

**December 21, 2017**

The Board of Chaves County Commissioners held their regular commission meeting in the Commission Chambers of the Joe Skeen Building, #1 St. Mary's Place in Roswell, New Mexico. Chairman Corn called the meeting to order at 9:00 a.m. Those present were Commissioners Corn, Bilberry, Cavin, and Ezzell. Commissioner Duffey was absent. Also present were County Manager Stan Riggs, Sheriff Britt Snyder, Chief Financial Officer Joe Sedillo, Chief Deputy Clerk Jeff Ortega, news media, staff and guests.

Commissioner Cavin led the Pledge of Allegiance and Commissioner Bilberry led in prayer.

#### **MINUTES**

Commissioner Bilberry moved to approve the October 26, 2017 and November 16, 2017 minutes. Commissioner Cavin seconded the motion and it carried unanimously.

#### **PRESENTATIONS**

Chairman Corn presented employee longevity pins for employees with 5, 10, 15, 20 and 25 years of service. He also presented a plaque to Dale Roberts for 28 years of service.

#### **PUBLIC HEARINGS**

##### **Case Z 2017-18 & Case Z 2017-19 Variances in Area II, Zone A, Residential**

Marlin Johnson, Planning and Zoning Director stated the request is to approve a variance to allow a parcel or parcels less than 5 acres in area 2 and a variance to increase the nonconforming use of 3 existing residences on what would become a smaller property. The property is located at 55-57 Michaels Court in Burns and Burns Country Estates. The Planning and Zoning Commission recommends approval with the stipulations and findings of fact.

In favor-Dollie Dimas stated she has 3 houses on Michaels Court and is currently living with her daughter in one of the trailers. She wants to add a trailer to the property.

Opposed-None

Commissioner Cavin asked Marlin what we were trying to accomplish. Marlin stated they owned a 9.5-acre parcel in Burns and Burns and own 6/10ths of a right of way. They would like to split their property into 2 parcels. Each parcel will be slightly less than 5 acres so they need a variance. Commissioner Ezzell asked how many wells and septic systems are on the property. Marlin stated one well and three septic systems on the front parcel. If approved they would add a well and septic system on the new parcel.

Commissioner Ezzell moved approval of Case Z 2017-18 and Case Z 2017-19 subject to findings and fact and conditions. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

##### **CASE Z 2017-21 REQUEST FOR A SPECIAL USE PERMIT IN AREA II, ZONE A, RESIDENTIAL-AGRICULTURAL**

Marlin Johnson, Planning and Zoning Director stated this is a request to approve a special use permit for the temporary use of parking trucks in a residential-agricultural district. The property is located between 170 and 183 Sagebrush Valley Road. The applicants would like to use the property to park their trucks. The Planning and Zoning Commission recommends denial of this special use permit with the findings and facts.

In favor-Julia Torres translated for the applicant Yolonda Martinez. Ms. Martinez stated the trucks are usually on site and currently they are in Taos NM. They will be bringing them back to Roswell for a few days and then back to Taos.

Opposed-Brian Tadic of 170 Sage Brush Valley Road stated when they moved to their property it was with the intent of a nice quiet place to live. The property is zoned residential and agricultural not for commercial and trucking.

Commissioner Ezzell asked how large the parcels are. Marlin stated most are 10 acres.

Commissioner Cavin moved denial of Case Z 2017-21 for the special use permit in area II zone A residential-agricultural with the findings and fact. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

Chairman Corn asked Susie Russell to speak. She introduced herself as the Regional Representative for the Economic Development Department for the State of New Mexico which covers eight counties in Southeast New Mexico. Commissioner Cavin stated he hopes she will be working with the task force that has been created for the airport authority.

#### **AGREEMENTS AND RESOLUTIONS**

##### **AMENDMENT NO. 1 TO AGREEMENT A-05-015 BETWEEN THE CITY OF ROSWELL AND CHAVES COUNTY JOINT POWERS AGREEMENT ESTABLISHING PVRCC**

Stan Riggs County Manager stated this amendment reflects the current operations of the PVRCC. This cleans up what is actually happening in that the director is a city employee and gives a clearer evidence of what we are doing. The City of Roswell approved this last week. Commissioner Cavin moved approval of Amendment No. 1 to Agreement A-05-015. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

##### **AMENDMENT NO. 2 TO AGREEMENT A-14-032 BETWEEN CHAVES COUNTY AND LA CASA DE BUENA SALUD TO PROVIDE INDIGENT RESIDENTS WITH PRIMARY HEALTH CARE PREVENTATIVE AND EDUCATION SERVICES**

Stan Riggs County Manager stated this clarifies the dental services the County will reimburse La Casa for providing. The County will no longer pay for root canals and denture replacement would qualify for reimbursement only once in a 10-year period. Commissioner Ezzell moved approval of Amendment No. 2 to Agreement A-14-032. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

##### **AMENDMENT NO. 1 TO AGREEMENT A-17-022 BETWEEN THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA), ANIMAL PLANT HEALTH INSPECTION SERVICE (APHIS), WILDLIFE SERVICES (WS) AND CHAVES COUNTY FOR A COOPERATIVE WILDLIFE SERVICES PROGRAM**

Stan Riggs stated in July we were not able to fund them in the amount they requested. In November, an additional \$18,750.00 was allocated from the General Fund to bring their funding back up to what was funded in previous years. Commissioner Bilberry moved approval of Amendment No. 1 to Agreement A-17-022. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

##### **AGREEMENT A-17-032 BETWEEN THE GAS COMPANY OF NEW MEXICO AND CHAVES COUNTY GRANTING AN EASEMENT**

Bill Williams stated this will grant the Gas Company of New Mexico a 10-foot easement for the installation of a new gas pipeline along the northwestern 140 feet of the Chaves County Administrative Building. Commissioner Cavin moved approval of Agreement A-17-032. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

##### **AGREEMENT A-17-033 BETWEEN CHAVES COUNTY AND F & H INVESTMENTS, LLC FOR LEASE OF BUILDING LOCATED AT 110 E. MESCALERO RD.**

Stan Riggs stated Chaves County rents this building from F & H investments and subleases to La Casa. La Casa pays the County \$6,000.00 per month and the County will absorb the increase in rent this year. The County will pay \$5,000.00 per month. The County can terminate with a 90-day notice. Commissioner Cavin moved approval of Agreement A-17-033. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

##### **RESOLUTION R-17-045 ADOPTING REQUIRED COMMUNITY DEVELOPMENT BLOCK GRANT POLICIES AND CERTIFICATION FOR THE TOBOSA BUILDING ADDITION PROJECT**

George Hunt stated staff requests approval of the citizen participation plan, fair housing resolution or proclamation, residential anti displacement and relocation assistance plan, the section 3 plan and the procurement code. These are required to qualify for CDBG funding. Commissioner Cavin moved approval of Resolution R-17-045. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

**RESOLUTION R-17-046 FINAL DISPOSITION FOR 2017 ROAD MAINTENANCE APPLICATION #1 WRANGLER ROAD**

Bill Williams stated Chaves County Road Department reports Wrangler Road from Pine Lodge North approximately three quarters of a mile meets the stipulation for acceptance of the County Road and requests permission to place on the Chaves County Atlas and accept maintenance responsibility. Commissioner Bilberry moved approval of Resolution R-17-046. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

**RESOLUTION R-17-048 SUPPORTING THE FORMATION OF A REGIONAL AIRPORT AUTHORITY**

Stan Riggs stated this Resolution is in support of the City of Roswell and the React Task Force efforts to create a regional airport authority. This will require a change to New Mexico Law. Chaves County supports this effort. Former Senator Jennings spoke on behalf of the task force. Commissioner Cavin moved approval of R-17-048. Commissioner Bilberry seconded the motion. Commissioner Ezzell asked if the authority is formed will title to the property be transferred to the authority. Mr. Jennings stated its his understanding the property would remain the City's. Chairman Corn stated this is the biggest job opportunity he's seen in his adult life. A voice vote was unanimous and the motion carried.

**RESOLUTION R-17-049 DELETION OF PROPERTY & PROPOSED DISPOSITION**

Lucia Serrano stated on November 7, 2017 Chaves County held a public online auction. The website is govdeals.com. The county sold seven vehicles that were declared obsolete. The vehicles belonged to the Sheriff's Department. The amount collected was \$6,065. Approval of the resolution will allow staff to remove the attached inventory and send items to the public online auction except for asset # 6604 a 1995 Chevy utility truck due to the road department having use for the truck. Chaves County will begin conducting the online auctions on January 29, 2018. Commissioner Cavin moved approval of Resolution R-17-049. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

**OTHER BUSINESS**

**APPROVE JOB SPECIFICATION FOR FLOOD CONTROL ADMINISTRATOR**

Stan Riggs stated the Flood Commissioner has requested an update for the Flood Control Administrator position specification to reflect the positions current duties. The Human Resources Director has reviewed the Flood Control Administrator Specification and has made some modifications. Commissioner Ezzell asked what the changes are. Stan stated inventory of heavy equipment, assign scheduled maintenance, prepare monthly and annual fuel usage and mileage reports and prepare the budget. Commissioner Ezzell moved approval of the Job Specification for Flood Control Administrator. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

**APPOINT A MEMBER TO THE SOUTHEASTERN NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT/COUNCIL OF GOVERNMENTS BOARD**

Stan Riggs stated this is the business member since Mr. Hubert Quintana is no longer able to serve. Staff is recommending Mr. Jon Hitchcock and he has indicated he is willing to serve in the position. Commissioner Cavin moved approval of Mr. Jon Hitchcock's appointment. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

**TERMINATION OF LEASE AGREEMENT A-08-002 BETWEEN CHAVES COUNTY AND SOY MARIACHI INC. FOR BUILDING LOCATED AT 1120 S. GRAND**

Stan Riggs stated after we had the hail storm in May Bill Williams and George Libby went out and looked at all our buildings and sent a letter to SOY about fixing the roof since the roof suffered quite a bit of damage. We met with Mr. Villegas In July and found out they had not purchased the insurance they were required to purchase according to their lease. In November, the City of Roswell notified us that the building and the property around it were in violation of the City Code because of the weeds. Mr. Villegas stated they simply forgot about the building insurance and would clean up the property this weekend. The building is not insurable now but a fire policy can be purchased for the building. Mr. Villegas asked the Commissioners if they would allow them to stay till June and they would have the roof fixed by then. Commissioner Cavin stated many of his students participated in this program and he knows it's a good program but one thing we have to take into consideration as commissioners is that the property is something we are responsible for and we need to make sure it's insured and kept up so we don't receive complaints from the City of Roswell. Stan stated if we did the repairs our insurance would have to pick up the cost which would be about \$18,000.00. The deductible would be \$2,500.00-\$5,000.00. Mr. Villegas stated he would pay for the deductible out of his pocket. Commissioner Ezzell asked if we had a policy that covered this building. Stan stated it's not specifically listed but sometimes the association will look at other structures the County owns. Stan stated there is a recording studio in the building that the state contributed money for. Commissioner Ezzell stated paragraph 10 prohibits the lessee from assigning or subleasing any portion of the premises. Mr. Villegas stated it was their understanding they could not sublease the building to another business. Commissioner Cavin moved to table. Commissioner Ezzell seconded the table with an amendment conditioned on the lessee's compliance with the applicable city ordinances and make an effort to repair the roof and other necessary repairs and report to the County monthly on the progress. Chairman Corn stated we can't do all of that on a tabling motion and as the chairman he ruled that we need to vote on the tabling motion up or down. If it fails then a motion can be made to deal with the matter. The tabling motion failed unanimously. Commissioner Ezzell moved denial of terminating lease for Agreement A-08-002 on the condition that the lessee obtain insurance, comply with applicable City Ordinances with respect to the condition of the property, make an effort to obtain funding for the necessary repairs to the building and report on the progress to the Commission monthly. Commissioner Cavin seconded the motion. Stan stated he didn't think they could obtain insurance for the building until the roof is fixed. Mr. Villegas stated he would purchase a fire policy now and when the roof is fixed he would add the wind and hail policy. A voice vote was unanimous and the motion carried.

#### **PERMISSION TO PUBLISH TO AMEND ORDINANCE O-060 REVISION NO.2 TO ADOPT THE 2017 NEW MEXICO ELECTRICAL CODE**

Bill Williams stated this is a request to publish for a public hearing to amend Ordinance number 60. This amendment if approved would refine section 1 of Ordinance 60 revision number 2 which is commonly referred to as the Chaves County Building Code. The revisions would adopt the 2017 New Mexico Electrical Code. The new code goes into effect in the State of New Mexico February 1, 2018. Commissioner Cavin moved approval for permission to publish to amend Ordinance O-060 revision No. 2 to adopt the 2017 New Mexico Electrical Code. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

#### **APPROVE THE 2018 CHAVES COUNTY ANNUAL ROAD HEARING SCHEDULE**

Bill Williams stated we are submitting the proposed schedule for the 2018 Chaves County Annual Road Hearing which will start off with the publication in the newspaper on December 27<sup>th</sup> and January 14<sup>th</sup>. The applications will be available with the same timeline as usual. Commissioner Ezzell moved approve of the 2018 Chaves County Annual Road Hearing Schedule. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

#### **REQUESTING APPROVAL FOR THE 2018 ANNUAL EMS FUND ACT APPLICATIONS AND SERVICE REPORTS ON BEHALF OF THE BERRENDO, MIDWAY, AND SIERRA VOLUNTEER FIRE DEPARTMENTS**

Georgianna Hunt requested approval of the annual EMS Fund Act Applications. East Grand Plains Volunteer Fire Department chose to opt out this year. Commissioner Ezzell asked about the opt out. Georgianna Hunt stated the amount of money they receive is based on the level of service they provide. East Grand Plains provides basic services like CPR. They don't provide paramedic level services so the

amount of money they were receiving is about \$3,000.00 per year and with the fee's the department of health has been assessing against vehicle services they end up sending most of it back. Commissioner Bilberry moved approval of the 2018 Annual EMS Fund Act Applications and Service Reports. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

#### **APPROVAL OF CHECKS**

Commissioner Ezzell moved approval of checks in the amount of \$1,644,571.12. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

#### **APPROVAL OF REPORTS**

Commissioner Bilberry moved approval of reports. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

#### **UNSCHEDULED COMMUNICATIONS**

Charlotte Andrade thanked the Commissioners for working with SOY Mariachi. She stated she's been a part of this program for about 12 years.

Rita Kane Doerhoeffer said today's newspaper stated we need \$474,326.00 for the courthouse elevator project. She stated walking up the ramp with 2 new hips, a new knee and a drop foot is a challenge for her. She also stated we are now keep Chaves County Beautiful and in order for Keep America Beautiful to recognize them they need a letter from the highest ranking official or a Resolution.

Larry Connolly stated the meeting should be changed from a morning meeting to an evening meeting to bring more people in. Merry Christmas and Happy New Year. You've done a wonderful job this year.

#### **COMMISSIONER'S COMMUNICATIONS**

Commissioner Bilberry thanked everyone for their hard work. It was a privilege to see all the County Employees this morning. Thanks to Rita for the small package and banana nut bread. Merry Christmas and Happy New Year to everyone.

Commissioner Ezzell stated it was nice to see our employee's recognized. He wished everybody a Merry Christmas and asked if anyone could name all of Santa's 10 reindeer.

Commissioner Cavin stated it's been a privilege working with you guys and to serve the citizens of Chaves County. He also stated he was overly excited when he saw the announcement from Congressman Pearce that one of our own here in Chaves County Joel Carson has been nominated to be a Federal Appellate Judge. God Bless America. Merry Christmas and Happy New Year.

Commissioner Corn stated the January meeting will need to be moved because the Association of Counties Meetings. It appears part of our discussions next year will be on endangered species. I'm hopeful in 2018 we can get past LWC and ACEC. We still haven't heard a response to our earlier vote about violating the Chaves County Land Use Plan. Stan stated we found out at the Chaves County Land Council that the plan is back in Carlsbad being updated and they would get it to us as fast as they can. Merry Christmas and Happy New Year. Please don't drink and drive.

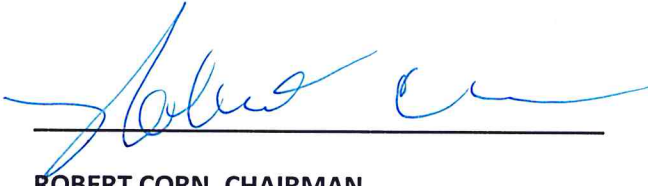
#### **MANAGER'S COMMUNICATIONS**

Stan Riggs stated George Libby is now on the Keep Chaves County Beautiful Board. At the next meeting, the Open Meetings Act Resolution will be adopted and we will choose a chairman and elect officers. The next meeting was scheduled for January 23<sup>rd</sup>. Comments have been submitted to the BLM and the State Land Office on the land swap. Our comments predominately covered BLM land that may go to State Trust Lands. We have roads that cross those lands and don't want to pay for a permit to cross State Trust Lands with roads that we already maintain. We've had a really good year. We are going to have some challenges that we didn't have this year that have come up. Increased costs that we weren't prepared to handle such as increased water costs at the jail. We are going to have some other issues with

PILT and SRS. PILT is fully funded but we don't know where SRS is and what actual effect it has on PILT.  
Happy New Year and Merry Christmas to everybody.

The meeting was adjourned at 11:15 A.M. pending the signature of documents.

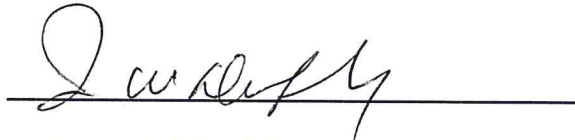
**CHAVES COUNTY BOARD OF COMMISSIONERS**



**ROBERT CORN, CHAIRMAN**



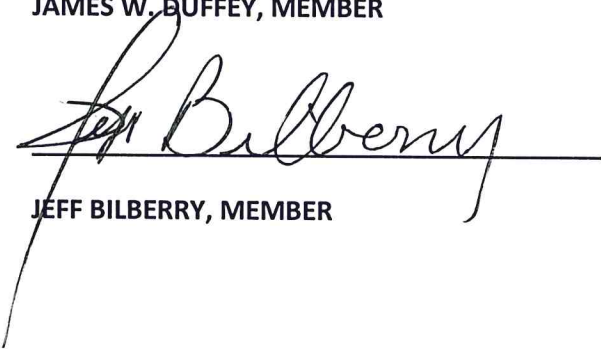
**WILLIAM E. CAVIN, VICE CHAIRMAN**



**JAMES W. BUFFEY, MEMBER**



**T. CALDER EZZELL JR, MEMBER**



**JEFF BILBERRY, MEMBER**

**ATTEST:**



**JEFF ORTEGA, CHIEF DEPUTY CLERK**

