's help and backing. All the people he has been able to work with have been amazing. Nobody ever works for him; they work with him. We've had a lot of great adventures over the years and one of his great mentors has been now city councilor Corn. In some of their meetings they had folks who were just trying to run them over and they took a stand. Soon to be Commissioner Perry brings a lot to the table and he will be a part of this battle with public land rights and endangered species. Commissioner Corn wrote a resolution for NACO on the endangered species act that really needs to be changed and addressed because it's being taken advantage of. After Mr. Corn came off the commission, he continued to carry that. He will make sure they get Commissioner Perry on the public lands committee and that he continues to carry that resolution. The endangered species act is a tool that is being used by environmentalists to take away and control. The lesser prairie chicken is coming back along with the meadow jumping mouse. Look what the spotted owl did to our forest community. They are discussing putting the coyote on the endangered species list. He has faith that Chaves County is going to continue to lead in trying to bring some common sense to the table. It is extremely important that we have a

presence in Washington D.C. to protect and defend our citizens here. It's been his honor to have their faith in him as the chair for the last four years and vice chair for three years. We have done a lot of amazing things. He listens to some of the problems that other elected officials are having in other counties with their finances, but this board and previous boards have done an absolutely amazing job of keeping Chaves County in great physical fitness as far as finances are concerned. He told Anabel that she had a great mentor, and she has picked up the reigns. We've had a bunch of changes over the years. He thanked George for sticking around until his last meeting. He told Louis he's doing a great job. He's glad he had a part in getting Bill hired into the public director's position and moving him up to take Stan's place and he's only heard great things about the stuff he does. We will continue to make a difference. He stated he wouldn't be able to do this stuff without his wife. He thanked Ms. Rita for all that she does. He hopes everyone has an amazing Happy Hannukah, Merry Christmas, and Happy New Year. God bless this county, God bless America, and the meeting is adjourned.

The meeting was adjourned at 11:47 am.

**BOARD OF CHAVES COUNTY COMMISSIONERS**

  
\_\_\_\_\_  
Jeff Bilberry, Vice-Chairman  
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T. Calder Ezzell Jr, Member  
\_\_\_\_\_  
Dara Dana, Member  
\_\_\_\_\_  
Richard C. Taylor, Member  
\_\_\_\_\_  
Michael J. Perry, Member

  
Cindy Fuller