



STATE OF NEW MEXICO, COUNTY OF CHAVES  
FILE FOR RECORD OCT 20, 2016 AT 01:14 O CLOCK PM  
Book 00072 Page 00763 Pages 3  
Dave Kunko, County Clerk

**SEPTEMBER 15, 2016**

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 Corn called the meeting to order at 9:00a.m. Those present were Commissioners Wooton, Chesser, Corn and Cavin. Commissioner Duffey was absent. Also present were County Manager Stan Riggs, Public Services Director Bill Williams, Sheriff Britt Snyder, Finance Director Joe Sedillo, County Assessor Mark Willard, Chief Deputy Assessor Ron Lethgo, County Clerk Dave Kunko, news media, staff and guests.

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

#### **MINUTES**

Commissioner Chesser moved to approve the Minutes from the August 18<sup>th</sup> Commission meeting. Commissioner Wooton seconded the motion. A voice vote was unanimous and the motion carried.

#### **PUBLIC HEARINGS**

##### **AVENIDA DE AMIGOS – DENIAL OF FENCE PERMIT**

Jerod Van Winkle stated Dene Van Winkle is appealing the denial of a permit to leave a fence across Avenida de Amigos. He stated if denied he would like to see the road paved and proper signage placed on the road. Mr. Riggs stated the County did finally find an easement deed to the County in 2008. Avenida de Amigos is a public right of way. There was discussion of emergency services and how they would get to this area with a fence. Jamie Higgins from the Berrendo Volunteer Fire Department stated if they received a call and needed to cut down a fence they would do it, and it could delay the response time. Troy Smotherman stated he lives there and an emergency could affect access to his property. He said he used the road for many years until the fence was put up. They have not had access for the last several years. He asked to have the fence moved immediately. Jerod Van Winkle stated they put up the fence because they thought they owned this property and they felt cars traveled too fast on this road. Commissioner Wooton moved to deny the fence permit and have the fence removed immediately. Commissioner Chesser seconded the motion. A voice vote was unanimous and the motion carried. There was discussion about chip sealing the road because it would be the only one in the area that would otherwise need blading.

#### **AGREEMENTS AND RESOLUTIONS**

##### **AGREEMENT A-16-030 WITH NM DOT FOR LEGISLATIVE APPROPRIATION #16-A2549**

Georgianna Hunt explained that this agreement is with NM DOT for an appropriation in the amount of \$167,428 for planning, designing, repairing and construction improvements to Hobson Road. Commissioner Chesser moved to approve Agreement A-16-030. Commissioner Wooton seconded the motion. A voice vote was unanimous and the motion carried.

##### **AGREEMENT A-16-031 WITH TOBOSA DEVELOPMENTAL SERVICES FOR LEASE OF PROPERTIES**

Mr. Riggs explained that this is a lease agreement with Tobosa Developmental services for the properties located at 110 E. Summit and 1021 S. Hahn Avenue. This is our standard lease for one year with an option to extend for three additional years. Commissioner Wooton moved to approve Agreement A-16-031. Commissioner Chesser seconded the motion. A voice vote was unanimous and the motion carried.

##### **RESOLUTION R-16-037 ORDER CHAVES COUNTY ASSESSOR TO IMPOSE 2016 CERTIFIED TAX RATES**

Mr. Riggs explained that the County Commission receives a Certificate of Tax Rates each year from NM DFA in September. The Commission is required to issue a written order imposing the tax at the rate set on the net taxable value of the property. A resolution ordering the Assessor to impose the rates must be approved annually. These rates are set by the Secretary of DFA and not the County. Commissioner Wooton moved to approve resolution R-16-037. Commissioner Cavin seconded the

motion. There was discussion about the ENMU-Roswell tax reduction, PILT and the Lake Arthur Schools. A voice vote was 3 to 1 and the motion carried. Commissioner Chesser voted no.

#### **RESOLUTION R-16-038 FY 2016-2017 PERSONNEL CHANGES TO CHARTS**

Mr. Riggs stated this resolution incorporates the personnel changes and upgrades that were approved in the interim budget for FY 2016/2017. Commissioner Cavin moved to approve Resolution R-16-038. Commissioner Wooton seconded the motion. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-16-039 NMAC 2017 LEGISLATIVE PRIORITIES**

Mr. Riggs explained that the New Mexico Association of Counties (NMAC) is asking that all Counties approve a resolution supporting NMAC's 2017 Legislative Priorities. Commissioner Chesser moved to approve R-16-039. Commissioner Wooton seconded the motion. Mr. Riggs explained the priorities. There was discussion on each priority. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-16-040 CALLING FOR A SUSPENSION OF THE MEXICO GRAY WOLF RECOVERY PROGRAM**

The County has been approached by citizens requesting that the Commission demand that the Federal Government suspend the Mexican Grey Wolf Recovery Program. The program has come under fire for its lack of authenticity and transparency. Commissioner Wooton moved to approve Resolution R-16-040. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

#### **OTHER BUSINESS**

##### **DFA APPROVAL OF FINAL BUDGET FOR FY 2016/2017**

Joe Sedillo stated Chaves County received a letter from DFA approving the final budget for FY 2016/2017. Budgets approved by the Division are required to be made part of the minutes and no action needs to be taken.

##### **CHANGE ORDER #5 TO AGREEMENT A-13-028 WITH BRADBURY STAMM**

Stan Riggs stated that this change order reduces the contract price by \$17,805.41. This makes the final price \$15,027,675.70, which includes the additional work at the Juvenile Detention Center and the repair of the existing roof at the Adult Detention Center. Mr. Riggs thanked everyone that was involved in this project. Commissioner Wooton moved to approve change order #5 to Agreement A-13-028. Commissioner Chesser seconded the motion. A voice vote was unanimous and the motion carried.

##### **PERMISSION TO PUBLISH FOR PUBLIC HEARING REGARDING ORDINANCE NO. O-096 NON-EXCLUSIVE FRANCHISE TO MID-AMERICA PIPELINE COMPANY**

Mr. Riggs stated this item is for permission to publish for public hearing Ordinance No. O-096, a non-exclusive franchise agreement with Mid-America Pipeline Company. This is for a pipeline which currently crosses County Roads. This replaces a former franchise agreement which has expired. Commissioner Chesser moved to approve permission to advertise for the public hearing. Commissioner Wooton seconded the motion. A voice vote was unanimous and the motion carried.

##### **REQUEST PERMISSION TO PURCHASE WATER TANKER/TENDER FOR EAST GRAND PLAINS VFD REQUEST PERMISSION TO PURCHASE FIRE ENGINE/RESCUE PUMPER FOR BERRENDO VFD**

Bill Williams stated the East Grand Plains Volunteer Fire Department is requesting permission to purchase a Water Tanker/Tender in accordance with the Chaves County Apparatus Replacement Schedule. Berrendo Volunteer Fire Department is requesting permission to purchase a Fire Engine/Rescue Pumper. There was some discussion of the age and condition of the current vehicles. Commissioner Chesser moved to approve the purchases. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

**APPROVAL OF CHECKS**

Commissioner Wooton moved to approve checks in the amount of \$3,644,570.18. Commissioner Chesser seconded the motion. A voice vote was unanimous and the motion carried.

**APPROVAL OF REPORTS**

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

**UNSCHEDULED COMMUNICATIONS**

None

**MANAGER'S COMMUNICATIONS**

Stan Riggs stated he received a phone call yesterday from BLM wanting to coordinate with the County on the Carlsbad Resource Management Plan. Jim Stovall from BLM said they are willing to get together and start the process. Eddy County and Lea County would also like to be involved. He said it is anticipated that the final plan will be available in October. He also mentioned land designated as having wilderness characteristics. These areas need to be looked at because one plan does not fit all. The ETZ Authority has a meeting on Thursday the 22<sup>nd</sup> at 5:30 for an appeal. The Governor will be at a ribbon cutting for the solar project on October 6<sup>th</sup> at 10:00a.m. The next Commission meeting will be October 20<sup>th</sup>. He mentioned that George Libby was hired to the Facility Maintenance Director position.

**COMMISSIONER'S COMMUNICATIONS**

Commissioner Cavin asked if BLM was stalling. Stan said he was not sure, but at least they have contacted us about getting together. He mentioned a new entrance behind the Federal Building. Mr. Riggs said it was a new sally port. He stated he appreciated working with the Commissioners.

Commissioner Chesser mentioned the BLM and their classification of Wilderness Characteristics. He says this land goes in a different category and they can deny access. In Otero County they fenced off a water source. He congratulated everyone for their work on the jail.

Commissioner Wooton stated he really appreciates the staff, however the public hearing this morning was a real County hiccup on the street and fence issue. Due diligence could have taken care of this problem. He was thankful for the rain.

Chairman Corn stated the Interior Department in May said there were no fences around those water sources. The federal government in May also stated the Lesser Prairie Chicken issue is being revisited and they may add the state of Nebraska. He said it was amazing how people who have never been here before are making all the policies and procedures for us to follow. The federal government is doing all they can to keep locals from having a say in these policies and procedures. He thanked everyone involved in finding the 1 Mil mistake by ENMU-Roswell.

The meeting was adjourned pending the signature of documents at 11:07a.m.

**CHAVES COUNTY BOARD OF COMMISSIONERS**

*Robert Corn*  
\_\_\_\_\_

**ROBERT CORN, CHAIRMAN**

*William E. Cavin*  
\_\_\_\_\_

**WILLIAM E. CAVIN, VICE CHAIRMAN**

*Kyle D. Smiley Wooton*  
\_\_\_\_\_

**KYLE D. "SMILEY" WOOTON, MEMBER**

*James Duffey*  
\_\_\_\_\_

**JAMES DUFFEY, MEMBER**

*Kim Chesser*  
\_\_\_\_\_

**KIM CHESSER, MEMBER**

*Dave Kunko*  
\_\_\_\_\_

**ATTEST:**

**DAVE KUNKO, COUNTY CLERK**

