

JUNE 18, 2020

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

MINUTES

Commissioner Corn moved to adopt the minutes from May 1, 2020, May 14, 2020 and May 21, 2020. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

PUBLIC HEARING

2020 CHAVES COUNTY ANNUAL ROAD HEARING

Bill Williams stated they received 14 applications for the 2020 Chaves County Annual Road Hearings. This public hearing is to receive any public input in reference to the requested road applications. Seven of the applications were for maintenance status changes. Two were for new roads and the final 5 were for road vacations. Tuesday, March 9, 2020 the Chaves County Board of Freeholders viewed the roads.

MAINTENANCE STATUS CHANGE REQUESTS

Paul Avenue

Mr. Williams stated the applicant is asking Chaves County to assume maintenance of approximately 1,750 feet of Paul Avenue. The freeholders recommended approval. Chairman Bilberry opened the public hearing to public comment.

In Favor: None Opposed: None

El Rosal Street, El Arco Way, Los Padrinos Road

Bill Williams stated these next 3 roads are in the Buena Vida Subdivision. The applicant is asking Chaves County to assume maintenance of approximately 2220 feet of El Rosal, 1090 feet of El Arco Way and 350 feet of Los Padrinos. The freeholders recommended approval on all 3 roads. Chairman Bilberry opened the public hearing to public comment.

In Favor: Neil Roe, Nilda Balderston, Pat Clark and Andrew Armendariz

Opposed: None

Larry Drive, Allen Avenue, Suzanne Drive

Bill Williams stated these 3 roads are in the Sun Valley Subdivision. The applicants are asking Chaves County to assume maintenance of approximately 1050 feet of Larry Drive, 1162 feet of Allen Avenue and 490 feet of Suzanne Drive. The freeholders recommended approval of all 3 roads. Chairman Bilberry opened the public hearing to public comment.

In Favor: None Opposed: None

NEW ROAD REQUESTS

Ambush Road

Bill Williams stated the applicant is asking for Chaves County to accept as a new road 3,950 feet of Ambush Road. Mr. Williams explained that the back portion of this road only has a 300 feet right-of-way and the applicant would have to deed an additional 30 feet to the County. The freeholders recommended approval. Chairman Bilberry opened the public hearing to public comment.

In Favor: None

Opposed: None

Hopi Road

Bill Williams stated the applicant is asking Chaves County to accept as a new road approximately 2,750 feet of Hopi Road. The freeholders recommended approval. Chairman Bilberry opened the public hearing to public comment.

In Favor: None

Opposed: None

ROAD VACATION REQUESTS

Loftis Lane

Bill Williams stated the applicant is asking Chaves County to vacate 7,180 feet of Loftis Lane. This portion of Loftis Lane has been behind a gate for decades and it only accesses private property. The freeholders agree this application meets the requirements to be considered for vacation. Chairman Bilberry opened the public hearing to public comment.

In Favor: None

Opposed: None

Consuelo Road & Cindy Road

Bill Williams stated the applicant is asking Chaves County to vacate 980 feet of Consuelo Road and 820 feet of Cindy Road. The applicant built a new section of road which connects Consuelo Road to Cindy Road without going through the front yard of the ranch house. The freeholders agree both applications meet the requirements to be considered for vacation. Chairman Bilberry opened the public hearing to public comment.

In Favor: None

Opposed: None

Suzanne Drive

Bill Williams stated the applicant is asking Chaves County to vacate 250 feet of Suzanne Drive. This portion was never opened to public use in the subdivision. The freeholders agree this application meets the requirements to be considered for vacation. Chairman Bilberry opened the public hearing to public comment.

In Favor: None

Opposed: None

Oasis Road

Bill Williams stated the applicant is asking Chaves County to vacate 6750 feet of Oasis Road. The applicants state there is no public property to access, there are safety concerns and they have had property damage. Chairman Bilberry opened the public hearing to public comment.

In Favor: Chad Barbe, Ken Barbe, Justin King

Opposed: Tim Jennings. He is concerned about access to his private property.

AGREEMENTS AND RESOLUTIONS

AGREEMENT A-20-008 WITH NM CHILDREN, YOUTH AND FAMILIES DEPARTMENT

Lucia Serrano explained that Chaves County was awarded funding to assist the Chaves County Juvenile Justice Continuum Programs. The amount of the award is \$718,728.00 for fiscal years 2021 through 2024. Each fiscal year's award will not exceed \$179,682.00. Commissioner Corn moved to adopt Agreement A-20-008. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

AGREEMENT A-20-013 NMDFA/LOCAL GOVERNMENT DIVISION FOR DWI GRANT FY 2020/2021

Lucia Serrano stated the Chaves County DWI Program was awarded \$50,000.00 in Local DWI Grant Funds for fiscal year 2020/2021. The funding is for a full-time treatment provider. Commissioner Cavin moved to approve Agreement A-20-013. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

AGREEMENTS A-20-014 WITH CHARACTER COUNTS, A-20-015 WITH EVERY 15 MINUTES PROGRAM, A-20-016 WITH C.A.S.A., A-20-017 WITH ASPEN OF NM

Lucia Serrano stated the Chaves County DWI Program was awarded funding in the amount of \$466,675.00 from the LDWI Distribution and Competitive Grant for FY 2021. Commissioner Dana asked about the Project Graduation Funds for this year. Ms. Serrano stated a project celebration was funded for the Valley. A DWI awareness sign was purchased for the Valley as a Memorial for a young man from the Valley killed prior to his graduation. The Every-Fifteen Minutes Program was not awarded funding this fiscal year. The DWI Donation Fund was used to purchase pamphlets, carry bags, pencils and supplies to handout to the Elementary Schools. Commissioner Dana asked about approval from the State for these purchases. Ms. Serrano stated State approval was required for the Memorial Sign and Stan Riggs approved the other purchases. Commissioner Cavin moved to approve Agreements A-20-014, A-20-015, A-20-016 and A-20-017. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

AGREEMENT A-20-018 LEASE WITH OPTION TO BUY (1) 2020 VOLVO L90H WHEEL LOADER

Sandra Rodriguez stated the Chaves County Road Department is requesting lease of a new Wheel Loader and the monthly payment is \$1,647.40. There was discussion about the possibility of receiving upgrades to the equipment prior to purchase. Commissioner Corn asked why there is an option to buy. This is the language of the standard contract. Chairman Bilberry stated there can be negotiating on the buyout so there probably could be negotiating on possible upgrades at that time. Commissioner Corn moved to adopt Agreement A-20-018. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

RESOLUTIONS R-20-018 ACCEPTING 2020/2021 NMDOT LGRF COUNTY ARTERIAL PROGRAM, R-20-019 COOPERATIVE PROGRAM AND R-20-020 SCHOOL BUS PROGRAM

Bill Williams stated Resolution R-20-018 is the Local Government Road Fund for the County Arterial Program for 57.66 miles of single penetration chip seal. NMDOT's portion is \$245,479.00 while Chaves County is responsible for \$81,826.00. Resolution R-20-019 is the Cooperative Program for 30.4 miles of single penetration chip seal. NMDOT's portion is \$92,790.00 while Chaves County is responsible for \$30,930.00. Resolution R-20-020 is the School Bus Route Program for 20.58 miles of single penetration chip seal. NMDOT's portion is \$116,333.00 while Chaves County is responsible for \$38,778.00. Commissioner Ezzell moved to approve Resolutions R-20-018, R-20-019 and R-20-020. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

RESOLUTION R-20-021 DELETION OF PROPERTY AND PROPOSED DISPOSITION

Lucia Serrano stated the attached list of property has been declared obsolete, deleted, missing or beyond repair and approval of this resolution would allow staff to remove the attached inventory. There was discussion about City of Roswell Radios. Commissioner Dana moved to adopt Resolution R-20-021. Commissioner Corn seconded the motion. A voice vote was unanimous, and the motion carried.

ITB/RFP'S

ITB-20-2 OILS AND LUBRICANTS

Sandra Rodriguez stated 4 bidders responded to ITB-20-2 for Oils and Lubricants for the Chaves County Road Department. The high volume items were highlighted in yellow. There was discussion on figuring cost overall or by the item. Sandra Rodriguez stated Brewer Oil is recommended by staff since overall they were the low bidder. Commissioner Dana moved to approve award of Bid ITB-20-2 to

Brewer Oil Company. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

RFP-20-2 DENTAL BENEFITS

Sandra Rodriguez stated Chaves County received 2 proposals for Dental Benefits. Benefit Source and CIGNA were the responders. Staff recommends award to Benefit Source. Commissioner Corn moved to award RFP-20-2 to Benefit Source. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

OTHER BUSINESS

MOU BETWEEN USFWS AND THE AZ COUNTY SIGNATORIES AND NM SIGNATORIES

Stan Riggs stated this item if approved would give us the ability to participate in the MOU process. The purpose of the MOU is for the County to contribute to the preparation of the Supplemental Environmental Impact Statement (EIS), the proposed rule to revise the 2015 Mexican Wolf nonessential experimental population rule will be the proposed action of this supplemental EIS. Chaves County has proposed changes to the MOU. The AZ/NM Coalition of Counties is also involved. He stated Chaves County rewrote the MOU. Some of the County's suggestions were accepted and some were not. Mr. Riggs said it is not a perfect MOU. The County needs to have a seat at the table and recommends approval. Commissioner Corn asked how this affects "Coordination". Mr. Riggs stated to be included would be "Coordination". Commissioner Corn thanked Stan and Commissioner Bilberry for their efforts. Commissioner Corn moved adoption of the MOU between USFWS and the AZ County Signatories and NM Signatories. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

APPROVAL OF CHECKS

Commissioner Dana moved to approve checks in the amount of \$2,079,511.53. Commissioner Cavin seconded the motion. A voice vote was unanimous, and the motion carried.

APPROVAL OF REPORTS

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

UNSCHEDULED COMMUNICATIONS

Tim Jennings mentioned there had been numerous hearings on economic development and he wanted to thank the County Commissioners and staff for being aggressive in helping to improve the air center. At the last meeting a company interested in coming here was asked how long it would take them to put up an airplane hangar. He stated that it could be done in 9 months. If the infrastructure is in place, things can happen very quickly. He mentioned some water drainage issues on SE Main Street and with the bridge over the Berrendo River. Retention ponds can help a lot. Commissioner Corn asked if he was familiar with the retention ponds off of Hobbs and Atkinson. Mr. Jennings stated the Flood Commission is done with their work and he is concerned about the City of Roswell's portion. He mentioned the pond at the zoo and that they cleaned it out. There will continue to be issues due to a spring that flows there. Commissioner Corn thanked Mr. Jennings for his efforts at the air center as well as being Flood Commissioner.

Mike Espiritu from the EDC wanted to let the Commission know about something they are very excited about. The project is highly confidential but has resulted from all the efforts to enhance the air center. This involves the expansion of a company that would create many jobs in Chaves County. There is a fully executed letter of intent for this company to proceed.

Louis Jaramillo gave an update on the census progress. Chaves County has a self-response rate of 56.5% which is 8% away from the 2010 goal. He mentioned much lower numbers in the valley. The committee will focus on the valley. They are assisting the City of Roswell with apartment complexes. He mentioned additional events they will be having and door to door starts in July and runs into August.

Dave Kunko mentioned a bill being presented at the special session in reference to the General Election in November. He stated once he receives a copy, he will forward it to the Commissioners. Commissioner Corn asked about reimbursement from the Secretary of State. Mr. Kunko stated they did send a bill and were waiting to hear back from the State.

Neil Binderman stated Volvo is now owned by a Chinese Company. He brought up the trucking company in his neighborhood that is still operating from this location and nothing has changed. Louis Jaramillo stated this has been turned over to the District Attorney. Mr. Riggs stated the District Attorney met with this individual and there was an agreement set up. The individual has backed out of the agreement. Criminal prosecution was mentioned and taking it back from the understaffed District Attorney.

MANAGER'S COMMUNICATION

Stan Riggs stated an issue has come up and wanted to know what the Commissioners would think about moving the July Commission Meeting from the 16th to the 23rd. The fiscal year ends, and books close June 30th and additional time would be helpful to the Finance Department. The final budget is also approved at the July meeting. Mr. Riggs mentioned the need to add a new key card system to the budget for the courthouse. The Commissioners agreed to the date change for the July Commission Meeting. Mr. Riggs thanked Mike Espiritu for their work on Economic Development. Things seem to be looking up in this area. He thanked Commissioner Corn for being available for the on-site visit this week. The County employees have been getting a bunch of training on line. We are able to train more people this way. He thanked Louis Jaramillo for his work on the 2020 Census.

COMMISSIONERS' COMMUNICATIONS

Commissioner Corn stated there were several meetings involved with the site visit. He was surprised things progressed this quickly. He met with Tim Jennings to make sure they didn't abuse the issue with the severance tax bonding money for economic development. He is surprised at the size of facility they wish to build in 9 months. This will be an exciting time and a very busy time. There will be numerous construction jobs in addition to jobs created to run the facility. He thanked the Sheriff in dealing with protestors. He is saddened by the current situation the country is in. There are bad apples everywhere. He thanked Mike Herrington and his staff.

Commissioner Dana stated we are blessed in Chaves County. We have a fantastic Sheriff's Office, Finance Department, Road Department from top to bottom. It would be nice to see other counties as efficient as we are. The special session begins today so get ready for the bumpy ride. Santa Fe is trying to find money where ever they can. Hopefully it doesn't fall on the taxpayers. We have a great staff to help us get through these hard times. She thanked the Sheriff and his staff for keeping us safe. She thanked Mike Espiritu and the EDC. Let's keep moving upward.

Commissioner Ezzell thanked everyone for their hard work. He believes we are passed the worst part of these hard times. In response to Mr. Binderman we go through a competitive bid process and the best price wins. Volvo employs 17,000 people in the United States. They have 10 facilities in 7 different States and plants in Canada and Mexico. He thanked everyone.

Commissioner Cavin thanked Commissioner Bilberry for running the meeting. He thanked all the departments. He said he was sorry he would not make it to the road tour. He thanked Mike Espiritu and the EDC. He said Chaves County is an amazing family that takes care of business. He looks forward to being back in Roswell. He stated God Bless America and Chaves County.

Commissioner Bilberry thanked everyone for their hardwork and all those that participated in the meeting. He thanked the Sheriff and his staff and stated they have their hands full. He thanked all the departments. He appreciated everything being accomplished by Mike Espiritu and the EDC. He stated our prayers are with Will Cavin and his wife.

The meeting was adjourned at 11:03a.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