

AUGUST 20, 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 Corn led the pledge and Commissioner Dana led in prayer. Those present were Commissioners Bilberry, Dana and Corn. Commissioners Cavin and Ezzell joined the meeting by phone. 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 adopt the minutes from July 23, 2020 and August 17, 2020. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

EDC UPDATE

Mike Espiritu introduced a new team member, Irma Perez. Her priorities will be business retention, expansion and membership. They have been working toward the Cares Grant Act. Irma and Melissa visited or called every single restaurant in Chaves County. They have received 111 applications from businesses in the County. Their Annual Meeting is scheduled for next week on August 26th. It will be a Zoom Meeting. He thanked the Commission for all their support. Commissioner Dana thanked Mike Espiritu for helping her get an application for a restaurant owner. The businesses are interested in the Grant Money because they do not want additional debt. Mike Espiritu stated they recently held their Executive Committee Meeting. They have a Façade Grant Program to help Main Street Roswell spruce up the outside of small businesses. The grant is \$10,000 per year with up to \$5,000 per project. After they visited restaurants and heard the challenges facing these small businesses, they hope to use some of their funding to help businesses defray the cost of out-door dining due to COVID-19. Loans are risky for small business and we hope to assist them with grant funds. Commissioner Dana thanked the EDC for all they are doing.

ROSWELL CHAMBER OF COMMERCE UPDATE

Andrea Moore mentioned there are big changes going on at the Roswell Chamber of Commerce. Candace Purcell resigned on August 3rd. Andrea Moore stated she is the Acting Executive Director while they do a search for a replacement. She currently is the Chairwomen of the Board. She stated they are cleaning house, reorganizing and moving in a new direction. She looks forward to the continued relationship with the County. Commissioner Dana thanked Andrea Moore. Ms. Moore stated they are asking 3 questions of their members. What are we doing good? What are we doing bad? What do you want us to do or what do you need? Chairman Cavin thanked her for taking over.

PUBLIC HEARING

CASE Z 2020-4 VARIANCE TO THE FIVE ACRE MINIMUM RESIDENTIAL LOT SIZE

Louis Jaramillo stated the proposal is to subdivide a 9.72 acre parcel into a 5.0 acre lot and a 4.72 acre lot. The Planning and Zoning Commission recommended approval with 3 stipulations and 7 findings of fact. Vice Chairman Bilberry opened the public hearing to public comment.

In Favor: Miguel Duran and Baudel Duran the applicants

Opposed: None

Commissioner Corn moved to adopt Case Z 2020-4 with the stipulations and findings of fact. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

AGREEMENTS AND RESOLUTIONS

RATIFICATION OF AGREEMENT A-20-034 WITH CHAVES COUNTY YOUTH AWARENESS

Lucia Serrano stated the Chaves County DWI Program was awarded \$11,135.00 from NMDOT Traffic Safety Division for the Chaves County Court Compliance Program. Commissioner Corn moved to approve Ratification of Agreement A-20-034. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

AGREEMENT A-20-035 FOR PICTOMETRY EAGLEVIEW AERIAL PHOTOGRAPHY

Sandra Rodriguez stated Chaves County will be purchasing an Aerial Image Capture Service to include initial delivery of content, online services and software license agreement. This service will be used by the Planning and Zoning Department and the Assessor's Office. Commissioner Corn moved to adopt Agreement A-20-035. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

RESOLUTION R-20-030 ADOPTING REQUIRED COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL CERTIFICATIONS AND COMMITMENTS

Georgianna Hunt stated that if approved this resolution would adopt required Community Development Block Grant (CDBG) annual certifications and commitments. Those requirements are the Citizen Participation Certification, the Fair Housing Commitment and Residential Anti-Displacement & Relocation Assistance. Commissioner Corn moved to adopt Resolution R-20-030. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

RESOLUTION R-20-031 FY 2022-2026 INFRA-STRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP)

Georgianna Hunt stated the ICIP is a working document that is the first of many steps toward improving rational, long range capital planning and budgeting for New Mexico's infrastructure. The process contributes to local and regional efforts in project identification and selection for short and long-range capital planning efforts. Commissioner Corn asked about the attached list. Georgianna Hunt stated the list is the County's top ten projects. She added that this list of priorities could be changed. Commissioner Corn stated that most of these items have been issues for a long time. Commissioner Corn read the list. He mentioned the generator and asked if it was a replacement. Bill Williams stated the main generator was used extensively during the "Goliath" snow storm. A portable generator can be hooked up and have power back on in minutes, if something happens to the main generator. Commissioner Corn asked about the voting machine warehouse. Mr. Kunko stated that Area D, where the voting machines are currently has been considered for other uses on numerous occasions. He stated had there been bathrooms he believes the voting machines would already be housed somewhere else. Commissioner Corn added that the current voting machines do not take up as much space as the older machines, so less space is required. There was also some discussion on the Sheriff's training simulator. Commissioner Dana moved to adopt Resolution R-20-031. Commissioner Corn seconded the motion. A voice vote was unanimous, and the motion carried.

RESOLUTION R-20-032 AUTHORIZING SUSPENDING THE MINIMUM PENALTY REQUIREMENT OF THE PROPERTY TAX CODE

County Treasurer Charlotte Andrade stated approval of this resolution would suspend the minimum penalty requirements of the Property Tax Code. If property tax becomes delinquent a penalty of 1% of the delinquent taxes shall be imposed. The total penalty shall not exceed 5% of the delinquent taxes. If the penalty is under 5 dollars, the penalty shall be 5 dollars. Based on the exceptionally high rate of property tax collections, staff feels that a minimum 5 dollar penalty is not necessary and requests suspending the requirement. Commissioner Ezzell asked if the Statute gave the County the authority to wave this penalty. Charlotte Andrade stated that it did. Commissioner Ezzell moved to approve Resolution R-20-032. Commissioner Dana seconded the motion. A voice vote was 4 to 1, and the motion carried. Commissioner Corn voted no.

OTHER BUSINESS

WAVE ROAD CUT FEE FOR BERRENDO COOPERATIVE WATER USER ASSOCIATION, INC.

Bill Williams stated the Chaves County Right-of-Way Use Permit Ordinance requires that road pavement excavations in excess of 24" will be approved by the Chaves County Board of Commissioners. Normally this would be done prior to an excavation. On June 18, 2020 Berrendo Cooperative Water Users Associations, Inc. were forced to perform an emergency repair to a line that had ruptured. This emergency repair required an excavation of 4' X 9'. Road Superintendent, Joe West set the road cut fee at \$1,850.00. The road was repaired as per Ordinance #44 requirements. Berrendo Cooperative Water Users Association has a franchise agreement with Chaves County, and they provide a valuable service to the residents of Chaves County. Staff recommends waiving the road excavation fee. Commissioner Corn move to waive the excavation fee. 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 \$2,068,662.91. 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

Rita Kane Doerhoefer stated she called the Road Department about a hole on Wednesday and by Thursday they fixed that hole and many more. She told the Sheriff he needed to be on call for her polling place because it was going to be very busy. She mentioned Keep Chaves County Beautiful will apply for a grant of up to \$75,000. The application would include \$10,000 in signage and \$5,000 for additional trees and shrubs. She thanked the County for being their partner. She stated her neighbors house burned and 4 to 5 fire departments were fighting it. She said she will personally thank and support volunteer fire departments.

Bill Williams thanked Rita Kane-Doerhoefer. He stated we are blessed with some great volunteer firefighters. He mentioned his neighbor's house catching on fire and stated volunteers had responded very quickly. Yesterday there was a pre-bid meeting on the Trail Project. It appears they will receive at least a couple of bids. He thanked Keep Chaves County Beautiful for all the plants.

MANAGER'S COMMUNICATION

Stan Riggs thanked Georgianna Hunt for the ICIP. He stated it was a tough job. Not only does she deal with all the departments and agencies she deals with inadequate State software that can take all day just to make minor changes. He thanked Bill Williams and Georgianna Hunt for their work on the CARES grant project with the City and EDC. The County will be closed in observance of Labor Day on September 7th. He stated Major Garcia at the jail is retiring with 28.6 years with the County. His last day will be August 31st. We had our first positive COVID-19 test at the jail. Precautions have been taken to prevent spread. The next regular Commission Meeting is September 17th at 9:00a.m. and there will be and IHC Meeting at 8:30a.m.

Vice Chairman Bilberry asked Mike Espiritu if he could speak to the American Airlines situation. Mike Espiritu stated he received an email this morning in reference to American Airlines shuttering service to 15 cities and Roswell is one of the 15. It appears it would happen in October. It does not state it would be permanent. American Airlines is searching for funding assistance. There will be communications to follow and hopefully we can get them to reconsider.

COMMISSIONER'S COMMUNICATIONS

Commissioner Corn stated he was disappointed with the American Airlines decision. The flight to Dallas has always been successful for them. Hopefully at some point we can get these flights reinstated. We need to do more outreach thanking our volunteers. Our fire departments support each other, inside and outside the city limits. Our law enforcement works the same way. He thanked Rita Kane-Doerhoefer for reminding them of the importance of volunteers in Chaves County. He questioned

the COVID-19 case count for Chaves County. He understands that the same individual can be more than 1 case based on the number of tests they take. The numbers do not add up. He would be interested in knowing how other countries count their cases.

Commissioner Dana agreed with Commissioner Corn and added that we should have the Department of Health do a presentation at the beginning of a Commission Meeting. She stated the Department of Health had been mandated to test 500 daily in our region and that changed to 300. We need to be updated. She thanked all our volunteers. She lives in the Midway Volunteer Fire Department District and they are very responsive and so is the Sheriff's Department. People are desperate and crime is on the rise, so it is nice that we see law enforcement in the Valley. She asked Joe Sedillo if he could elaborate on the GRT. Mr. Sedillo said he was surprised by the latest amount. He stated it was an 18% increase over last year. He mentioned that last year and this year the Hold Harmless Act is on a 17-year phase out and is still running hot. He stated oil and gas was still down while construction was way up from the prior year. Surprisingly retail has stayed up. Food service has been down as was expected. She thanked Mr. Sedillo for the update. She commended the County Clerk and his staff tackling the post office and voter confusion issues. She thanked the Clerk for his continued communication with the post office to keep things running smoothly.

Commissioner Ezzell agreed with Commission Corn that the COVID-19 numbers do not add up. No one has explained this issue. It would be good to have a presentation from the Department of Health (DOH). It may be in their best interest to report as many cases as possible to increase federal aid. He thanked everyone for their hard work and appreciated the volunteer firefighters for stepping up.

Commissioner Cavin thanked Commissioner Bilberry for running a great meeting. He hoped we could get someone from the DOH to a meeting, that can answer our questions. He mentioned the emails from American Airlines and found it interesting they would shut down from October 7th to November 3rd, Election Day. He wonders if they are hedging their bet on the outcome of the election. We have a lot invested in American Airlines and he hopes we do not lose them. He thanked all the volunteers in Chaves County. Commissioner Cavin thanked the Flood Commission and the City for working together fixing the pond at the zoo. God Bless America.

Commissioner Bilberry thanked Rita Kane-Doerhoefer for her volunteer work. Berrendo and Sierra volunteer fire departments were out at his ranch with the Elida Fire Department and BLM. There was a fire near the river. Had it not been for the volunteer fire departments that fire might still be going. The federal agency bashed the volunteers and he is very disappointed in them. Volunteers are vital to our communities. He thanked all the County departments for their hard work.

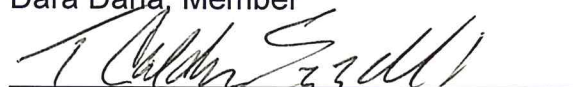
The meeting was adjourned at 10:12a.m. pending the signature of documents.

BOARD OF CHAVES COUNTY COMMISSIONERS


William E. Cavin, Chairman



Jeff Bilberry, Vice-Chairman


Dara Dana, Member


T. Calder Ezzell Jr, Member


Robert Corn, Member




Dave Kunko
County Clerk