



SEPTEMBER 19, 2013

The Board of Chaves County Commissioners held their regular commission meeting in the Commission Chamber of the Joe Skeen Building, #1 St. Mary's Place in Roswell, New Mexico. Vice Chairman Duffey called the meeting to order at 9:00a.m. Those present were Commissioners Nibert, Corn, Wooton, Chesser and Duffey. Also present were Public Services Director Sonny Chancey, Sheriff Rob Coon, County Assessor Ron Lethgo, Chief Deputy Treasurer Arturo Sanchez, IT Director Jason Prince, Finance Director Joe Sedillo, County Clerk Dave Kunko, news media, staff and guests.

Commissioner Nibert led the Pledge of Allegiance and Commissioner Chesser led in prayer.

AGENDA

Vice Chairman Duffey moved Items 12 and 15 to the beginning of the meeting.

MINUTES

Commissioner Chesser moved to approve the Minutes of August 15, 2013. Commissioner Wooton seconded the motion. A voice vote was unanimous and the motion carried.

RESOLUTION R-13-050 DECLARING INTENT TO ISSUE POLLUTION CONTROL REVENUE BONDS

Stan Riggs explained that this was an inducement resolution. Commissioner Nibert moved to approve Resolution R-13-050 declaring the intent of Chaves County to issue Pollution Control Revenue Bonds on behalf of AGPower FP1, LLC in the amount of \$20,000,000.00. Commissioner Wooton seconded the motion. Commissioner Nibert asked if the local government entities would be receiving Payments in Lieu of Taxes (PILT) for this project. Mr. Riggs stated the PILT payments will be required. He also stated the County would not be responsible to pay the bonds should AGPOWER FP1, LLC default on payments. A voice vote was unanimous and the motion carried.

RATIFICATION OF RESOLUTION R-13-052 DECLARING A DISASTER FROM FLOODING

Mr. Riggs invited Karen Sanders the County and City Emergency Coordinator to the podium. He stated we need to declare a disaster to get the process started. Commissioner Nibert moved to ratify Resolution R-13-052 declaring a disaster due to flooding which began on September 11, 2013. Commissioner Chesser seconded the motion. Commissioner Nibert stated we are grateful for the precipitation we received. The public needs to know they need to be careful driving out in the county because there are some significant potholes that will need time to dry out. There are also some bridges out as well. A public service announcement should go out warning the public of these issues. Commissioner Duffey agreed and thanked the road department and flood control for being on top of a lot of problems as they occurred. Commissioner Nibert asked Stan if declaring the disaster would help us attain funding to replace washed out bridges. Stan answered that it would and deferred the question to Karen. She stated FEMA came in yesterday and asked to see the worst problems. We must meet a threshold to qualify as a disaster and we will meet that threshold. The State must also meet a threshold of 2.8 million before it can be declared a presidential disaster. Stan explained that the repairs to bridges will need to go out to bid and follow the procurement code. A voice vote was unanimous and the motion carried.

PUBLIC HEARING CASE Z-2013-4 PETITION FOR ISSUANCE OF A NEW SPECIAL USE PERMIT

Planning and Zoning Director Anders Sheridan explained Case Z-2013-4 and that staff recommended denial of the special use permit. This is for a second home on a lot. No one spoke in favor of or against the special use permit. Commissioner Chesser moved to deny Case Z-2013-4 with the findings of fact. Commissioner Wooton seconded the motion. A voice vote was unanimous and the motion carried.

PUBLIC HEARING CASE-Z-2013-5 PETITION FOR THE RENEWAL OF A SPECIAL USE PERMIT

Mr. Sheridan explained this case is for the renewal of a special use permit for a telecommunications tower and staff recommends approval. No one spoke in favor of or against the special use permit. Commissioner Wooton moved to approve Case Z-2013-5 the renewal of a special

use permit with the stipulations and findings of fact. Commissioner Corn seconded the motion. Commissioner Nibert asked if there was a procedure in place where this would not have to come back to the commission and could be handled by staff. Mr. Sheridan stated we could make this one of the stipulations. Mr. Riggs stated that this has been done before when the terms were for 5 to 10 years. He felt after 30 years it probably should come back before the commission. Commissioner Nibert stated when someone goes through the expense of building something like a tower it does not make sense to give the government an opportunity to tell them to tear it down. He would like to see it handled by staff no matter how long the term of the permit. Commissioner Wooton agreed to include this in his motion to add stipulation number 5 stating any extensions will be handled administratively. Commissioner Corn had seconded the motion and was alright with the friendly amendment. A voice vote was unanimous and the motion carried.

AGREEMENT A-13-022 & A-13-023 BETWEEN CHAVES COUNTY AND NMDFA

Charlotte stated these agreements reflect legislative appropriations from 2013. Agreement A-13-022 is for \$100,000 to purchase, install and equip a cylinder recharging station and cylinders and valves at the East Grand Plains Fire Department. Agreement A-13-023 is \$150,000 to design, construct, purchase and equip a Tanker Truck and equipment for the Midway Volunteer Fire Department. The terms of both agreements are through June 2017. The recharge station is for their self-contained breathing apparatus. Commissioner Chesser moved to approve Agreements A-13-022 and A-13-023 between Chaves County and NMDFA. Commissioner Corn seconded the motion. This will be our only cylinder recharge station and they will share with our other volunteer fire departments. A voice vote was unanimous and the motion carried.

RESOLUTION R-13-040 ORDER ASSESSOR TO IMPOSE THE 2013 CERTIFIED TAX RATES

Stan stated this resolution is required every year by the State and staff recommends approval. Commissioner Nibert moved to approve R-13-040. Commissioner Chesser seconded the motion. County Assessor Ron Lethgo stated that rates in Roswell, Dexter and Hagerman slightly declined while rates in Lake Arthur increased approximately 20% due to a school mil levy and bonds that were approved by the voters. Commissioner Corn asked if there was a maximum. Ron stated the maximum is 11.885. Ron estimated the number of Counties at the max rate was over 50%. Commissioner Nibert was pleased that Chaves County has not had to increase property taxes. A voice vote was unanimous and the motion carried.

RESOLUTION R-13-041 DEMOLITION OF A HAZARDOUS STRUCTURE

Planning and Zoning Director Anders Sheridan stated it was brought to their attention in August a house was being inhabited by squatters. The structure is located at 107 Offutt Street located directly across the street from the new Allsups on South Main Street. The house was inspected and found to be in terrible condition and turned over to Code Enforcement. Attempts were made to contact the owners of the property. The Sheriff's Office has been called out to numerous incidences at this address. It was decided action needed to be taken as soon as possible to demolish the structure, clean up the property and assess the cost to the property owners. Commissioner Wooton moved to approve the demolition and cleanup of 107 Offutt Street with the stipulations and findings of fact. Commissioner Nibert seconded the motion. A voice vote was unanimous and the motion carried.

RESOLUTION R-13-042 DEMOLITION OF A HAZARDOUS STRUCTURE AND DEBRIS REMOVAL

Planning and Zoning Director Anders Sheridan stated the structure from this resolution and Resolution R-13-046 which will be discussed shortly are related. We found out yesterday these two properties are owned by the same individual. The house at 501 Margaret is uninhabitable. This property has changed hands numerous times. Code Enforcement has not been able to contact the owner of the property. Staff recommends approval of Resolution R-13-042 and record a lien against the property for the cost of work completed. Michael Amador stated there were two trailers on the property and one has been removed. He has asked the owner of the other trailer to remove it several times. He is not sure he can legally haul off a trailer that belongs to someone else. He asked for some additional time to clean up the property. Commissioner Wooton asked Mr. Amador how long he had

owned the property. Mr. Amador stated since around the beginning of the year. He purchased the property and allowed the previous owner to live in the trailer and then the trailer burned. Commissioner Corn said he was not sure delaying this would help Mr. Amador. The right avenue may be to condemn it, we clean it up then his legal responsibility to the other trailer is negated. Commissioner Nibert stated he did not mind giving a little time, but if nothing is done the County will clean up everything. He asked if 60 days would work for Mr. Amador. Commissioner Nibert moved to approve Resolution R-13-042 the demolition and cleanup of the property with the stipulations and findings of fact and give the owner 60 days from today to take care of the property. If it is not completed by the end of the 60 days the County will clean up the property and assess a lien. Commissioner Corn seconded the motion. A voice vote was unanimous and the motion carried.

RESOLUTION R-13-046 DEMOLITION OF A HAZARDOUS STRUCTURE AND DEBRIS REMOVAL

Mr. Sheridan stated this was a similar situation to the last resolution to clean up a property a little further down the street at 803 Margaret Avenue. The record shows it was owned by Nick Torres Sr. who is deceased. Nick Torres Jr. is in charge of the property at this time. There have been numerous complaints on the property. Nick Torres Jr. stated he was in charge of the property and admitted it was an eye sore. He asked that he be given time to clean up the property and he and Mr. Amador have already talked about working together on both properties. Commissioner Corn moved to approve R-13-046 with the stipulations and findings of fact and give the owner 60 days to complete the cleanup. Commissioner Wooton seconded the motion. A voice vote was unanimous and the motion carried.

RESOLUTION R-13-045 TRANSPORTING ALTERNATIVES PROGRAM APPLICATION

Sonny Chancey stated this resolution is a Transporting Alternative Program Application for a walking trail and a water retention pond. Mr. Chancey explained the project. Commissioner Wooton moved to approve R-13-045. Commissioner Corn seconded the motion. Commissioner Chesser asked how much money the County would have to provide. Mr. Chancey stated the total application is for \$500,000 and the in-kind match has already been provided by the construction of the pond. A voice vote was unanimous and the motion carried.

RESOLUTION R-13-047 AMENDS THE CHAVES COUNTY PURCHASING POLICY

Purchasing Director Tammy Brisco West explained the resolution and stated the changes are due to State Legislative Changes. Some of the changes include small purchases, the records retention period, sole source purchases and emergency purchases. Commissioner Wooton moved to approve R-13-047. Commissioner Chesser seconded the motion. There was some discussion on emergency and sole source procurements. Tammy mentioned that violations of the policy have been changed to a felony with a fine and possible imprisonment. A voice vote was unanimous and the motion carried.

RESOLUTION R-13-048 CARRY OVER OF LAW ENFORCEMENT LEPF AND JAG AMOUNTS TO 2013-2014

Annabel Molina stated Resolution R-13-048 would authorize the County to carry over the amounts in these 2 law enforcement line items. Commissioner Wooton moved to approve R-13-048. Commissioner Chesser seconded the motion. Commissioner Chesser asked if these amounts would stay in the designated line items. Annabel stated they would remain in the same line items. Sheriff Coon stated they are designated for specific things. Joe Sedillo stated that in order to spend these funds for a different purpose the County would have to apply for the change. A voice vote was unanimous and the motion carried.

RESOLUTION R-13-049 CHAVES COUNTY 2015-2019 ICIP

Jessica Lucero gave an overview of Resolution R-13-049 the Chaves County 2015-2019 Infrastructure Capital Improvement Plan (ICIP). Commissioner Chesser moved to approve R-13-049. Commissioner Corn seconded the motion. Commissioner Corn asked if this was done in coordination with the State. Jessica explained the process and stated the State website was very helpful. Mr. Riggs mentioned that some of the items on the list may never get funding, but they must be on the list to even be considered. Commissioner Corn stated he appreciated the Plan and all the hard work. A voice vote was unanimous and the motion carried.

RESOLUTION R-13-051 CHANGES TO POSITION SPECIFICATIONS

Valerie Cornejo stated Resolution R-13-051 were changes to position specifications for the Assessor and Treasurer's offices. Commissioner Wooton moved to approve R-13-051. Commissioner Chesser seconded the motion. Stan Riggs explained these were just the descriptions and not increases. These include changes in duties as well as new State and Federal Requirements. A voice vote was unanimous and the motion carried.

DFA APPROVAL OF FISCAL YEAR 2013-2014 FINAL BUDGET

Finance Director Joe Sedillo stated this item did not need to be approved by the Commission, it just needed to be made part of the record.

CHECKS

Commissioner Wooton moved to approve checks in the amount of \$2,106,533.32. Commissioner Chesser seconded the motion. A voice vote was unanimous and the motion carried.

REPORTS

Commissioner Wooton moved to approve the reports for the period. Commissioner Chesser seconded the motion. A voice vote was unanimous and the motion carried.

UNSCHEDULED COMMUNICATIONS

None

MANAGER'S COMMUNICATIONS

Mr. Riggs mentioned the severe storm was considered a "100 Year Storm". He thanked the Sheriff, Road Department, Flood Control, Sonny, the Fire Departments and Karen Sanders for all the hard work. He thanked the Jail Committee for their work on the Detention Center Renovation Plans. He mentioned a Subdivision Committee Meeting next Monday, the need to update the drug policy and legislative issues that will be discussed at the October meeting. Mr. Chancey mentioned the flood damage and that the FEMA process has been started.

COMMISSIONER'S COMMUNICATIONS

Commissioner Chesser thanked Sonny and Terry for their work during and after the flood. He also stated there should be someone with an underground water background on the Subdivision Committee.

Commissioner Wooton mentioned Alan Hopper and Gary Key the major domestic well drillers in this area would be good to have on the Subdivision Committee. He stated it was a good thing that the County is allowing flood debris at the dump sites. He thanked all those involved with the flood and the County Clerk for his stance on the Marriage License issue.

Commissioner Corn was pleased with the response from our emergency services. He stated the Subdivision Committee needs to do some real planning and not just look at water issues. He mentioned he was appointed to the NACO Public Lands Steering Committee.

Commissioner Duffey stated the rain did more good for the area than bad. We are fortunate and need to keep Colorado in our prayers. Chaves County has a great booth at the State Fair. He mentioned an NMAC Board meeting. The NMAC Director Paul Gutierrez is moving to Washington DC to be a lobbyist. The Eastern New Mexico State Fair is coming soon. The meeting was adjourned at 11:14 p.m. pending the signature of documents.

CHAVES COUNTY BOARD OF COMMISSIONERS

Greg Nibert
GREG NIBERT, CHAIRMAN

Kyle D. "Smiley" Wooton
KYLE D. "SMILEY" WOOTON, MEMBER

Robert Corn
ROBERT CORN, MEMBER

Absent
JAMES DUFFEY, VICE CHAIRMAN

Absent
KIM CHESSER, MEMBER

ATTEST:



Dave Kunko
DAVE KUNKO, COUNTY CLERK