



STATE OF NEW MEXICO, COUNTY OF CHAVES  
FILE FOR RECORD FEB 18, 2016 AT 02:15 O CLOCK PM  
Book 00072 Page 00730Pages 4  
Dave Kunko, County Clerk

**JANUARY 28, 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 Chesser, Wooton, Corn and Cavin. Commissioner Duffey was absent. Also present were County Manager Stan Riggs, Public Services Director Sonny Chancey, Sheriff Britt Snyder, Finance Director Joe Sedillo, County Clerk Dave Kunko, news media, staff and guests.

Brenda Sanchez led the Pledge of Allegiance and Commissioner Chesser led in prayer.

Stan introduced Emma Dominguez, a new employee in Finance.

## **MINUTES**

Commissioner Wooton moved to approve the Minutes from the December 15, 2015 Regular Commission Meeting. Commissioner Chesser seconded the motion. A voice vote was unanimous and the motion carried.

## **AGREEMENTS AND RESOLUTIONS**

### **RESOLUTION R-16-001 & R-16-002 OPEN MEETINGS – COMMISSION/IHC**

Mr. Riggs explained that the Open Meetings Act requires the Governing Body to publish a notice for public meetings each year. These resolutions are for notice of the Commission Meetings and IHC Meetings for 2016. Commissioner Chesser moved to approve Resolutions R-16-001 and R-16-002. Commissioner Wooton seconded the motion. A voice vote was unanimous and the motion carried.

### **RESOLUTION R-15-054 LOCAL EMERGENCY/DISASTER DECLARATION**

Stan Riggs stated that Chaves County declared an emergency on December 28, 2015 due to the record snow storm. This resolution is required to ratify the declaration before any reimbursements can be received by the County. Sonny Chancey thanked the Sheriff, Road Department, Flood Control, Fire Department and National Guard for all their help during the recovery. Karen Sanders gave a brief overview of what went on prior to the storm, how much snow fell and actions taken after the storm. Mr. Riggs explained that it is very complicated to figure the actual costs incurred before, during and after the emergency. Commissioner Chesser asked about the \$140/hour paid to contractors. He was told it was a national average obtained from the FEMA website. This amount does include the equipment. Commissioner Cavin moved to approve Resolution R-15-054. Commissioner Chesser seconded the motion. A voice vote was unanimous and the motion carried.

### **RESOLUTION R-16-003 ADOPTING CDBG GRANT POLICIES AND CERTIFICATION FOR TOBOSA PROJECT**

Georgianna Hunt explained that the Community Development Block Grant requires the governing body to adopt the grant policies and certification. The grant funding requested for the Tobosa project is \$496,136.00. Commissioner Wooton moved to approve Resolution R-16-003. Commissioner Chesser seconded the motion. A voice vote was unanimous and the motion carried.

### **RESOLUTION R-16-004 SUPPORT OF HISTORIC RIGHT-OF-WAYS LEGISLATION H.R. 4313**

Mr. Riggs explained that H.R. 4313 is designed to be a low cost method of the Federal Government confirming R.S. 2477 Right-of-ways. Currently the process requires a quiet title action in Federal District Court. H.R. 4313 would eliminate this costly process and assist local governments in managing right-of-ways across federal land. Commissioner Wooton moved to approve Resolution R-16-004. Commissioner Chesser seconded the motion. A voice vote was unanimous and the motion carried.

### **AGREEMENT A-16-001 WITH NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES**

Georgianna Hunt stated that this agreement is for a Volunteer Fire Assistance Grant in the amount of \$18,051.00 on behalf of the East Grand Plains Volunteer Fire Department for purchasing Wildland Personal Protective and Firefighting Equipment. Commissioner Cavin moved to approve

Agreement A-16-001. Commissioner Wooton seconded the motion. A voice vote was unanimous and the motion carried.

#### **OTHER BUSINESS**

#### **RATIFICATION OF 2017 ANNUAL EMS FUND ACT APPLICATIONS AND SERVICE REPORTS**

Georgianna Hunt explained that this is ratification of the 2017 EMS Fund Act Applications and service reports. Amendment #1 to Agreement A-15-012 would increase the local DWI Grant Agreement by \$13,979.00 for fiscal year 2015/2016. The new total for the year will be \$83,979.00. Commissioner Chesser moved to approve ratification of the 2017 Annual EMS Fund Act Applications and Service Reports. Commissioner Wooton seconded the motion. A voice vote was unanimous and the motion carried.

#### **REQUEST FOR OUT OF STATE TRAVEL – PLANNING AND ZONING DEPARTMENT**

Marlin Johnson requested approval of out of state travel to attend the NACO 2016 Legislative Conference in Washington D.C. February 20<sup>th</sup> through the 24<sup>th</sup>. NACO President, Sally Clark appointed Mr. Johnson to the Environment, Energy and Land Use (EELU) steering committee. Commissioner Wooton moved to approve the out of state travel. Commissioner Cavin seconded the motion. Chairman Corn stated it is important for staff to get involved at the national level. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-16-007 – NMAC HEALTHCARE POLICY COMMITTEE**

Stan Riggs stated this resolution is in response to a request by NMAC to show support for NMAC Health Care Policy Committee Resolution 2016-01. Commissioner Wooton moved to approve Resolution R-16-007. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

#### **2016 COMMISSION COMMITTEE APPOINTMENTS**

Commissioner Wooton moved to approve the current committee appointments, since no request for changes were made by the Commissioners. Commissioner Chesser seconded the motion. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-16-006 SUPPORTING THE ORIGINAL INTENT OF THE NM LIVESTOCK CODE**

Mr. Riggs explained that this resolution supports the original intent of the New Mexico Livestock Code and encourages the New Mexico livestock inspectors to work with ranchers in a professional manner. Mr. Riggs explained that Lincoln County asked that we consider this resolution. Commissioners Wooton and Chesser mentioned the change over the years of the relationship between inspectors and ranchers. Commissioner Wooton moved to approve Resolution R-16-006. 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 \$2,590,777.37. Commissioner Cavin 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 Chesser seconded the motion. A voice vote was unanimous and the motion carried.

#### **UNSCHEDULED COMMUNICATIONS**

Larry Connelly stated he read where the dairy farmers from 3 Co-ops were going to get a check for 75% of their normal check for the milk that was dumped and he wanted to know if the Commissioner knew anything about this issue. Chairman Corn stated that potentially there is some federal money available, but was unsure of how payment worked.

## MANAGER'S COMMUNICATIONS

Stan Riggs stated Chaves County was represented well at the NMAC Legislative Conference. Southeast New Mexico looks at things differently than a lot of the State. The law enforcement insurance/Law Enforcement Pool Board has had difficulty finding re-insurance due to costs from mental health issues. Chaves County has handled this well, but other Counties have caused the losses. The jail is progressing and we may be able to accept the completed building the end of February. Next month we will be bringing a change order to the Commission. One item is the ADA jail cell at Juvenile Detention and the other is for part-time security to escort workers through the facility. The rotunda in the courthouse is being fixed right now. The dome was originally built in 1911 and it is really amazing how they did it. The Washington D.C. trip with Artesia and Eddy County is scheduled for May 14<sup>th</sup> through 18<sup>th</sup>. We held an "after action" meeting in reference to the snow storm. It will be documented as to what worked well during the storm and what did not work.

## COMMISSIONER'S COMMUNICATIONS

Commissioner Chesser thanked everyone that helped during the snow storm and he asked citizens to be patient and the roads would get fixed. He mentioned the lawsuits by the Arizona/New Mexico Coalition. He looks forward to the New Year.

Commissioner Wooton wished everyone a belated Happy New Year. He thanked everyone for the Holiday cards. He thanked all those helping with the storm. He stated he never will complain about moisture.

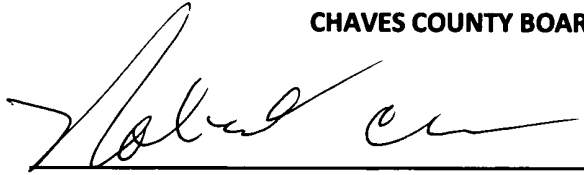
Commissioner Cavin stated the work done during the storm was amazing. This is the greatest County in the nation. It was evident in Santa Fe that our Detention Center Administration is the best and they keep us out of trouble which cannot be said by a lot of Counties. Chaves County employees are representing us well at the State level. We really are the model County. He understands that Representative Harper is going to revisit the attack on our gross receipts taxes. We will be fighting that battle again.

Chairman Corn stated he is scheduled to be back in Santa Fe Monday, Tuesday and Wednesday for HB 233 by Representative Harper. The intent of the bill is to take the 3 - 1/8<sup>th</sup> Gross Receipt Taxes and divert it to the Road Department. Later in the bill the percentage drops as time goes on until it gets to 0. In reality this will not work. The other item is SJR 1 which would be a Constitutional Amendment voted on in the General Election would allow Judges after a Hearing to make the determination as to who stays locked up pending trial. The part he opposes is that this decision will be made by a Court of Record which means Magistrate Court is by-passed and goes directly to District Court. There are costs involved in transportation and additional paperwork. The other portion states you can't hold someone that says they don't have enough money to make bond. The SENMEDD had a meeting and there are 2 positions that Chaves County has on that Board. One position represents the Commission and the other represents businesses. This position is currently held by Phelps Anderson. He stated if you could come up with someone else preferably younger, it probably is time for him to move on. We need to get the PLAC together on serious issues, one being the BLM land swap issue. They have a Resource Management Plan we are trying to get our hands on. There are rumors some law enforcement issues exist because BLM is trying to take over some duties of the Sheriff. There is an issue with Fish and Wildlife out at Bitter Lakes, they purchased some property with the understanding they would farm it to attract migratory birds to keep them off the farmer's fields. The last couple of years it has just been weeds and the wells don't work. Endangered species is a never ending struggle. Another big issue is Waters of the U.S. which will affect Farmers, Flood Control and Ranchers. Currently there is a District Court Order keeping this at bay right now, but it still could be a serious issue. We had a meeting last week with the State BLM Director, Amy Lueders. The meeting was with Commissioners Duffey and Corn, Mr. Riggs, Dan Durand from the Lands Council, and the Eddy County Manager. A lot of topics were discussed one of which was the Access Resource Management Plan and as a cooperating agency we felt entitled to a draft so we could comment on it and she was in agreement. There was discussion on acreage differential and how some of that could be put into private or County ownership. The largest land owner in Chaves County is the BLM. She knows that the Southeast Counties have banded together

and where they stand on endangered species. The BLM will be having a meet and greet next Tuesday from 3:30 to 4:30.

The meeting was adjourned pending the signature of documents at 10:24a.m.

**CHAVES COUNTY BOARD OF COMMISSIONERS**



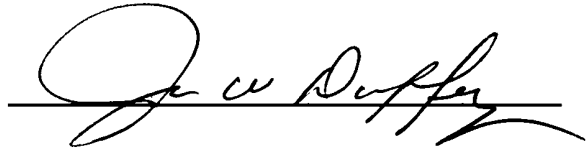
**ROBERT CORN, CHAIRMAN**



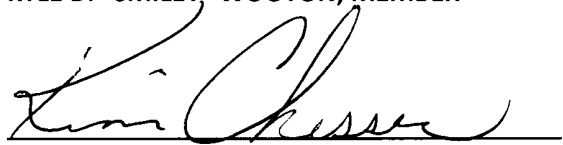
**WILLIAM E. CAVIN, VICE CHAIRMAN**



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



**JAMES DUFFEY, MEMBER**



**KIM CHESSER, MEMBER**

ATTEST: 

**DAVE KUNKO, COUNTY CLERK**

