



STATE OF NEW MEXICO, COUNTY OF CHAVES  
FILE FOR RECORD MAR 16, 2017 AT 03:41 O'CLOCK PM  
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Dave Kunko, County Clerk

**FEBRUARY 16, 2017**

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 Bilberry, Duffey, Ezzell, Corn and Cavin. Also present were County Manager Stan Riggs, Public Services Director Bill Williams, Sheriff Britt Snyder, Finance Director Joe Sedillo, County Treasurer Charlotte Andrade, County Assessor Mark Willard, County Clerk Dave Kunko, news media, staff and guests.

## **MINUTES**

Commissioner Bilberry moved to approve the Minutes from the January 12, 2017 Regular Commission meeting. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried. There was discussion about the January 10, 2016 Special Meeting. Chairman Corn recalled stating that the land was in better condition now with BLM agreeing to this statement. He asked the Clerk to see if that was on the tape and if so, include it in the minutes. Commissioner Duffey stated FLITMA was spelled wrong in one area. It was agreed these minutes would be revisited at the next meeting.

## **PRESENTATIONS**

### **HONDO SPRING TRAIL**

Jimmy Masters with the New Mexico Department of Public Health gave a presentation on the proposed Hondo Spring Trail which would extend from the Spring River Park and Zoo out to the Bitter Lakes Wildlife Refuge. He mentioned that right now this is a concept and the next step is a feasibility study. Commissioner Corn said he understood this project is in the early stages and he asked that they keep the Commission informed of their progress.

### **FISCAL YEAR 2015/2016 AUDIT**

Jim Rebanar from Heinfeld, Meech & Co., joined the meeting by Computer and presented the audit report for fiscal year 2015/2016. He mentioned that it was a very clean audit and the fund balances and net position is very healthy. He mentioned the statistical section which includes the 10 year trend data. This data is very beneficial for obtaining bond ratings. There were no deficiencies and no State Compliance issues. He thanked Joe Sedillo and his staff and stated this was the last year of their audit contract. Joe Sedillo thanked Jim Rebanar and his staff and stated they were very professional.

## **PUBLIC HEARINGS**

### **CASE Z 2017-01 REQUEST FOR SPECIAL USE PERMIT IN AREA I, RESIDENTIAL**

Marlin Johnson explained that this special use permit would allow 2 recreational vehicles on the property for family caretaker purposes. He stated the Planning and Zoning Commission recommends approval with the stipulations and findings of fact. Chairman Corn opened the public hearing for public comment.

**IN FAVOR:** Hope Franklin said she is the applicant and she has really run out of options in assisting with the care of her Grand Parents.

**AGAINST:** None

Commissioner Duffey moved to approve Case Z 2017-01 with the stipulations and findings of fact. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

### **CASE Z 2017-02 REQUEST TO REZONE TO INDUSTRIAL FROM AGRICULTURE**

Marlin Johnson stated this was a request to rezone Industrial from Agricultural. This would allow for expansion of the existing food processing and wholesale distribution facility. The Planning and

Zoning Commission recommends approval with the stipulations and findings of fact. Chairman Corn opened the public hearing for public comment.

IN FAVOR: None

AGAINST: None

Commissioner Cavin moved to approve Case Z 2017-02 with the stipulations and findings of fact. Commissioner Bilberry seconded the motion. Commissioner Duffey stated he thought all this was Industrial. Marlin stated this portion of the property was not included back in 1982 and may have just been an oversight. Commissioner Cavin asked when they expected to be up and running. Mr. Madrid stated they were waiting on approval of the waste water permits and it may be 40 to 45 days. Commissioner Duffey stated he got to tour the property yesterday and it is very impressive. He thanked Mr. Madrid for doing business in Chaves County. A voice vote was unanimous and the motion carried.

#### **CASE Z 2017-03 REQUEST FOR SPECIAL USE PERMIT IN AREA II, RESIDENTIAL**

Marlin Johnson stated this is a request for a renewal of a special use permit for a second residence for caregiver purposes for their son. The Planning and Zoning Commission recommended approval with the stipulations and findings of fact. Chairman Corn opened the public hearing for public comment.

IN FAVOR: Maria Duran stated this would help them in taking care of their son, Daniel who was diagnosed with leukemia.

AGAINST: NONE

Commissioner Duffey moved to approve Case Z 2017-03, request for a Special Use Permit to allow for a 2<sup>nd</sup> residence on their property, with the stipulations and findings of fact. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

#### **OTHER BUSINESS**

##### **PERMISSION TO PUBLISH FOR PUBLIC HEARING ORDINANCE O-097**

Item number 8 was moved prior to item number 4. Mr. Riggs explained this is for permission to publish for a public hearing on Ordinance O-097 to be heard at the March 16<sup>th</sup>, Regular Commission Meeting. This proposed Ordinance would allow Chaves County to provide State Funding to USA Beef Packing, LLC for economic development purposes. Commissioner Duffey moved to approve for Public Hearing Ordinance O-097. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

#### **AGREEMENTS AND RESOLUTIONS**

##### **RATIFY AGREEMENT A-17-004 WITH ELITE MEDICAL, LLC FOR BUILDING LEASE**

Mr. Riggs stated the Chairman signed the agreement so that the Tenant could move into the building on February 1<sup>st</sup>. Staff is recommending ratification of the agreement. The lease will bring in \$15,990.00 per year. Commissioner Duffey moved to ratify Agreement A-17-004. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

##### **RESOLUTION R-17-007, R-17-008, R-17-009 WITH NMDOT FOR LEGISLATIVE APPROPRIATIONS**

Georgianna Hunt stated that staff is recommending approval of Resolution R-17-007, with NMDOT for Legislative Appropriation #14-2047 in the amount of \$200,000.00, Resolution R-17-008 with NMDOT for Legislative Appropriation #15-0910 in the amount of \$512,000.00, and Resolution R-17-009 with NMDOT for Legislative Appropriation #16-A2549 in the amount of \$167,428.00 for the purpose of planning, designing, repairing and construction improvement to Hobson Road. Commissioner Cavin moved to approve Resolutions R-17-007, R-17-008 and R-17-009. Commissioner Ezzell seconded the motion. Commissioner Duffey asked why the resolutions show that Chaves County's proportional matching share shall be 0% or the full amount of the appropriation. Georgianna Hunt explained that the

State had it like that in their paperwork, but she would make the amendments as instructed by the Commission. Commissioner Cavin agreed to amend the motion to amend the resolutions to show that Chaves County was responsible for 0% of the 3 resolutions. Commissioner Ezzell seconded the motion as amended. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-17-010 APPOINTMENT TO THE COUNTY BOARD OF REGISTRATION**

Dave Kunko stated that in February of every odd numbered year the County Commission is required by law to appoint members to the County Board of Registration. The Democrat and Republican Parties have submitted names of individuals they would like to have appointed to the Board. The Board consists of 3 members of which only 2 can be of the same party. In addition the Commission is required to appoint 2 alternates, one from each party. Staff recommends the appointment of Dorothy Hellums, Dennis Kintigh and Tim Raftery to the Board with O. L. Adcock and Daniel Johnson appointed as alternates. Commissioner Duffey moved to approve the appointments as recommended. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-17-011 APPROVAL OF BUDGET ADJUSTMENT**

Mr. Sedillo stated the Finance Department had upgraded the budget transfers to insure that funding levels adequately reflect positive fund balances. Commissioner Bilberry moved to approve Resolution R-17-011. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

#### **OTHER BUSINESS**

#### **PERMISSION TO PUBLISH FOR PUBLIC HEARING AMENDMENTS TO ORDINANCE NO. O-060**

Public Services Director Bill Williams stated this request is for permission to publish for public hearing amendments to Ordinance O-060 updating to the latest version of the New Mexico Building Code and New Mexico Electric Code. Commissioner Duffey moved to approve publishing for Public Hearing Amendments to Ordinance No. O-060. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

#### **2017 CHAVES COUNTY ROAD HEARING APPLICATIONS AND APPOINTMENT OF FREEHOLDERS**

Bill Williams stated the County received 2 road applications. One is for road maintenance and the other is for a vacation. Three freeholders must be appointed to view the 2 requests and report back to the Commission. The individuals nominated are as follows: Kent Taylor, Tom Wadsworth, Kyle D. "Smiley" Wooton and Segundo Armendariz as the alternate. Commissioner Bilberry moved to approve the appointments as recommended. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

#### **APPROVAL OF DWI GRANT & DISTRIBUTION APPLICATION FOR FY 2018**

Lucia Serrano stated this item is the County application for funding under the FY 2018 Local DWI Grant Fund. The goal of the program is to decrease the number of injuries and fatalities in New Mexico caused by alcohol impaired drivers. Commissioner Duffey moved to approve the DWI Grant and Distribution Application for fiscal year 2018. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

#### **APPOINT MEMBERS TO THE CHAVES COUNTY PLANNING AND ZONING COMMISSION**

Marlin Johnson explained that the County Commission is required to appoint members to the P & Z Commission. The terms of Dale Rogers, Jerry Wagner and Melodie Salas are expiring and they have expressed a desire to continue serving on the board. Staff recommends their appointments to 2 year terms. Commissioner Ezzell moved to appoint Dale Rogers, Jerry Wagner and Melodie Salas to 2 year terms on the P & Z Commission. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

**APPROVE REQUEST FOR OUT OF STATE TRAVEL – ASSESSOR’S OFFICE**

Mark Willard explained that this request is to send Randy Kincaid from the Assessor’s Office to San Antonio, Texas to the Tyler Connect 2017 Conference. Many of the training sessions will cover recent upgrades to the CAMA software used by the Assessor’s Office. Tyler has waived the registration fee and the per diem is covered by the Assessor’s budget. Commissioner Bilberry moved to approve the Out of State travel. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

**APPROVAL OF CHECKS**

Commissioner Duffey moved to approve checks in the amount of \$1,439,193.02. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

**APPROVAL OF REPORTS**

Commissioner Duffey moved to approve the reports for the period. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried. Commissioner Ezzell asked about the P-Card Report. Sandra Rodriguez explained these are purchases on the County Purchasing Card and we receive a rebate for these purchases. The last rebate was for approximately \$36,000.

**UNSCHEDULED COMMUNICATIONS**

None

**MANAGER’S COMMUNICATIONS**

Stan Riggs stated he would be in Santa Fe for a Board of Finance Meeting at which a sale of property by Chaves County will be approved. Fire Fund purchases have been put on hold and there is a moratorium on fire truck purchases. IT made a presentation to Finance in reference to the phone system that should save the County some money. There will be a closed session for threatened and pending litigation.

**COMMISSIONER’S COMMUNICATIONS**

Commissioner Ezzell passed on comments.

Commissioner Duffey mentioned a Board of Directors Meeting in Santa Fe where they discussed the NMAC Legislative Priorities. He stated he would be happy to discuss those issues after the meeting.

Commissioner Bilberry thanked everyone for all their hard work. He enjoyed the NMAC Legislative Conference and he learned a lot. People need to get involved.

Commissioner Cavin thanked everyone and stated we live in the best County in the State. We need to be ready for whatever happens during the legislative session.

Chairman Corn stated he was involved in a bill with Representative Nibert involving Federal Leasing. He believes it could be a new stream of federal revenue. The FIR done on the bill was not helpful. He and Commission Cavin would be attending the NACO conference in Washington D.C. He will be giving a presentation on BLM 2.0. The first step in being prepared for these Federal Agencies is to have your Land Use Plan in place.

**CLOSED SESSION**

Commissioner Duffey moved to go into closed session at 10:36 a.m. pursuant to section 10-15-1(H)(7) to discuss threatened and pending litigation. Commission Cavin seconded the motion. All five Commissioners voted yes in a roll call vote.

Commissioner Duffey moved to come out of the closed session at 11:06 a.m. and stated that the items discussed in the closed session were limited to those mentioned in the motion for closure and no action was taken. Commissioner Ezzell seconded the motion. All five Commissioners voted yes in a roll call vote.

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

CHAVES COUNTY BOARD OF COMMISSIONERS

*Robert Corn*  
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ROBERT CORN, CHAIRMAN

*William E. Cavin*  
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WILLIAM E. CAVIN, VICE CHAIRMAN

*Jeff Bilberry*  
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JEFF BILBERRY, MEMBER

*James Duffey*  
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JAMES DUFFEY, MEMBER

*T. Calder Ezzell Jr.*  
\_\_\_\_\_

T. CALDER EZZELL JR., MEMBER

ATTEST: *Dave Kunko*  
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DAVE KUNKO, COUNTY CLERK

