



MAY 21, 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, Treasurer Charlotte Andrade, Finance Director Joe Sedillo, Assessor Mark Willard, County Clerk Dave Kunko, news media, staff and guests.

MINUTES

Commissioner Cavin moved to approve the Minutes from April 19, 2018. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

AGENDA

Chairman Corn moved item #3 to item #1 with no objection.

PUBLIC HEARINGS

ORDINANCE O-101 PROMOTION OF ECONOMIC DEVELOPMENT AND COMMERCE BY REGULATION OF CERTAIN INVOLUNTARY PAYMENTS REQUIRED OF EMPLOYEES IN CHAVES COUNTY

Chairman Corn asked how many people present were in favor of this ordinance and many raised their hand. He asked how many were opposed and 4 raised their hand. He laid out rules as to how this public hearing would work. He said you will have a chance to speak but if you are repeating something already said you will be cut off. Stan Riggs stated that Ordinance O-101 was properly advertised and it talks about freedom of choice and no Chaves County Employees can be required to join or support a labor organization. It is unlawful to coerce or threaten an employee to join a labor organization. Any agreement that violates this ordinance is declared null and void and enforcement of this ordinance will be conducted by the Sheriff and penalties for violating the ordinance will be a fine up to \$300 or up to 90 days in the Chaves County Detention Center or both.

IN FAVOR – Mary Sheppard, Berle Cain, Candy Spence-Ezzell, Jason Vaillancourt, Steven Despin, Gavin Clarkson, Albert Smith, Yvette Herrell, Lelani Stevens

Items mentioned in favor included; bad experiences with Labor Organizations, giving the worker the right to choose, this does not do away with Unions, will create jobs and is worth billions to New Mexico

AGAINST - Donald Gallegos, Connie Derr, Bobby Baca, Chris Saavedra, Joel Aria, Casey Padilla

Items mentioned against; right to work lowers wages, increases safety issues, this is illegal because we are not a home rule county, Unions do things for all workers

There was discussion on Nova Bus, Glover's Meat Packing and the inability to keep up with high wages. Commissioner Ezzell moved to approve Ordinance O-101. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

AGREEMENTS AND RESOLUTIONS

ORDINANCE O-099 REGULATING THE USE OF OFF-HIGHWAY VEHICLES ON COUNTY ROADS

Stan Riggs stated that if approved this ordinance would allow and regulate the use of off-highway vehicles on County roads and that staff recommended approval. Chairman Corn opened the meeting to public comment.

IN FAVOR: Randy Robertson, Kate Ediger, and Michael Chavez all spoke in favor of the ordinance.

OPPOSED: NONE

Commissioner Duffey moved to approve Ordinance O-099. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

ORDINANCE O-100 APPROVING THE PROJECT AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT ACCEPTING FROM THE NM ECONOMIC DEVELOPMENT DEPARTMENT \$200,000.00 FOR ECONOMIC ASSISTANCE TO SUPPORT CONSTRUCTION AND EXPANSION BY LEPRINO FOODS COMPANY FOR A FROZEN WAREHOUSE FACILITY IN CHAVES COUNTY

Stan Riggs stated that if approved this would allow Chaves County to enter into a Project Participation Agreement (PPA) with Leprino Foods Company for economic development. Staff recommends approval. Chairman Corn opened the public hearing to public comment.

IN FAVOR: NONE

OPPOSED: NONE

Commissioner Cavin moved to approve Ordinance O-100. Commissioner Bilberry seconded the motion. Commissioner Bilberry stated he went on a tour of the facility and it was very impressive. A voice vote was unanimous and the motion carried.

CASE Z 2018-4 VARIANCE IN AREA II, ZONE A, RESIDENTIAL – AGRICULTURAL

Mary Rogers stated the applicant is requesting a variance to allow a manufactured home to be located within 35 feet of the front property line versus the required 50 feet at 95 E. Calusa Road. Staff recommends approval with the conditions and findings of fact in the staff review. Chairman Corn opened the public hearing to public comment.

IN FAVOR: NONE

OPPOSED: NONE

Commissioner Bilberry moved to approve Case Z 2018-4 with the conditions of approval and findings of fact. Commissioner Ezzell seconded the motion. Commissioner Cavin was curious as to the absence of the applicant to speak in favor. A voice vote was unanimous and the motion carried.

CASE Z 2018-3 SPECIAL USE PERMIT IN AREA II, ZONE A, RESIDENTIAL – AGRICULTURAL

Mary Rogers stated the applicant is requesting a special use permit for an agriculturally related trucking business in a Residential – Agricultural District. The Planning and Zoning Commission recommends approval with the Findings of Fact and an additional condition that there be no use of Jake brakes along this stretch of E. Calusa Road. Chairman Corn opened the public hearing to public comment.

IN FAVOR: NONE

OPPOSED: Randy Robertson stated he was not really in opposition he just had a question. He mentioned a case where there was a similar request and one of the individuals was rude to the chairman. The other case was oil field equipment and this case is agricultural, at this point what is the difference? Chairman Corn stated the location is probably the biggest difference. Also in this case the neighbors are not complaining. Commissioner Cavin asked how long the permit was good and if they should look at re-zoning. Mary Rogers stated that should be considered on a case by case basis. It does not fit with the comprehensive plan and cannot be transferred to another owner of the property. Commissioner Duffey asked Joe West if trucks on Calusa Road was a problem. Mr. West stated it could be in the future, because loaded trucks create problems. In the stipulations it limits the number of trucks to 8 and 2 inoperable trucks. In this picture from today there are 10 and 2. Commissioner Duffey stated it sounds like there are issues already. Chairman Corn stated that we need to define what constitutes a truck. Commissioner Duffey moved that maybe we table this and come up with some definitions and reach out to the applicant to make sure they understand they are only allowed 8 and 2 inoperable trucks on the property and if there are more they will be out of compliance and the permit will be pulled at that time. Chairman Corn stated the motion to table takes precedence and called for the vote and the motion to table carried unanimously.

AGREEMENTS AND RESOLUTIONS

AGREEMENT A-18-003 RATIFICATION OF AGREEMENT WITH SOUTHEASTERN NM VETERANS TRANSPORTATION NETWORK

Georgianna Hunt explained this agreement would provide for the lease/use of vehicles to allow the Southeastern NM Veterans Network to continue to provide transportation services to Veterans. Commissioner Bilberry moved to ratify Agreement A-18-003. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

AGREEMENT A-18-011 RATIFICATION OF AGREEMENT WITH NM CHILDREN, YOUTH AND FAMILIES DEPARTMENT

Lucia Serrano stated Chaves County was awarded \$206,046.00 for 6 programs under the Chaves County Comprehensive Strategy Board. Staff recommends ratification of the agreement. Commissioner Ezzell moved to Ratify Agreement A-18-011. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

RESOLUTION R-18-011 AUTHORIZING THE SUBMISSION OF THE 2018 CDBG APPLICATION

Georgianna Hunt explained that this resolution would authorize the submission of a 2018 CDBG Application to NMDFA for the Chaves County Courthouse Elevator Project. This resolution also authorizes Chairman Corn to be the Chief Executive Officer and authorized representative in all matters pertaining to the County's participation in the Community Development Block Grant. Commissioner Duffey moved to approve Resolution R-18-011. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

RESOLUTION R-18-012 DELETION OF PROPERTY AND PROPOSED DISPOSITION

Lucia Serrano stated this resolution would allow staff to remove the attached inventory and send the items to public auction. Chairman Corn stated it will be interesting to see what we get for the mobile home. Commissioner Bilberry moved to approve Resolution R-18-012. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

RESOLUTION R-18-013 ACTION TAKEN ON ALL 2018 REQUEST FOR ROAD VACATIONS

Bill Williams stated that the Chaves County Commission held a public hearing on the 2018 Road Vacation Requests on April 19, 2018. The roads were viewed and inspected by the Commission on April 23, 2018. At this time, the Commission needs to decide as to the disposition of the 2018 Road Vacation Applications.

Application #2 was from Cliff Waide for 1.54 miles of Chickasaw Road. Commissioner Duffey moved to approve the vacation. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

Application # 4 was from BNSF for .45 miles of Chickasaw Road. Commissioner Bilberry moved to approve the vacation. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

Application #6 was from Tom Conlee for .26 miles of East Mescalero Road. Commissioner Cavin moved to not vacate and keep the right-of-way and have the berm cleared up by Mr. Nesselrodt. Commissioner Bilberry seconded the motion. Commissioner Ezzell stated he has learned that his law firm has an active file for one of the interested parties and stated he would not participate in the debate or vote on this matter. Commissioner Duffey recused himself from the discussion and voting because it would be a conflict of interest because of one of the parties in this matter. Mr. Riggs asked if this motion and second included removal of the berm and trees. The Commissioners confirmed that it was to not vacate and clear the right-of-way. A voice vote was 3 to 0 and the motion carried.

Application # 10 was from Chaves County for .45 miles of Raleigh Road. Commissioner Duffey moved to approve the vacation. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

Application # 11 was from Chaves County for .26 miles of Pack Road. Commissioner Cavin moved to approve the vacation. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

Application # 12 was from Chaves County for .5 miles of Joy Road. Commissioner Cavin moved to approve the vacation. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

Application #13 was from Chaves County for .59 miles of Gloria Road. Commissioner Cavin moved to approve the vacation. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

Applications #14, #15 and #16 were from Chaves County for .15 miles of Sharon Road, .81 miles of Tabitha Road and .15 miles of Ursula Road respectively. Commissioner Duffey moved to approve the vacations of these roads. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

RESOLUTION R-18-014 APPROVAL OF BUDGET INTERIM FY 2018/2019

Joe Sedillo stated the departmental budgets were reviewed with elected officials and department heads then submitted to the Board of County Commissioners at a workshop on Thursday, May 10th, and the budget document was amended and is being presented in its revised form. Commissioner Ezzell moved to approve the interim budget. Commissioner Duffey seconded the motion. Chairman Corn asked about the bottom line including the PERA liability that is included in our budget. Mr. Sedillo stated 70 million. Commissioner Ezzell asked what the turnaround time is on the budget from DFA. Mr. Sedillo stated three to four weeks. A voice vote was unanimous and the motion carried.

ITB'S AND RFP'S

RFP-18-1 DWI PROGRAM SERVICES

Sandra Rodriguez stated this proposal is for DWI Program Services for Chaves County. She recommended award based on highest ranking offeror for each of the programs. ASPEN, WFL, Serenity Counseling, Chaves County DWI Program, Roswell Refuge, Chaves County CASA and DWI Prevention, Diane Taylor were recommended for award. Commissioner Cavin moved to approve RFP-18-1 as recommended by staff. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

RFP-18-2 BANKING SERVICES

Sandra Rodriguez stated this proposal is for Banking Services for the Chaves County Treasurer's Office. Staff recommends the award be made to the highest ranking offeror, Pioneer Bank. Commissioner Cavin moved approval of RFP-18-2 for Banking Services. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried. Sandra Rodriguez thanked the evaluators and vendors.

OTHER BUSINESS

APPROVE JOB SPECIFICATIONS FOR SAFETY AND COMPLIANCE MANAGER

Stan Riggs stated this item is for the approval of job specifications for a Safety and Compliance Manager. Historically we have always had a Safety Officer and had left the position unfilled. We are bringing back the position, changing the title and modifying the job description. Commissioner Bilberry moved to approve the job specifications and new title for the Safety and Compliance Manager. 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 \$1,985,006.33. 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

Rita Kane-Doerhoefer thanked everyone for their hard work and said Go Cubs.

Larry Connolly asked who would approve checks once Commissioner Duffey was gone.

MANAGER'S COMMUNICATIONS

Mr. Riggs stated the Safety Position is a level A not level B. The County will be closed Monday in observance of Memorial Day. June 8th we are scheduled to do the canvas of the Primary Election. June 25th will be the next Regular Commission Meeting. He stated they are working on comments for the response to BLM. He stated there is a new petition to list the lizard again. He thanked the Budget Committee, Joe Sedillo and Anabel Barraza, Bill Williams, Susan Goldstrom, the Elected Officials and Department Heads for a good budget. They have come up with a new road plan that includes a check list to prepare roads for accountability.

COMMISSIONER'S COMMUNICATIONS

Commissioner Bilberry stated let it rain, and thank you for the hard work.

Commissioner Duffey appreciated there was a good turnout for the meeting. He recognized former Commissioner Alice Eppers and wished everyone a happy and safe Memorial weekend.

Commissioner Ezzell thanked everyone for their hard work on the budget. He went into this expecting the worst and got the best. He thanked all those supporting the Right to Work Ordinance.

Commissioner Cavin congratulated Rita Kane-Doerhoefer on the grant they received. He stated the Washington D. C. trip went well with a lot of good meetings. They saw the 911 Memorial which is truly heart breaking. We had a great meeting at NACO. He congratulated Stan on his sons graduation and Joel Carson on his confirmation as Federal Judge in this area. Thank you for a great budget, have a safe weekend and God Bless America.

Chairman Corn stated it is always good to get the budget passed and it is an amazing process. Finance always does a great job. He appreciates the debate earlier in the meeting both pros and cons. He was glad to see two candidates for congress thinking it was important enough to show up. It is important to show up and voice your opinion. He wished everyone a great weekend.

The meeting was adjourned at 11:12 a.m. pending the signature of documents.

CHAVES COUNTY BOARD OF COMMISSIONERS



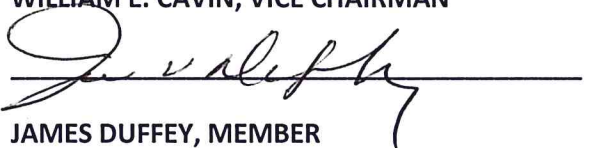
ROBERT CORN, CHAIRMAN



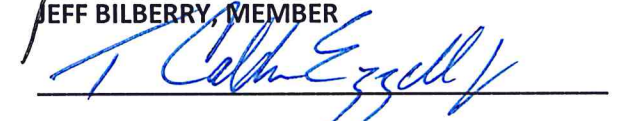
WILLIAM E. CAVIN, VICE CHAIRMAN



JEFF BILBERRY, MEMBER



JAMES DUFFEY, MEMBER



T. CALDER EZZELL JR., MEMBER

ATTEST: 

DAVE KUNKO, COUNTY CLERK

