



STATE OF NEW MEXICO, COUNTY OF CHAVES
FILE FOR RECORD OCT 17, 2019 AT 11:56 O'CLOCK A
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Dave Kunko, County Clerk

SEPTEMBER 19, 2019

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 Cavin called the meeting to order at 9:00a.m. Commissioner Ezzell led the pledge and Commissioner Bilberry led in prayer. Those present were Commissioners Bilberry, Dana, Ezzell, Corn and Cavin. Also present were County Manager Stan Riggs, Public Services Director Bill Williams, Sheriff Mike Herrington, Finance Director Joe Sedillo, County Treasurer Charlotte Andrade, County Assessor Mark Willard, County Clerk Dave Kunko, news media, staff and guests.

MINUTES

Commissioner Corn moved to approve the minutes from August 15, 2019. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

PRESENTATION

30 YEAR RETIREMENT PLAQUE MANUAL MEDINA

Chairman Cavin read the plaque and the Commission presented it to Mr. Medina. He received a standing ovation and was congratulated on his accomplishment. Pictures were taken of Mr. Medina with the Commission.

PUBLIC HEARINGS

ORDINANCE #44 UPDATE TO CHAVES COUNTY RIGHT-OF-WAY USE PERMIT ORDINANCE

Bill Williams stated this is a request for Revision #4 to Ordinance #44, the Chaves County Right-of-Way Use Permit Ordinance. The revisions would clarify requirements for repairs to Chaves County Roads after utility cuts are performed. Chairman Cavin opened the public hearing to public comment.

IN FAVOR: James Duffey

OPPOSED: None

Commissioner Bilberry asked if this would cover the issue on Pinelodge Road by the railroad tracks. Bill Williams stated the railroad issues were a totally different matter. Commissioner Corn moved to adopt Revision #4 to Ordinance #44. Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried.

ORDINANCE O-106 FRANCHISE AGREEMENT WITH BERRENDO COOPERATIVE WATER USERS ASSOC.

Bill Williams stated approval of this ordinance would authorize a non-exclusive franchise agreement with Berrendo Cooperative Water Users Association for 25 years to operate and maintain water distribution lines and infrastructure throughout the County and to utilize County Right-of-Ways. Chairman Cavin opened the public hearing to public comment.

IN FAVOR: None

OPPOSED: None

Commissioner Corn moved to adopt Ordinance O-106. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

CASE Z 2019-12 SPECIAL USE PERMIT IN AREA II, AGRICULTURAL-RESIDENTIAL

Bill Williams stated Case Z 2019-12 is a request for a special use permit in Area II, Agricultural/Residential. The request is for a trucking business with no more than 8 tractor trailer rigs. The Planning and Zoning Commission recommended approval with the conditions and findings of fact. Mr. Williams did mention one call protesting the special use permit. Chairman Cavin opened the public hearing to public comment.

IN FAVOR: None

OPPOSED: None

Commissioner Corn asked if this was the area in the County that has many trucking companies. Mr. Williams stated this is in the same area. Commissioner Bilberry moved to approve Case Z 2019-12 for a special use permit in Area II, Agricultural/Residential with the conditions and findings of fact. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

AGREEMENTS AND RESOLUTIONS

AMENDMENT #1 TO AGREEMENT A-18-049 COLLECTIVE BARGAINING AGREEMENT BETWEEN CHAVES COUNTY AND INTERNATIONAL UNION OF POLICE ASSOCIATION

Stan Riggs stated this is Amendment #1 to Agreement A-18-049, the collective bargaining agreement between Chaves County and the International Union of Police Association. The agreement last year was for 2 years, however 2 items can be discussed from each side. The Amendment is for changes to the overtime procedure, holidays, a 2% salary increase and insurance. Both sides recommend approval. Commissioner Corn moved to adopt Amendment #1 to Agreement A-18-049. Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried.

RATIFY AGREEMENT A-19-039 NO. 1 AND RESOLUTION R-19-027 AMENDMENT NO. 1 FOR LGRF FUNDING AGREEMENT WITH NMDOT

Bill Williams stated that the Local Government Road Fund (LGRF) Agreement approved in July had a mathematical error which was corrected by NMDOT. This ratification is for the amendments to the Agreement and Resolution that had the incorrect amounts listed. Commissioner Bilberry moved to approve Amendment No.1 to Agreement A-19-039 and Amendment #1 to Resolution R-19-027. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

AGREEMENT A-19-042 BETWEEN CHAVES COUNTY AND ROSWELL-CHAVES COUNTY ECONOMIC DEVELOPMENT CORPORATION FOR PROFESSIONAL INDUSTRIAL/ECONOMIC DEVELOPMENT SERVICES

Stan Riggs stated this agreement sets forth the terms and conditions for the Economic Development Corporation to perform economic development services for Chaves County. Attachment A is the Scope of Work. The initial term is for 10 months with the ability to extend the agreement for 1-year periods. There is a provision to evaluate the agreement every 6 months. Commissioner Corn moved to adopt Agreement A-19-042. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

RESOLUTION R-19-039 ORDERING THE CHAVES COUNTY ASSESSOR TO IMPOSE THE 2019 CERTIFIED TAX RATES

Stan Riggs stated the Chaves County Commission receives a Certificate of Tax Rates from DFA each year in September. The Commission is required by statute to issue a written order imposing the tax at the rate set on the net taxable value of the property. A resolution ordering the County Assessor to impose the rates must be approved each year. He mentioned it is important to point out that these tax rates are set by the Secretary of DFA and not the County. Chairman Cavin asked the Assessor's office how the rates looked. Ron Lethgo stated they had reviewed the rates, they calculate correctly and appear to be in line. Commissioner Bilberry moved to approve Resolution R-19-039. Commissioner Corn seconded the motion. A voice vote was unanimous, and the motion carried.

RESOLUTION R-19-040 CREATION OF THE 2020 CHAVES COUNTY COMPLETE COUNT COMMITTEE

Stan Riggs stated this resolution if approved would create the 2020 Chaves County Complete Count Committee. P & Z Director Louis Jaramillo will be the chairman of the committee. This resolution will allow the County to access State Funding allocated for the census by the State Legislature. There was discussion about DFA Requirements, a \$25,000 match and the importance of an accurate count. Commissioner Dana stated the Committee is a great group of people that should realize the importance. We have been losing representation in the legislature because we are not growing as fast as other areas of the State. Commissioner Corn moved to approve Resolution R-19-040. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

RESOLUTION R-19-041 REQUESTING APPROVAL TO ADOPT REQUIRED COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL CERTIFICATIONS AND COMMITMENTS

Bill Williams stated the certifications and commitments required by CDBG are Citizen Participation, Fair Housing, Residential Anti-Displacement & Relocation Assistance, Section 3 of the Housing and Urban Development Act, and Procurement. Commissioner Ezzell moved to approve Resolution R-19-041. Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried.

RESOLUTION R-19-042 SUPPORT OF THE UNITED STATES/MEXICO/CANADA AGREEMENT

Stan Riggs stated this resolution is in support of the United States-Mexico-Canada Agreement (USMCA). This agreement is designed to replace NAFTA. The County has already sent a letter to our Congressional Delegation outlining our support of ratification of the USMCA. Commissioner Corn stated the letter was also given to the Whitehouse Staff. Commissioner Corn also stated that if this resolution is approved it should also go to our Congressional Delegation and the Whitehouse. Chairman Cavin stated this is extremely important to our Country. He hopes the NMC Board of Directors will consider a similar resolution at their October meeting. Chairman Cavin read the resolution. Commissioner Corn moved to adopt Resolution R-19-042. Commissioner Dana seconded the motion. Commissioner Ezzell mentioned an amendment to the first "Where as" and changing the word "passed" to "adopted". The amendment was accepted. A voice vote was unanimous, and the motion carried.

RFP/ITB'S**RFP-19-4 DRUG AND ALCOHOL TESTING SERVICES**

Sandra Rodriguez stated this RFP is for drug and alcohol testing services per NIDA/DOT standards. Three companies provided proposals. Staff recommends award to Accurate Testing. Award will constitute a price agreement that will be effective for one year with the option to renew up to three additional one-year terms by agreement of both parties. Commissioner Ezzell moved to award RFP-19-4 to Accurate Testing. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

OTHER BUSINESS**DFA APPROVAL OF FY 2019/2020 FINAL BUDGET**

Joe Sedillo stated the attached letter was received from DFA – Local Government Division indicating its official approval of the final budget for Chaves County for FY 2019/2020. Budgets approved by the Division are required to be made part of the minutes of our governing body according to Section 6-6-5 NMSA 1978. No action is necessary by the Commission.

APPROVAL OF CHECKS

Commissioner Bilberry moved to approve checks in the amount of \$2,167,535.89. Commissioner Corn seconded the motion. A voice vote was unanimous, and the motion carried.

APPROVAL OF REPORTS

Commissioner Corn moved to adopt the reports for the period. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

UNSCHEDULED COMMUNICATIONS

Larry Connolly thanked the Commission for approving an agreement with the Economic Development Corporation. He hopes this will get things moving forward. He stated he is on the Complete Count Committee. They are working hard and talking to civic clubs. They are hoping an accurate count will get the City of Roswell to 50,000.

MANAGER'S COMMUNICATION

Stan Riggs stated we have been working with NMDOT and the Health Department for 3 or 4 years on bike trails. Next month we should have an agreement in front of the Commission with NMDOT outlining their portion of a federal match grant. The bike trails will go out to Bitter Lakes and Bottomless Lakes. There have been a lot of different entities involved in this project. He stated they have also been working on the Sheriff's tower lease with Southwest Communication. The other issue is the Communications for law enforcement. We have finally received a proposal that could end this issue that has been going on for over 2 years. The Finance Committee has agreed to start pursuing this option. The City of Roswell has stated they are on board. They hope to have complete tower coverage of the County. He thanked the employees for their generosity with Pecos Elementary. They have contributed a lot toward the beginning of the school year. The County will also continue the Halloween Carnival.

COMMISSIONERS' COMMUNICATIONS

Commissioner Corn mentioned he and Commissioner Bilberry were in Washington DC for a week. There were many productive meetings primarily on SRS and PILT. He was dismayed by the number of members unaware how SRS and PILT work. Every year and every trip is a fight to get our point across. They met with Whitehouse Staff, the Department of the Interior and the Forest Service.

Commissioner Dana thanked everyone for their prayers and hugs. It has been a rough road. She asked that if you see her daughter Stephanie to give her a hug. This Community does rally around hard times. She thanked Sheriff Herrington.

Commissioner Ezzell thanked everyone for their hard work. He stated to keep up the good work.

Commissioner Bilberry thanked everyone for their hard work. He stated it was a pleasure to go to Washington DC. It was easy to see the relationships that have been cultivated over the years. He mentioned the NEA, Robert Whitener and the Forest Service. Many issues were discussed. There were good meetings, he met a lot of people and he mentioned the Vice President talking about New Mexico.

Chairman Cavin stated this community steps up to tragedy and there is no place like Chaves County. He is sorry he missed the trip to Washington DC. This Administration is listening. They are staying in touch with local government. We are making a difference and we must continue to speak up. He stated he is a new Grand Dad. He also mentioned the Eastern New Mexico State Fair and Parade. He thanked the Sheriff. He stated God Bless America.

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

BOARD OF CHAVES COUNTY COMMISSIONERS

William E. Cavin

 William E. Cavin, Chairman

Jeff Bilberry

 Jeff Bilberry, Vice-Chairman

Dara Dana

 Dara Dana, Member

T. Calder Ezzell Jr.

 T. Calder Ezzell Jr, Member

Robert Corn

 Robert Corn, Member



Dave Kunko

 Dave Kunko
 County Clerk