



**JANUARY 23, 2018**

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. Commissioner Cavin led the pledge and Commissioner Bilberry led in prayer. Those present were Commissioners Bilberry, Duffey, Ezzell, Cavin and Corn. Also present were County Manager Stan Riggs, Public Services Director Bill Williams, Sheriff Britt Snyder, Assessor Mark Willard, Finance Director Joe Sedillo, County Clerk Dave Kunko, news media, staff and guests.

#### **MINUTES**

Commissioner Ezzell moved to approve the Minutes from December 21, 2017. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

#### **ELECTION OF OFFICERS**

Commissioner Ezzell moved to nominate Commissioner Corn as Chairman and Commissioner Cavin as Vice Chairman. Commissioner Bilberry seconded the motion. There were no other nominations. A voice vote was unanimous and the motion carried. Commissioner Ezzell will replace Commissioner Duffey on the Budget Committee and Commissioner Duffey will replace Commissioner Ezzell on the Detention Committee.

#### **PRESENTATION**

Sandra Barraza, the Chaves County Extension Agent gave a presentation on the Extension Office. She stated the binder given to the Commissioners is her report for their last fiscal year which ended on September 30, 2017. She mentioned that the Extension Program in Chaves County started in 1917. Their goals have been to improve the quality of life through programs and research. Some of the programs offered are Master Gardener, Nutrition, Health and Exercise, Diabetes Programs and Pesticide Licensing. The 4H programs include Shooting Sports, Firearms Safety, Archery, Non-traditional school programs, "Cows and More" and Agricultural Education. She mentioned the Pecan Weevil was found in Lea, Chaves and Eddy Counties. These areas are being treated. Commissioner Duffey asked about the economic impact. She stated there have been no figures yet as to the economic impact. This problem is much worse in Texas. They are working hard to keep the weevil from moving West. Chairman Corn thanked her for their cleanup efforts at Memorial Lawn Cemetery.

#### **PUBLIC HEARINGS**

#### **AMENDMENTS TO ORDINANCE O-060 REVISION NO. 2 ADOPTING THE 2017 NM ELECTRICAL CODE**

Bill Williams stated this is a public hearing to address possible changes to Ordinance O-060. This amendment is to Section 1 of Ordinance O-060. The change would replace the 2014 New Mexico Electrical Code with the 2017 New Mexico Electrical Code. The State of New Mexico adopted the new Electrical Code and if approved it will go into effect February 1, 2018 in Chaves County. Chairman Corn opened the hearing to public Comment.

IN FAVOR: NONE

AGAINST: NONE

Commissioner Cavin moved to approve Revision No. 2 to Ordinance O-060 adopting the 2017 New Mexico Electrical Code. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

#### **SUBDIVISION CASE SD 2017-08 VACATION OF RIGHT OF WAY IN NORTHERN HEIGHTS REDIVISION**

Marlin Johnson stated this vacation request would vacate the portion of Dutch Harbor Avenue located North of Old Clovis Highway and South of Nome Street between lots 4 and 5 of Northern Heights Redivision. He stated there has never been a road here and there appears to be no need for the County

to have this Right of Way. The ETZ Commission recommended approval with the stipulations and findings of fact. Chairman Corn opened the hearing to public comment.

IN FAVOR: NONE

AGAINST: NONE

Commissioner Bilberry moved to approve Case SD 2017-08 with the stipulations and findings of fact. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

#### **CASE Z 2017-20 VARIANCE IN AREA II ZONE A RESIDENTIAL/AGRICULTURAL**

Marlin Johnson stated this variance is a request to allow a structure within the front yard setback. The request is for a front porch that would extend within 28 feet of the front property line versus the required setback of 50 feet. The Planning and Zoning Commission continued the matter when first heard in December as the trucking operation at this property was still in violation. They passed it on to the Board of Commissioners with a recommendation to approve or deny based on the status of the trucking operation and subject to the conditions and findings of fact in the staff review for either option. Marlin stated the trucking operation is still in operation so the recommendation is to deny the variance. Chairman Corn opened the hearing to public comment.

IN FAVOR: Claudia Olivas stated the trucks only park occasionally at this location and they are primarily kept in Carlsbad. She asked why their neighbor was approved when he also has heavy machinery. Marlin stated the neighbor has a Currier and Business Delivery service and there have been no complaints. Chairman Corn stated they have been in many times for a trucking operation issue that has lasted 3 years. They should understand there are Zoning Ordinances that need to be followed, and yet they built a porch without checking. They must follow the rules. Ms. Olivas stated the Chairman was being racist and she left the meeting.

AGAINST: NONE

There was discussion about building 2 structures without a permit and giving them ample time to relocate the trucking business. Marlin stated if not approved the porch would need to be removed. Mr. Riggs stated the County would be filing charges in Magistrate Court this week. Commissioner Duffey moved to allow the variance with the stipulations and findings of fact. He said the court case should take care of the trucking business. Commissioner Cavin seconded the motion and stated it was really unfortunate that racism was brought up. A voice vote was unanimous and the motion carried.

#### **CASE Z 2017-23 VARIANCE IN AREA II ZONE A RESIDENTIAL/AGRICULTURAL**

Marlin Johnson stated the applicant is requesting a variance to allow a front porch that will extend within 26 feet of the property line versus the 50 feet required setback. The Planning and Zoning Commission recommended approval with the stipulations and findings of fact. Chairman Corn opened the hearing for public comment.

IN FAVOR: James Rose spoke in favor of the variance.

AGAINST: NONE

Commissioner Cavin moved to approve Case Z 2017-23 with the stipulations and findings of fact. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

#### **AGREEMENTS AND RESOLUTIONS**

##### **RATIFICATION OF AMENDMENT #1 TO AGREEMENT A-17-019 WITH DFA FOR LOCAL DWI GRANT**

Lucia Serrano stated this is a Ratification of Amendment #1 to Agreement A-17-019 with DFA. The DWI Council awarded the reverted distribution funding from FY 2017 to the Chaves County DWI Program. The amount of \$14,926.00 will be added to the competitive grant for FY 2018. The total for the grant for FY 2018 is 49,926.00. Commissioner Ezzell moved to ratify Amendment No. 1 to



Agreement A-17-019. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

#### **AGREEMENT A-17-027 WITH NM AGING AND LONG-TERM SERVICES**

Georgianna Hunt stated staff requests approval of this agreement with New Mexico Aging and Long-Term Services for appropriation #16-A5010 in the amount of \$43,700.00 for purchasing and equipping a vehicle for the Hagerman/Dexter Senior Center in Hagerman. Commissioner Bilberry moved to approve Resolution R-17-027. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

#### **AGREEMENT A-17-028 WITH NM AGING AND LONG-TERM SERVICES**

Georgianna Hunt stated staff requests approval of this agreement with New Mexico Aging and Long-Term Services for appropriation #16-A5011 in the amount of \$43,700.00 for purchasing and equipping a vehicle for the Lake Arthur Senior Center. Commissioner Ezzell moved to approve Agreement A-17-028. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

#### **AGREEMENT A-17-029 WITH NM AGING AND LONG-TERM SERVICES**

Georgianna Hunt stated staff requests approval of this agreement with New Mexico Aging and Long-Term Services for appropriation #16-A5012 in the amount of \$300,200.00 for purchasing and equipping vehicles for the Roswell Senior Center. Commissioner Cavin moved to approve Agreement A-17-029. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-18-001 & R-18-002 NOTICE FOR PUBLIC MEETINGS – CHAVES COUNTY BOARD OF COMMISSIONERS AND CHAVES COUNTY INDIGENT HEALTH CARE BOARD**

Stan Riggs explained that Resolution R-18-001 is notice for public meetings for the Board of Commissioners and Resolution R-18-002 is notice for public meetings for the Indigent Hospital/Health Care Board (IHC). Both meetings will continue to be on the 3<sup>rd</sup> Thursday of each month. Commissioner Ezzell moved to approve Resolutions R-18-001 and R-18-002. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-18-003 BUDGET ADJUSTMENT RESOLUTION**

Anabel Barraza stated that the Finance Department had performed the end of year variance report and is requesting budget adjustments for the attached list of line items to ensure positive budget balances. Commissioner Bilberry moved to approve R-18-003. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

#### **OTHER BUSINESS**

#### **LETTER OF SUPPORT FOR XCEL ENERGY CERTIFIED SITES PROGRAM**

Mr. Riggs stated the Roswell/Chaves County Economic Development Corporation has requested a letter from the Commission in support of the Xcel Energy Certified Sites Program. Commissioner Duffey moved to approve the letter of support. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

#### **REQUEST FOR OUT OF STATE TRAVEL – ASSESSOR'S OFFICE**

County Assessor, Mark Willard requested out of state travel for Bud Hewett and Jemima Melendez to attend the ESRI Regional User's Group Conference in Bloomfield Colorado. There is a software upgrade he would like them to get familiar with prior to the County making the change. Commissioner Cavin moved to approve the Out of State Travel. Commissioner Bilberry 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 \$2,234,607.93. 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 Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

## **UNSCHEDULED COMMUNICATIONS**

Larry Connolly spoke about getting people educated on MOA's.

Randy Robertson stated he would like to have Chaves County consider the OHV Ordinance like the one passed by the City of Roswell. Chairman Corn stated we made a promise to Mr. Robertson that the County would take a look at this request once passed with the City of Roswell. He stated it should start with the Roads Committee and go from there.

## **MANAGER'S COMMUNICATIONS**

Mr. Riggs stated that he has a copy of the UTV Ordinance from Randy and has sent it to the Department Heads that will be involved. He has received responses back from the Department Heads and they are ready to go to the Committee. The next Commission Meeting will be on February 15<sup>th</sup> and we will be back on the Thursday schedule. Last week was the NMAC Meeting in Santa Fe. He stated he got sick and had to return to Roswell. Chaves County did receive another Audit Award and he gave credit to the Finance Department and all entities involved. He thanked those from Chaves County that went up and accepted the award. He stated we are in the middle of Road Requests and some applications have been received. County residents have until February 8<sup>th</sup> to make application. We have received notice on DWI funding and it is \$50,000 to \$55,000 lower than last year. We have not received any information on the DWI Grant. We will have a closed session at the end of the meeting today.

## **COMMISSIONER'S COMMUNICATIONS**

Commissioner Cavin stated it has been a good start to 2018. It is a pleasure to work with this Commission. He attended some good meetings in Santa Fe. It appears as though Economic Development is heading in a good direction. God bless America.

Commissioner Bilberry thanked Sandra Barraza for the County Extension Report. It has been a pleasure to be a part of this Commission and he looks forward to a great 2018.

Commissioner Ezzell congratulated the Chairman and Vice Chairman getting re-elected. He thanked the county staff. He hopes everyone has a successful and prosperous 2018.

Commissioner Duffey appreciates the County Employees, congratulated them on the Audit Award and said Chaves County Employees are always on their "A" game and are the envy of other Counties.

Chairman Corn stated we have new auditors and a new very large audit report. The New Mexico Legislative Session is under way. A bill proposing a change in the airport governance should be dropped today. He mentioned he had a bill set up to give our Judges a little more leeway on conditions of release and allows the Misdemeanor Compliance Program to get involved to give guidance. It is permissive language and does not require them to do anything. There is a fee involved which is one problem the Supreme Court has with the bill. He mentioned going into Executive Session at 10:37a.m.

## **CLOSED SESSION**

Commissioner Duffey moved to go into closed session pursuant to 10-15-1(H)(5) for collective bargaining and 10-15-1(H)(7) to discuss threatened or pending litigation. Commissioner Bilberry

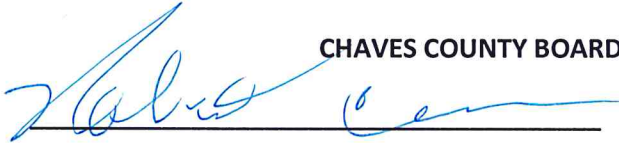


seconded the motion. Commissioners Bilberry, Duffey, Ezzell, Cavin and Corn all voted yes to closing in a roll call vote.


Commissioner Duffey moved to come out of the closed session at 11:28 a.m. and the items discussed in the closed session were limited to those mentioned in the motion for closure and no action was taken. Commissioner Cavin seconded the motion. Commissioners Bilberry, Duffey, Ezzell, Cavin and Corn all voted yes in a roll call vote.

The meeting was adjourned at 11:30 a.m.

CHAVES COUNTY BOARD OF COMMISSIONERS



ROBERT CORN, CHAIRMAN



JEFF BILBERRY, MEMBER

Appeared by phone

T. CALDER EZZELL JR., MEMBER



WILLIAM E. CAVIN, VICE CHAIRMAN



JAMES DUFFEY, MEMBER

ATTEST: 

DAVE KUNKO, COUNTY CLERK

