

STATE OF NEW MEXICO, COUNTY OF CHAVES  
FILE FOR RECORD JUN 19 2017 AT 10:21 O'CLOCK AM  
Book 00072 Page 00811 Pages 4  
Dave Kunko, County Clerk

**MAY 18, 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 Clerk Dave Kunko, news media, staff and guests.

#### **MINUTES**

Commissioner Duffey moved to approve the Regular Commission Meeting Minutes from April 20, 2017 and the April 24, 2017 Special Commission Meeting. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

#### **PUBLIC HEARINGS**

##### **AMENDMENTS TO ORDINANCE O-060**

Bill Williams explained that this amendment would replace the 2006 New Mexico Building Code with the 2015 New Mexico Building Codes. This amendment would also adopt the 2014 New Mexico Electrical Code. Chairman Corn opened the public hearing for public comment.

IN FAVOR: None

AGAINST: None

Commissioner Duffey moved to approve Revision No. 1 to Ordinance O-060 adopting the 2015 New Mexico Residential and Commercial Building Code and the 2014 New Mexico Electrical Code. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

##### **PUBLIC INPUT FOR THE 2019/2023 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP)**

Georgianna Hunt stated that this public hearing is for public input on the 2019/2023 ICIP. The ICIP establishes planning priorities for anticipated capital projects. Chairman Corn opened the public hearing for public comment.

IN FAVOR: None

AGAINST: None

Chairman Corn asked if the Commissioners had anything to add at this time. No action was taken.

#### **AGREEMENTS AND RESOLUTIONS**

##### **AGREEMENT A-17-011 CELLCO PARTNERSHIP dba VERIZON WIRELESS**

Mr. Riggs stated this agreement if approved would allow Chaves County to lease property to Verizon Wireless for a cell tower. The lease is for \$1,000 per month. Commissioner Duffey stated that at the end of the term if they vacated the property the agreement says they would remove all but the footings. Commissioner Duffey moved to approve Agreement A-17-011 and amend the agreement to state if they vacate they would remove the footings as well. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

##### **RESOLUTION R-17-017 AUTHORIZING THE CHAIRMAN TO EXECUTE DOCUMENTS FOR A-17-011**

Mr. Riggs stated this resolution would authorize the chairman to make any changes to the lease as may be required by the State Board of Finance. Commissioner Ezzell moved to approve Resolution R-17-017. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

**RESOLUTION R-17-015 JUVENILE ADJUDICATION FUND APPLICATION FOR FY 2018**

Lucia Serrano stated that this resolution is for the Juvenile Adjudication Fund Application for FY 2018. Pecos Valley Teen Court is applying for \$15,000.00. Commissioner Duffey moved to approve Resolution R-17-015. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

**RESOLUTION R-17-016 2017 ROAD MAINTENANCE AND VACATION APPLICATIONS**

Bill Williams stated there are 2 applications. The County held a public hearing in reference to the 2 applications on April 20, 2017 and viewed the 2 roads at a special meeting April 24, 2017. This resolution is the final decision on the 2 applications.

Application #1 is for a request by Roswell Solar LLC to add approximately .75 miles of Wrangler Road to the list of Chaves County Maintained Roads. Commissioner Duffey moved to approve Application #1 to have the County maintain the .75 miles of Wrangler Road. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

Application #2 is an application to vacate 5.47 miles of Felix Canyon Road. Commissioner Ezzell moved to approve the application and vacate the 5.47 miles of Felix Canyon Road and that we convert the portion of Felix Canyon Road from Highway 13 to the vacation to "non-maintained" status. Commissioner Bilberry seconded the motion. Commissioner Duffey stated that since he sits on a board that has a conflict with this issue he wishes to recuse himself from discussion and voting on this matter. A voice vote was 4 in favor and 0 against and the motion carried. Commissioner Duffey did not vote.

**RESOLUTION R-17-018 INTERIM BUDGET FOR FY 2017-2018**

Anabel Barraza explained the Interim Budget and mentioned the Finance Committee meetings as well as a public Budget Workshop that were held. Commissioner Cavin moved to approve Resolution R-17-018 the Interim Budget for fiscal year 2017 – 2018. Commissioner Bilberry seconded the motion. Mr. Riggs stated the County has decreased expenditures by 5.7% from last year. He thanked the Finance Committee and the Finance Department for a lot of hard work on this budget. Commissioner Ezzell asked if there would be a savings from the road vacation. Joe West said he did not have an exact figure but the County would definitely save money. Felix Canyon Road has 7 low water crossings on the portion that was vacated. Chairman Corn stated this is a good budget but may have to be revisited after the special legislative session. In the best case scenario there is no change from the State and we may be able to increase the budget. In the worst case scenario the State takes back the hold harmless money, IHC funds and we lose SRS funds and PILT. In total it could add up to approximately 3 million dollars. A voice vote was unanimous and the motion carried.

**OTHER BUSINESS****PERMISSION TO PUBLISH FOR PUBLIC HEARING ORDINANCE O-098 GROSS RECEIPTS TAX**

Mr. Riggs stated staff is requesting permission to advertise for a public hearing regarding Ordinance O-098 to be held during the Regular Commission Meeting on June 15, 2017. This ordinance would allow Chaves County to impose a (1/12) percent gross receipts tax. Commissioner Bilberry moved to approve permission to publish for public hearing Ordinance O-098. Commissioner Cavin seconded the motion. Chairman Corn stated the need for this may be determined by what the State does in their special session and that if we do not act now on this we will lose the opportunity. Commissioner Bilberry asked how much the 1/12<sup>th</sup> tax would generate. Joe Sedillo stated approximately \$875,000. Mr. Riggs stated the 1/12<sup>th</sup> tax if approved by the Commission would not begin until January 1<sup>st</sup>. Commissioner Ezzell stated a gross receipts tax on food and drugs was on the table at this special session. A voice vote was unanimous and the motion carried.

**ITB -17-1 INMATE SUPPLIES**

Sandra Rodriguez stated that numerous companies bid on Inmate Supplies. Staff has compared and evaluated the bids on all items and recommend award be made to Bob Barker, Inc. She stated that Chaves County had not contracted with this company in the past. The only local company to bid was



Starr Janitorial and they only bid on one item. She also stated prices in the bid were delivered prices. Once awarded items are ordered as needed. Commissioner Duffey moved to approve award of ITB-17-1 to Bob Barker Company, Inc. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

#### **RFP-17-1 AUDIT SERVICES**

Sandra Rodriguez stated the County received 8 proposals for RFP-17-1, Audit Services. She stated staff recommends award to the highest ranking offeror, Jaramillo and Accounting Group, LLC. Mr. Riggs stated that all proposing agencies must be on the State Auditor List. He stated they are all qualified. Sandra Rodriguez stated the evaluation committee uses guidelines set forth by the State of New Mexico. Commissioner Duffey moved to approve award of RFP-17-1 to Jaramillo Accounting Group, LLC for Audit Services. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

#### **ITB-17-2 GENERAL CONSTRUCTION FOR TOBOSA PUBLIC FACILITY ADDITION**

Sandra Rodriguez stated the County received 2 bids under ITB-17-2 for a new building for Tobosa Developmental Services. Both bids are responsive and staff recommends approval to the low bidder, Western Builders Company, Inc. of Las Cruces, NM. In addition staff requests the Board authorize the Chairman to execute the grant agreement when received to help streamline the process. It was mentioned that both bids were received without gross receipts tax included in the bid. Commissioner Duffey moved to approve award of ITB-17-2 to Western Builders Company, Inc. in the amount of \$439,000.00 and authorize the Chairman to execute related documents. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

#### **RFP-17-2 TELEPHONE SYSTEMS EQUIPMENT AND SERVICES**

Sandra Rodriguez stated the County solicited proposals for RFP-17-2, Telephone Systems Equipment and Services. She stated in FY 2015/2016 the County spent \$150,184.55 on equipment, phones, long distance and service. Staff recommends award to Harmonix Technologies for \$60,000.00 per year. Commissioner Ezzell moved to approve award of RFP-17-2 for Telephone Systems Equipment and Services to Harmonix Technologies. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

#### **MEETING DATES**

Mr. Riggs stated the Commission Meeting set for June 15, 2017 is pretty much set in stone because there are some public hearings that have already been advertised for that date. Two Commissioners will be gone on July 20, 2017 and it was agreed to move that Regular Commission Meeting to Tuesday, July 18, 2017.

#### **APPROVAL OF CHECKS**

Commissioner Duffey moved to approve checks in the amount of \$1,949,823.25. Commissioner Bilberry 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 Cavin seconded the motion. A voice vote was unanimous and the motion carried.

#### **UNSCHEDULED COMMUNICATIONS**

Rita Kane Doerhoefer stated she was going to introduce the new City Manager but he could not stay until the end of the meeting.

#### **MANAGER'S COMMUNICATIONS**

Stan Riggs thanked everyone for their work on this budget. He mentioned IT and the phone system savings. He also talked about the County employees and how well we work with other entities.

He mentioned working with the Environment Department on some potential Bio Mass situations which we may be able to take part in at a later date. He hoped they could schedule another BLM meeting for the end of June to continue discussions on the Carlsbad RMP. He mentioned 2 bills have been introduced with bi-partisan support in reference to SRS. We believe the SRS will come through. The County has written a letter to the Chairman of the Department of the Interior inviting him to come visit Chaves County. The BLM is the largest land owner in Chaves County. He stated the Annual NMAC meeting next month would be in Taos, June 21<sup>st</sup>, 22<sup>nd</sup> and 23<sup>rd</sup>.

**COMMISSIONER'S COMMUNICATIONS**

Commissioner Duffey thanked everyone for their work on the budget and that hopefully it is done. Yesterday he attended a NMAC meeting and said other Counties are not as aware of the issues with SRS and PILT. He felt more progress was made with their recent trip to Washington D.C. He said there was a total attitude change in Washington D.C. He mentioned he and Commissioner Corn stayed an extra day to meet with Margaret Byfield and Robert Wagner from the Rural Public Lands County Council. They met with the Chairman's Chief for Staff for the Ways and Means Committee to explain the problems Chaves County is having with coordination with BLM and Federal Agencies. The Chief of Staff mentioned a high speed rail right-of-way in his district from Dallas to Houston put into place without County coordination. People that were supposed to be at the meetings were actually present along with a staffer from the White House. He believes they will start listening to what is going on in rural America.

Commissioner Bilberry thanked everyone for all their hard work and thanked the Commissioners that made the trip to Washington D.C.

Commissioner Ezzell thanked the staff and Stan for all the work on the budget. He stated no one likes voting on controversial issues and everyone is entitled to their opinion. Based on the facts the Commission made the right decision on Felix Canyon Road.

Commissioner Cavin stated that the decision on Felix Canyon Road was made in the best interest of the people of Chaves County. We have an amazing staff and an amazing County. We need to continue to take care of Chaves County. People will not always agree on everything.

Chairman Corn agreed with Commission Duffey that progress was made in Washington D.C. It was amazing to see the attitude change. We have to stay on top of this and keep it moving in the right direction. We need to continue the discussion with BLM and it appears Eddy County is ready to get involved. He mentioned that he and Commissioner Cavin would soon be attending a WIR meeting at the same time as the New Mexico Special Legislative Session.

The meeting was adjourned pending the signature of documents at 10:22 a.m.

**CHAVES COUNTY BOARD OF COMMISSIONERS**

*[Signature of Robert Corn]*  
\_\_\_\_\_

ROBERT CORN, CHAIRMAN

*[Signature of William E. Cavin]*  
\_\_\_\_\_

WILLIAM E. CAVIN, VICE CHAIRMAN

*[Signature of Jeff Bilberry]*  
\_\_\_\_\_

JEFF BILBERRY, MEMBER

*[Signature: not in attendance]*  
\_\_\_\_\_

JAMES DUFFEY, MEMBER

*[Signature of T. Calder Ezzell, Jr.]*  
\_\_\_\_\_

T. CALDER EZZELL, JR., MEMBER

ATTEST: *[Signature of Dave Kunko]*  
\_\_\_\_\_

DAVE KUNKO, COUNTY CLERK

