



STATE OF NEW MEXICO, COUNTY OF CHAVES
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Dave Kunko, County Clerk

DECEMBER 18, 2014

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

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

MINUTES

Commissioner Wooton moved to approve the minutes from the Regular Commission Meeting on November 20, 2014. Commissioner Nibert seconded the motion. A voice vote was unanimous and the motion carried.

PRESENTATIONS AND SERVICE AWARDS

Chairman Duffey presented plaques to Eddie Dyess and Enid Smith as they both are retiring from the County. Mr. Riggs mentioned a reception for Enid from 2 to 4 tomorrow. Chairman Duffey read a proclamation for Sheriff Coon also retiring at the end of the year. Rob Coon introduced his wife and stated she has been there for all of his 41 years in law enforcement. Chairman Duffey read a proclamation for Commissioner Nibert and stated he has served the County for 8 years. Mr. Riggs stated Assessor Ron Lethgo is at the end of his term and he will be recognized on the 31st since he could not be here today. The Commission handed out services award pins for those employees that have been with the County 5, 10, 15, 20 and 25 years.

PUBLIC HEARINGS

REVISION #3 TO ORDINANCE #44 CHAVES COUNTY RIGHT OF WAY USE PERMIT ORDINANCE

Mr. Chancey explained that this authorizes revisions of traffic control plans, depth requirements for trenching and excavations and includes a requirement for the applicant to have a copy of the permit on site at all times during the construction. Staff recommends approval of revision #3 to Ordinance #44. Opened for public comment:

IN FAVOR – None

AGAINST – None

Commissioner Wooton moved to approve Revision #3 to Ordinance #44. Commissioner Chesser seconded the motion. A voice vote was unanimous and the motion carried.

AMENDMENT TO ORDINANCE #7 CHAVES COUNTY ZONING ORDINANCE

Commissioner Nibert moved to take the amendment to Ordinance #7 off the table for discussion. Commissioner Chesser seconded the motion. A voice vote was unanimous and the motion carried. Mr. Riggs explained this action would add Article XX that would regulate the locations, permitting, licensing and operation of sexually oriented businesses/adult entertainment enterprises and add definitions to Article II. The City of Roswell and the ETZ have passed a similar ordinance. The ordinance requires the owner and operator to not have a criminal record. He mentioned that on page 7, section 20.6d, he would like to see this removed. Opened for public comment:

IN FAVOR – None

AGAINST – None

Commissioner Nibert stated he had a question for Mr. Riggs prior to making a motion. He asked Mr. Riggs if the motion should include changing the cross referencing as a result of deleting section 20.6d. Mr. Riggs felt that would be appropriate. Commissioner Nibert moved to approve the Amendment to Ordinance #7 by adding Article XX and changes to Article II with the deletion of Section

20.6d, which will cause a renumbering of subsections and for Mr. Riggs to go through and make sure any cross references are corrected. Commissioner Chesser seconded the motion. Commissioner Nibert stated he does not know how many hours he spent going through this amendment. He stated it is good to have this in place just in case we do get any applicants. Commissioner Wooton thanked Mr. Sheridan for all his work on this amendment. Commissioner Nibert stated Anders was extremely helpful in getting this accomplished. Chairman Duffey thanked Commissioner Nibert for all his work on this amendment. A voice vote was unanimous and the motion carried.

AMENDMENT #1 TO AGREEMENT A-14-019 BETWEEN CHAVES COUNTY AND ROSWELL CHAMBER

Mr. Riggs stated that if approved this amendment would increase the appropriation to the Roswell Chamber of Commerce for economic development from \$40,000 to \$45,000. The additional funds are available since the Roswell Hispano Chamber chose not to utilize the funding appropriated for their services. Commissioner Wooton moved to approve Amendment #1 to Agreement A-14-019. Commissioner Nibert seconded the motion. A voice vote was unanimous and the motion carried.

RESOLUTION R-14-063 ADOPTING A COURTHOUSE POLICY

Mr. Riggs stated if approved this resolution would establish a courthouse policy. This policy is necessary to accommodate all the different entities that utilize the facility and the public. A few years ago the County had some issues with the courthouse use and he was directed to make some changes. Some have been put into place, but it seemed an appropriate time to get this formal policy in place. There are many parts to this policy. Paragraph 6 comes from a request from the Department of Justice (DOJ). They had received a complaint on the ramp and they looked over the entire courthouse. Two issues the DOJ brought up were the historic courtroom and courtroom 5. The State required us to restore the historic courtroom to look like it did in 1912. There were no ramps back then so the witness box is not accessible. The DOJ asked us to right a policy that would not require a mobility challenged individual to appear in that box. The same goes for courtroom 5. We told the DOJ that we do not control the courts and we are not telling them where to have hearings. Mr. Riggs wanted to change the last portion of paragraph 6 to read as such, neither historic courtroom or courtroom 5 will be utilized by the courts or the County when dealing with special needs individuals. The other issue is the holding cells. This is another request from the DOJ. The request is that we don't keep an individual with a mobility disability in the holding cells. He wants to change some of the language to state that the holding cells will not be used to hold any individual overnight and in addition will not be used to hold anyone with disabilities for which the cells were not designed. Also included in the policy is the courthouse lawn, signage and we incorporated the courthouse lawn use policy and noise. The big changes are cell phones, photography, attire, security and weapons. We are required by law to house the District Court, the Administrative office of the courts and the District Attorney. We house the Magistrate Courts and have an agreement with them. Commissioner Nibert moved to approve Resolution R-14-063 adopting a Courthouse Policy with the amendments as stated by Mr. Riggs. Commissioner Corn seconded the motion. There was some discussion over the holding cells and accessible bathrooms. A voice vote was unanimous and the motion carried.

RESOLUTION R-14-064 APPROVAL OF BUDGET AND TRANSFER ADJUSTMENTS

Anabel Barraza explained that this resolution would be an adjustment for fees in fund 442 and a transfer approval between funds 443 and 650 for the approved transaction in Ordinance O-092 for construction costs. They are also requesting approval to increase the budget for economic development and the Roswell Chamber of Commerce for their annual allocations and also an adjustment for the Safety Net Care Pool. Commissioner Nibert moved to approve Resolution R-14-064. Commissioner Wooton seconded the motion. A voice vote was unanimous and the motion carried.

RESOLUTION R-14-065 APPLICATION FOR THE 2015 CDBG PROGRAM

Charlotte Andrade explained that this resolution would authorize the submission of a New Mexico Community Development Block Grant application to the Department of Finance and Administration for the 2015 grant application cycle. She explained that this agreement must be in place before it can be awarded. Joe Madrid from Tobosa thanked the Commission for considering this

proposal. Commissioner Wooton moved to approve Resolution R-14-065 the 2015 CDBG program application. Commissioner Chesser seconded the motion. The motion was amended and seconded to authorize the chairman to execute the agreement. A voice vote was unanimous and the motion carried.

2015 CHAVES COUNTY ANNUAL ROAD HEARING SCHEDULE

Mr. Chancey submitted the 2015 Chaves County annual road hearing schedule for approval. Commissioner Wooton moved to approve the 2015 annual road hearing schedule. Commissioner Nibert seconded the motion. Commissioner Chesser stated the bottom date on the schedule should be January 1, 2016. It was agreed. A voice vote was unanimous and the motion carried.

APPROVAL OF CHECKS

Commissioner Wooton moved to approve checks in the amount of \$1,555,377.71. Commissioner Nibert seconded the motion. A voice vote was unanimous and the motion carried.

APPROVAL OF REPORTS

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

UNSCHEDULED COMMUNICATIONS

Jeff Tucker just asked the effective date of the courthouse policy. Stan stated it is effective today. Joe Sedillo mentioned a report that the Commission received which is traditionally our audit report. It has changed to a Comprehensive Annual Financial Report. It took a lot of time and effort to put this together. This was the first time they have attempted this and it was approved by the State Auditor and will now go to the Government Financial Officers Association (GFOA). It will be reviewed and they will issue Certificate of Achievement Awards for financial reporting. This holds relevance to Moody's, Standard and Poor's rating systems. Mr. Sedillo explained the difference in the 2 reports. This report has 10 years of statistical information which is very valuable to our County. Stan added that he received notification that Chaves County will be getting an Audit Achievement Award. Commissioner Corn stated that when they met with the auditors they went over a deficit in the PERA plan and asked if Mr. Sedillo could explain that again. Joe stated the 2015 audit will be affected by that issue and it will essentially pass down reporting of the debt from PERA and we will absorb it on paper. This is the amount of debt that would be reflected of the people who would be coming up for retirement. It is a new GASB reporting standard and it will reflect an amount that we have to show as a future debt to be a long term liability because of the changes in PERA. Commissioner Corn stated that the retirement funds in the State of New Mexico are under water or have a negative balance. As he understands it they are going say that each County and Municipality owns a certain percentage of the debt. Even though it is a State issue we are required to show it on our books. He wants people to understand that we did not incur this debt. He is very concerned about this issue. Charlotte mentioned that the Finance Department started the idea of having a County wide Christmas Party. The response from County employees was overwhelming. The party is today from 11:00 to 1:00 and every department is participating.

MANAGER'S COMMUNICATIONS

Stan stated that County staff would be ringing the bell tomorrow at Kmart for the Salvation Army. They had a meeting yesterday on the CCDC construction and it is still moving right along. We should have a good idea in the next couple months as to when they should finish. They are still 3 months ahead of schedule. He mentioned the Automatic Recount and that it ran very well. The Safety Net Care Pool and Hold harmless are hot topics for the upcoming legislative session. The legislators are stating hold harmless gross receipts tax may be going away and will definitely be something we need to keep an eye on. He thanked Rob Coon and said it was great getting to work with him. He thanked Commissioner Nibert and stated he would be missed. He told Commissioner Nibert that he made it really clear he was willing to fight for the citizens of Chaves County. The County will be closed December 24th and 25th. We have had a really good year.

COMMISSIONER'S COMMUNICATIONS

Commissioner Corn stated there have been some interesting developments from our friends back east. He understands that the budget bill has passed with PILT being fully funded this year. The Sage Grouse is no longer considered an endangered species subject to the President's approval. The other issues that seem to be getting bogged down are the resolutions we sent to NACO and we are not getting a good response about getting them on the agenda for the legislative meeting in February. He wished everyone a Merry Christmas and Happy New Year.

Commissioner Chesser wished everyone a Merry Christmas. He stated it was a pleasure working with Commissioner Nibert and that he will be missed.

Commissioner Wooton said we have a Christmas Party to go to. He thanked Enid and the Sheriff for all their hard work. He wished everyone Happy Holidays and Merry Christmas and to remember the reason for the season.

Commissioner Nibert stated the solar guys are here and the Commission may need to go to bat for them regarding the Roswell Independent School District. We do not need this project to fizzle away. They have a substantial project they want to have in Chaves County. He asked Mr. Kunko why our recount numbers differed from the Secretary of State. Mr. Kunko stated the Secretary of State's Office reported different numbers than what we came up with for Chaves County. The recount changed one vote for Dunn and 3 for Powell when compared to our final count. He stated he was very happy with the totals Chaves County came up with. The Secretary of State received our totals and they said nothing about them not matching. Commissioner Nibert encouraged Mr. Kunko to continue working on why there was a difference. Commissioner Nibert responded to Jeff Tuckers comment about the courthouse policy and he stated part of that was done at Jeff's request.

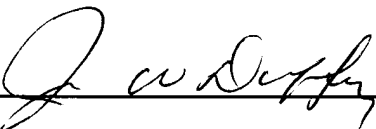
Commissioner Nibert came down to the podium to speak because he wanted to be able to look at the Commissioners and he had Commissioner Elect Will Cavin come sit in his seat with the other Commissioners. He stated it was a honor and privilege to serve the citizens of District 5 and all the citizens of Chaves County for the last 8 years. Many times the Commission gets credit for many things when it is the employees of this County that put in the effort and hard work and they get things done. The employees of this County are efficient and dedicated public servants. We all come here hoping to make a difference and improve the quality of life in our community. He is pleased to have served with such dedicated people. He wanted to first thank his wife Carolyn and his mom Elaine. They have allowed him to spend a lot of time away from home when he probably should have been taking care of other things. They gave him the time to do the job effectively. He thanked his partners at his law firm allowing him to enter public service knowing the time spent here in committees and at meetings is time he could spend bringing in revenue for the firm. He mentioned the people in District 5 that elected him and specifically Michael McKee who gave him the courage to step up and run for public office. It has been a honor and privilege to work with the other 4 Commissioners and get to know each of you. He thanked fellow elected officials, Rob Coon, Steve Harris, Ron Lethgo, Anita Maner and Rhoda Coakley. He said he can't say enough about Stan Riggs. He is a great Manager and a tremendous asset to Chaves County. He thanked Joe Sedillo for doing a great job and stated he learned a lot from him. He thanked Sonny Chancey and stated he was impressed with the way he has stepped up and handled this big project at the CCDC. He stated Sonny has saved us a lot of money on this project. He thanked Tammy, Charlotte and Brenda. He stated Brenda always had a smile and it would always make his day a little brighter. He thanked Enid and stated if you needed anything, she was the one to go to. He stated he was pleased to work with people that realize the Commission is the first line of defense in protecting the liberties this Country is known for. Continue to carry on this protection of Liberty and carry on what our founding father put in the Declaration of Independence and Constitution. We must believe in this Country and the founding principles. We must protect these principles so that our children and grandchildren can have the same opportunities. Our liberties are continuously under assault and this Commission must carry on the fight. We cannot shackle our citizens with taxes and regulations that constrict liberty. We are here to solve problems and we must work together. The budget will continue to be tight but good planning will get you through it. Our actions last week to raise gross receipts tax and lower property tax is evidence of our ability to work together. We know we are going to need more

detention officers, but you must continue to limit the size of government and encourage our State and National leaders to have the same attitude as we have in local government. We must recognize that liberty is a God given right. Our founders warned us that we had to protect our liberties. We are truly blessed to be part of a nation that recognizes it is the power of the people to elect our leaders. We must take to heart the ideas of our founding fathers that will allow us to realize and continue the pursuit of freedom and liberty. May God bless our nation, may God bless our State and may God bless our County and each of you, as you continue to make decisions that affect all of us. May God always watch over and protect the men and women who serve this nation and are in harms way.

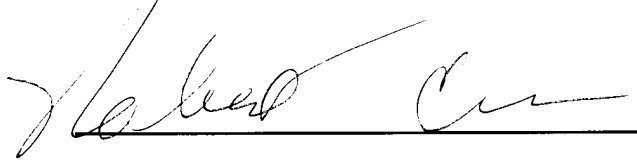
Chairman Duffey thanked Commissioner Nibert and stated he still looked forward to working with him on everything he could stand to help us with. He told Pam Coon that whenever you are married to a public servant you don't always get the credit and recognition that you need to have because you are always in the background. We do appreciate the spouses of public servants. Thank you for sharing Rob with us and standing by him while he served the public. Let us be thankful for all we have in this country. Have a Merry Christmas and Happy New Year.

The meeting was adjourned pending the signature of documents at 11:02a.m.

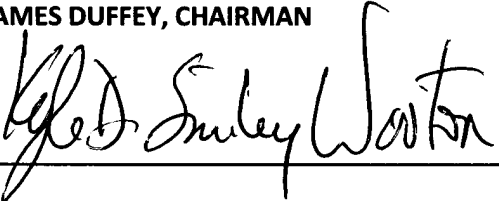
CHAVES COUNTY BOARD OF COMMISSIONERS



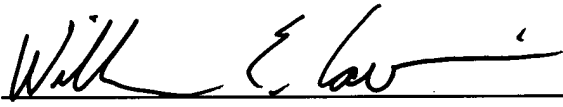
JAMES DUFFEY, CHAIRMAN



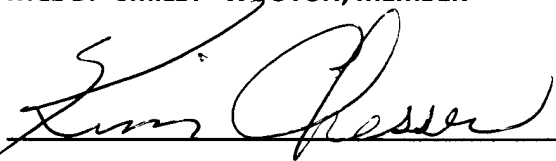
ROBERT CORN, VICE CHAIRMAN



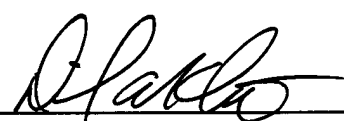
KYLE D. "SMILEY" WOOTON, MEMBER



WILLIAM E. CAVIN, MEMBER



KIM CHESSER, MEMBER

ATTEST: 

DAVE KUNKO, COUNTY CLERK

