



NOVEMBER 21, 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 Corn 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 Clerk Dave Kunko, news media, staff and guests.

MINUTES

Commissioner Corn moved to approve the minutes from October 17, 2019. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

PRESENTATION

Chairman Cavin stated Louis Jaramillo received his Certified Floodplain Manager designation from the New Mexico Floodplain Manager's Association. He read a letter from them stating he had met the requirements to become certified. Chairman Cavin presented the certificate to Mr. Jaramillo and his picture was taken with the Commission.

AGREEMENTS AND RESOLUTIONS

AGREEMENT A-19-037 WITH WAIDE CONSTRUCTION CO., INC.

Sandra Rodriguez stated bid ITB-19-2 had been awarded last month to Waide Construction Company for a new metal building addition to the Berrendo Volunteer Fire Department. Commissioner Corn moved to adopt Agreement A-19-037. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

AGREEMENT A-19-038 FOR CHAVES COUNTY COMMUNICATIONS DIGITAL ENHANCEMENT

Sandra Rodriguez stated the County would be purchasing a P25 Digital Conventional with 2 simulcast cells and 5 multi cast sites to cover Chaves County Public Safety Users. \$149,856.16 will come from Capital Outlay Appropriation A 18-C2468 Digital Trunk Radio System and the remaining \$299,630.67 will be from the General Fund making the total cost \$449,486.83. Mr. Riggs stated this has been worked on a long time with the Sheriff's Department. The agreement is with Code 3. The City of Roswell will pay their portion directly to Code 3. The project will be monitored by Bill Williams and Sheriff Herrington. Commissioner Corn moved to adopt Agreement A-19-038. Commissioner Corn added that we have been working on this a long time and we will continue to work on this project. Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried. Commissioner Ezzell asked if this covers the Volunteer Fire Departments. Mr. Riggs stated it covers law enforcement and fire.

Chairman Cavin mentioned the possible move of Dispatch into Area D. Bill Williams explained that some drawings were done in 2016, moving Dispatch to Area D and adding bathrooms. Drain lines have been researched to make sure this is viable. Chairman Cavin stated that during the meeting with Legislators their desire was to keep Dispatch in this building. The Sheriff agreed this building would be the best location. Mr. Williams described the access on the west side of Area D, as well as modifications to the parking lot and access to it from the north and south. The current dispatch is in the Sheriff's secured area and he would like to use it for a Firearm Training Simulator (FATS). This simulator puts deputies through stressful real-life scenarios. It teaches them how and when to react. Mr. Williams also mentioned the exercise trail, training area and current tower location.

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RATIFICATION OF AGREEMENT A-19-043 INTERGOVERNMENTAL SERVICE AGREEMENT

Stan Riggs stated this agreement is with Curry County for adults and juveniles to be incarcerated in Curry County. Chaves County may use Curry County for juvenile detention, but we have no intention of housing adults at this time. Commissioner Corn moved to Ratify Agreement A-19-043. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

RESOLUTION R-19-043 HOLIDAY SCHEDULE FOR 2020

Mr. Riggs stated the proposed holiday schedule for 2020 was attached and staff recommended approval. Commissioner Ezell moved to approve Resolution R-19-043. Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried.

RESOLUTION R-19-044 DELETION OF PROPERTY AND PROPOSED DISPOSITION

Lucia Serrano stated Exhibit A was the list of items to be deleted and sold at auction. She mentioned they have used an online auction for 2 years and it has been very successful. Commissioner Bilberry moved to approve Resolution R-19-044. Commissioner Ezell seconded the motion. A voice vote was unanimous, and the motion carried.

RESOLUTION R-19-045 NEW MEXICO COUNTIES 2020 LEGISLATIVE PRIORITIES

Stan Riggs stated New Mexico Counties (NMC) has requested that all Counties pass a resolution supporting the NMC's Legislative Priorities. Those priorities include reimbursement for housing and transporting State Prisoners, EMS Funding, Law Enforcement Protection Fund, Behavioral Health and PERA Solvency. There was discussion about the enormous cost of these issues passed down to the counties. Commissioner Corn moved to adopt Resolution R-19-045. Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried.

RFP/ITB'S

ITB-19-3 BITUMINOUS SURFACE TREATMENT AGGREGATE

Sandra Rodriguez stated this bid is for bituminous surface treatment aggregate or chip seal material. Three companies provided bids. Staff recommends award to J & H Services, Inc. If J & H is unable to fulfill orders Chaves County has the option to order from the next lowest bid from Constructors, Inc. The agreement is for 1 year with the option for up to 3 additional 1 year terms. Commissioner Corn moved to award ITB-19-3 to J & H Services. Commissioner Ezell seconded the motion. A voice vote was unanimous, and the motion carried.

OTHER BUSINESS

CLOSURE OF CHAVES COUNTY JUVENILE DETENTION CENTER

Stan Riggs stated the County held a public workshop last Tuesday to provide information and receive input regarding the possible closure of the Juvenile Detention Center. NMC and County Managers are pushing for a regionalization of juvenile detention services. Those that have remained open are Lea, Curry, San Juan, Bernalillo, Dona Ana. Santa Fe is currently open but they are discussing closing their facility as well. The power point presentation showed the drop, in juveniles being detained and the high cost of providing this service. There have been discussions with the Sheriff and Detention Administrator on transportation for the juveniles. Should the Commission decide to close the facility, staff would recommend closure being set for Sunday, December 29th. This would give the County time to meet the 30-day notification period and move employees from juvenile detention to adult detention. Staff recommends closing the facility. Commissioner Corn stated this is not an easy decision. Most Counties are getting out of providing this service. The plan is to keep this facility. If a regional facility is

the answer, Roswell might be 1 of the locations. We can get re-certified to provide this service if it is necessary. Commissioner Dana stated that the KOB news last Tuesday showed a committee in Santa Fe discussing the same issue. This needs to be address at the next legislative session. This is a big problem for the entire State. Commissioner Ezzell asked what the affect would be to personnel if the facility was closed. Detention Administrator Clay Corn stated all of the juvenile detention employees were offered positions at the adult detention center. All but 2 of those employees will transfer. Clay Corn stated he understands both sides of the issue and to him it makes more sense to close. Commissioner Ezzell asked about certification. Clay Corn stated they must be able to meet CYFD standards. A team from CYFD would come in to make sure the standards are met, and they certify facilities for 1 year at a time. There was a time when we had 20 to 25 kids. He tried to help them through coaching and sports. Commissioner Bilberry asked about other places to get help. Clay Corn stated there are many programs and agencies involved in prevention. Curry County is very similar in that they provide schooling and other programs. He mentioned the Juvenile Detention Alternatives Initiative (JDAI), which really reduced the number of juveniles in jail and has caused many detention centers to close. There was additional discussion about liability, transportation cost and risk assessment. Commissioner Corn moved to close the juvenile detention center effective December 29, 2019. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

WAIVE ROAD CUT FEE FOR BERRENDO COOP WATER USERS ASSOCIATION, INC.

Bill Williams stated the Chaves County Right-of-Way Use Permit Ordinance requires that road pavement excavations in excess of 24" be approved by the Chaves County Commissioners. This is normally done prior to an excavation, however, Berrendo Water Co-op. was forced to perform an emergency repair to a ruptured water line. The line at North Atkinson and Ladrones Road required an excavation measuring 12' X 18'. The Road Supt., Joe West, set the road cut fee at \$5,160.00. The road was repaired as per Ordinance #44. Berrendo Water Co-op. has a Franchise Agreement with Chaves County, and they provide a valuable service to County residents. Staff recommends waiving the fee. Commissioner Corn moved to waive the permit fee for excavation of N. Atkinson and LaDrones Road. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

PERMISSION TO ADVERTISE A NOTICE OF PUBLIC HEARING TO AMEND THE CHAVES COUNTY ZONING ORDINANCE NO. 7, REVISION NO. 9

Louis Jaramillo stated this is a request to publish a public hearing for amendments to Ordinance No. 7. Proposed for amendment is Article 2, Rules of Construction and Definitions. Proposed for addition to the Ordinance are Article 21, Workforce Camps and Article 22, Recreational Vehicle Parks. Mr. Jaramillo stated the ETZ will also need to be amended. They hope to do that early next year. Commissioner Dana stated she has received calls and this would give the public a chance to voice their concerns. Mr. Jaramillo stated there have already been 3 public meetings and there has been a lot of public input. He stated there are a number of cases on hold until this is completed. Commissioner Corn moved to approve Permission to Publish for Public Hearing Amendments to the Chaves County Zoning Ordinance No. 7. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

APPOINTMENT OF NEW MEXICO COUNTY INSURANCE AUTHORITY VOTING MEMBER AND ALTERNATE

Mr. Riggs stated the New Mexico County Insurance Authority will hold their annual meeting in January. Chaves County needs to appoint a voting member and alternate. Staff recommends appointment of Ron Lethgo, Chief Deputy Assessor. He has held this position before. Recommended for the alternate is Tim Salazar, the Chaves County Safety and Compliance Officer. Commissioner Ezzell moved to approve the appointments as recommended. Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried.

APPROVAL TO PURCHASE PUMPER/TANKER FOR SIERRA VOLUNTEER FIRE DEPARTMENT

Sandra Rodriguez stated Sierra Volunteer Fire Department is requesting approval to purchase a new 2021 Spartan ERV Pumper/Tanker for the fire department. The truck is within budget. The money will come from an appropriation and the fire fund. The specifications have been approved by the State

Fire Marshall. Commissioner Bilberry moved to approve the purchase of a new Pumper/Tanker. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

APPROVAL OF CHECKS

Commissioner Corn moved to approve checks in the amount of \$1,832,649.53. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

APPROVAL OF REPORTS

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

UNSCHEDULED COMMUNICATIONS

County Treasurer Charlotte Andrade stated it was brought to her attention that the Roswell Escrow Office had been closed. They were closed by the New Mexico Regulation and Licensing Department for violations under the Escrow Act. There are approximately 800 accounts through Roswell Escrow totaling \$425,000. The agency has been communicating with her on the status of this situation. A temporary injunction has been filed. A hearing has been scheduled for November 27th. She has received numerous calls from taxpayers using Roswell Escrow. Her office will make every effort to work with them and have let them know penalty and interest will be waived if their payments are late. Chairman Cavin said he understands there maybe another escrow company taking over. Ms. Andrade stated through her discussions that take-over is not confirmed. Mr. Riggs shared there is a hotline number for clients (505) 660-4687. He stated the hearing is in Santa Fe. Clients are advised to not send payments to Roswell Escrow. They can go to a website: www.rld.state.nm.us/financialinstitutions. Commissioner Corn mentioned a gross receipts check that was a 4.74% increase over last year. Joe Sedillo mentioned other variables to come up with a more realistic figure. It was discussed that the overall trend was a 1 to 2% decrease. Mr. Sedillo explained his statement of a false positive. Gross Receipts are way up and production has not increased.

Randy Robertson stated paragraph 2 of Resolution R-19-01 states all meetings should be publicized 10 days prior to the meeting. Paragraph 6 states published in the paper and posted on the bulletin board in the hallway. He stated this meeting and the last meeting were not posted so they are null and void. This is not a legal meeting.

Alice Eppers thanked the Commission for making a tough decision. She thanked them as a taxpayer and stated as Chairman of the DWI Board she said she would be calling to ask for more money.

County Clerk Dave Kunko let the Commissioners know they were in the middle of training on the new Tyler Document Management System. He will be closing his office at 12:00p.m. on Wednesday, November 27th in order to complete the final data transfer. The office will reopen on Monday, December 2, 2019 using the new Tyler software.

Mike Herrington stated he was grateful and thankful for his deputies and First Responders. This has been a crazy month. They have seen a lot of things that people shouldn't see. There have been some terrible accidents and it takes a toll on these individuals. This morning the fog contributed to a roll over accident and then a guy pulling a horse trailer had a roll over which killed his horses. He said be careful and Happy Thanksgiving. Commissioner Corn mentioned newspaper reports that federal agencies are making an effort to coordinate better with local agencies. Sheriff Herrington said they are coordinating with them and he met with HSD, ICE, DEA, ATF and at his request they have brought agents to this area. We need the help with serious crime and dealing with the cartel. These people know what's going on nationwide.

Rita Kane-Doerhoefer stated she worked the polls at the election. The County Clerk's staff was awesome. In the paper there was an article about Walk for Hope. Keep Chaves County Beautiful has

stepped up to the plate and will handle all there trash in May. She sent an email in reference to the Juvenile Detention Center.

Mike Espiritu with the Economic Development Corporation thanked the Commission for choosing to be elected officials. It is not an easy job and tough decisions have to be made. At the Capital Outlay Meeting the importance of the projects and specifically the role of the airport and the great opportunity that exists. He stated he is encouraged by the County's willingness to work with the City of Roswell and others. He thanked Stan Riggs for his help and support. He said Happy Thanksgiving.

MANAGER'S COMMUNICATION

Stan Riggs stated we would be closed next Thursday and Friday in observance of Thanksgiving. He thanked the volunteer fire departments for their assistance in a horrendous wreck. It was a very tragic accident. He thanked all the first responders. Please be safe over the holiday. Please do not drink and drive. They will begin the closure procedure on the Juvenile Detention Center.

COMMISSIONERS' COMMUNICATIONS

Commissioner Corn mentioned he would be on a phone call with fellow Commissioners from the Western Region for an update on the status of PILT and SRS. He understands that PILT may have found a home and SRS does not seem to be on anyone's list. This collective group of Commissioners are going to see what we can do. He will be in Santa Fe on December 3rd for the Legislative Conference planning meeting. On a sad note the Secretary of the Interior will not be able to attend the meeting. He hopes everyone has a safe Thanksgiving. One more meeting this year. Hopefully it won't be as tough as today. He doubts they are in violation of any open meeting clauses.

Commissioner Dana stated a tough decision was made today. She thanked those that provided input. Hopefully Santa Fe is listening and observing what is happening in the juvenile system. She mentioned the Victoria Martin case and that people are mad. The first thing she asks people is "did you vote?" The way to make changes is through voting. We need to pay attention to how our legislators are voting as well. She thanked the County employees. She thanked the Sheriff. Chaves County is a great place to live. Happy Thanksgiving.

Commissioner Ezzell echoed Commissioner Dana. He corrected Commissioner Dana on one point. New Mexico is not last on everything, they are 3rd in oil production. This gives us the ability to fix many things in our State. One of the victims of the Brown Road accident was the recently crowned Chaves County Fair Queen. We will be awarding her tiara and buckle posthumously. His prayers and thoughts go out to her family.

Commissioner Bilberry wanted to recognize all the law enforcement and first responders. He understands the trauma they go through. We all must work together to get the job done. It can be thankless at times. This was a tough decision we made today. This topic kept him up at night thinking of all the implications and how it affects those involved. We must continue to reach out and show them there is a better life. Remember those struggling this time of year and pray for them.

Chairman Cavin stated all the comments made by the Commissioners, hit close to home. He truly appreciates all of the hard work put in by the people of Chaves County. He mentioned they are currently in meetings in Washington D.C. dealing with energy and natural resources. Hopefully things will get accomplished. Representative Rhem is putting a bill together addressing crime in New Mexico. The mother of 2 of our State Police Officers got gunned down in Albuquerque. Something has to be done. He wished everyone a blessed Thanksgiving. Please pray for our first responders and military. He closed with God Bless America.

Commissioner Corn mentioned a letter from a Ms. Gray requesting communication with someone. She left no contact information. He would like to talk to her and shares her concerns on some of our roads. Mr. Riggs stated he received a letter and is responding. Woodbine will be resurfaced in the spring, along with part of Graves Road.

The meeting was adjourned at 11:04a.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