



SEPTEMBER 17, 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 Ezzell led the pledge and Commissioner Bilberry led in prayer. Those present were Commissioners Cavin, Bilberry, Ezzell, Dana and Corn. Also present were County Manager Stan Riggs, Public Services Director Bill Williams, Sheriff Mike Herrington, Finance Director Joe Sedillo, County Assessor Mark Willard, County Clerk Dave Kunko, news media, staff and guests.

## MINUTES

Commissioner Corn moved to approve the minutes from August 20, 2020 changing the vote on Resolution R-20-032, because he voted no, and it was not properly reported in the Minutes. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

## PRESENTATION

Safety and Compliance Manager Tim Salazar stated this is an award he never thought would be achieved. The award is 25 years of safety awarded to Ron Lethgo. Mr. Lethgo has been a member of the Risk Management Committee and sat on the Board for the NMC Insurance Authority of which he currently is the chairman. Mr. Lethgo thanked the Commission and Mr. Salazar for this award. He felt there were other County Employees more deserving of the award. Mr. Salazar assured Mr. Lethgo other employees would be getting recognized. A picture was taken of Mr. Lethgo with the Commissioners.

## ROSWELL CHAMBER OF COMMERCE UPDATE

Andrea Moore stated they have been working very hard on their finances. Their small business loan has been approved for \$73,000. They are moving forward and getting past due bills paid. They are looking to refinance their building to repair the roof and replace one AC unit. The Executive Committee meets this afternoon to create an Agenda for the Board of Directors meeting next Tuesday. A Hiring/Personnel Committee has been created to start the process for hiring a permanent Executive Director. Commissioner Dana asked her to mention the thank you letters they are promoting for American Airlines. Elaine Dotts came up with an idea for the Chamber to spearhead a thank you letter writing campaign to American Airlines. Thanking them for not discontinuing our air service. Hopefully this can assist Roswell in retaining American Airlines. There will be preprinted letters people can pick up at the Chamber and a template of an email thank you letter. Or people can write their own letters. Commissioner Dana and Chairman Cavin thanked her for their efforts.

## EDC UPDATE

Mike Espiritu mentioned the 3 reports from the EDC which includes his report, one from the Project Manager and the BRE Report. They have continued contacting more businesses to see what their needs are and how the EDC can help. He encouraged everyone to visit their revamped website and Facebook page. He mentioned the CARES Grant funding and working with the City and County for the proper administration of the grant. He explained the beginning of the Cares Grant process. Now funding has been received and they are reaching back out to the original applicants because the State is requiring additional documentation the EDC was unaware of in the beginning. He explained DFA is requiring payroll information by fiscal year. DFA told the EDC their turnaround time would be 10 days. Commissioner Dana stated she heard this morning that 97,000 businesses nationwide have closed. Commissioner Dana asked about potential new businesses in Chaves County. Mike Espiritu stated there are several projects in the works right now. One is getting very close and he hopes to be able to announce it soon. There are businesses interested and looking at expansion. The biggest challenge is the availability of a skilled workforce. Prior to COVID the EDC was very active in creating a pathway for young people to become skilled workers and be employed locally. Those efforts have involved RISD and ENMU-Roswell. He mentioned meeting with Cattle Baron Inc. and found out they have 13 restaurants. They mentioned the need for skilled workers. He mentioned possible development of an apprenticeship program which would benefit businesses in Chaves County. He mentioned the current aircraft



maintenance program at ENMU-Roswell. He stated Leprino has an interest in these graduates because of the basic mechanical skills they receive. The Commissioners thanked Mr. Espiritu.

#### **AGENDA**

Chairman Cavin stated Agenda Item #3, Agreement A-20-038 with Armstrong Consultants, Inc. was being removed from the Agenda.

#### **AGREEMENTS AND RESOLUTIONS**

**RATIFICATION OF AGREEMENT A-20-027 APPROPRIATION 20-E2492 FOR COMPLEX WALKING TRAIL; RATIFICATION OF AGREEMENT A-20-028 APPROPRIATION 20-E2493 FOR COURTHOUSE COOLING SYSTEM; RATIFICATION OF AGREEMENT A-20-029 APPROPRIATION 20-E2494 FOR INDUSTRIAL SITE UTILITY AND INFRASTRUCTURE EXPANSION; RATIFICATION OF AGREEMENT A-20-030 APPROPRIATION 20-E2495 FOR SECURITY SYSTEM UPGRADES FOR CHAVES COUNTY GOVERNMENT FACILITIES; RATIFICATION OF AGREEMENT A-20-31 APPROPRIATION 20-2500 FOR COOLING SYSTEM UPGRADES FOR THE COUNTY ADMINISTRATIVE CENTER; RATIFICATION OF AGREEMENT A-20-32 APPROPRIATION 20-E2501 FOR SECURITY SYSTEM IMPROVEMENTS FOR THE COUNTY COURTHOUSE; RATIFICATION OF AGREEMENT A-20-033 APPROPRIATION 20-E2502 FOR SHERIFF'S OFFICE PURSUIT VEHICLES;**

Georgianna Hunt stated this item is a request to ratify agreements between NMDFA and Chaves County for legislative appropriations in the amount of \$6,115,000.00. Agreement A-20-027 is Appropriation 20-E2492 in the amount of \$200,000.00 for the County Complex Walking Trail. Agreement A-20-028 is Appropriation 20-E2493 in the amount of \$75,000.00 for the cooling system at the Chaves County Courthouse. Agreement A-20-029 is Appropriation 20-E2494 in the amount of \$5,000,000.00 for Industrial Site Utility and Infrastructure Expansion at the Air Center. Agreement A-20-030 is Appropriation 20-E2495 in the amount of 80,000.00 for Security System Upgrades for Chaves County Government Facilities. Agreement A-20-031 is Appropriation 20-E2500 in the amount of \$125,000.00 for Cooling System Upgrades at the County Administrative Center. Agreement A-20-032 is Appropriation E2501 in the amount of \$400,000.00 for Security System Improvements at the County Courthouse. Agreement A-20-033 is Appropriation 20-E2502 in the amount of \$235,000.00 for Sheriff's Office Pursuit Vehicles. Commissioner Corn moved to ratify Agreements A-20-027, A-20-028, A-20-029, A-20-030, A-20-031, A-20-32 and A-20-033. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

**RATIFICATION OF AGREEMENT A-20-036 CARES ACT GRANT FOR PROVIDING CHAVES COUNTY RELIEF FOR COVID-19 RELATED EXPENSES AND LOSSES; RATIFICATION OF AGREEMENT A-20-037 CARES ACT GRANT FOR SMALL BUSINESS FUNDING IN CHAVES COUNTY TO PROVIDE RELIEF FROM COVID-19 RELATED EXPENSES AND LOSSES**

Georgianna Hunt stated this item is a request to ratify agreements between NMDFA and Chaves County for appropriations from the CARES Act Grant. Agreement A-20-036 is for an appropriation in the amount of \$537,000.00 for providing Chaves County relief from COVID-19 related expenses and losses. Agreement A-20-037 is for an appropriation in the amount of \$337,750.00 for providing Small Businesses Grant Funding in Chaves County for COVID-19 related expenses and losses. Commissioner Corn stated he believed Chaves County had not requested funds for the County, but totally for small businesses. Mr. Riggs stated that was correct. The State determined we applied for funds. Mr. Riggs stated the County is trying to see if we can move the funds designated to the County to small businesses in the County. Technically the County probably would not qualify for this amount. What ever is not used will revert back to the State. Hopefully that was not their intention all along. Steve Kopelman with NMC is working with the County to try and get DFA to allow moving the funds. Mr. Riggs stated the application was scored and the Federal Legislation does not contain a scoring system. Commissioner Corn stated it is important for the public to understand we did not apply for money for the County. The application was solely for small businesses. Commissioner Corn stated he hoped the \$537,000 designated to Chaves County could be used for our small businesses to go along with the \$337,750 already designated to them. Commissioner Corn moved to ratify Agreements A-20-036 and A-20-037. Commissioner Dana seconded the motion. There was discussion on CARES Act funding criteria. A voice voted was unanimous and the motion carried.



**RESOLUTION R-20-033 ORDERING THE ASSESSOR TO IMPOSE 2020 CERTIFIED TAX RATES**

Stan Riggs stated the County Commission receives a Certificate of Tax Rates from NMDFA each year in September. The Commission is required by Statute to issue a written order imposing the tax 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. These rates are set by the Secretary of DFA and not the County. The Assessor is given the rates in advance and has amended the rate provided by the State. Commissioner Corn moved to adopt Resolution R-20-033. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

**RESOLUTION R-20-034 APPROVAL OF BUDGET ADJUSTMENT**

Anabel Barraza stated the Finance Department is requesting a budget adjustment for the line items listed in "Exhibit A". The adjustments are for various grants, a server for the Detention Center and IHC expenditures. Commissioner Corn moved to adopt Resolution R-20-034. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

**RESOLUTION R-20-035 DELETION OF PROPERTY AND PROPOSED DISPOSITION**

Lucia Serrano stated this request is to remove the attached list of items from the Chaves County Fixed Assets. Commissioner Dana moved to approve Resolution R-20-035. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

**RFP/ITB'S**

**RFP-20-3 CHAVES COUNTY COURTHOUSE HISTORIC WINDOW REPLACEMENT (PHASE 1)**

Bill Williams stated RFP-20-3 is for Phase 1 of the Chaves County Historic Window Replacement. Phase 1 includes the 3<sup>rd</sup> floor window replacement, demolition, trim repair, painting and general contract work. Staff recommends approval of the only proposal received from Phoenix/Restoration and Construction, Ltd. Funding for the project is through Appropriation 19-D2939. Commission Corn stated this has taken years to get to this point. Bill Williams added they had to jump through a lot of hoops due to this being a historic building. It will be restored to it's original look. Each window has to be custom made because they are 107 years old and the sizes are not uniform. Commissioner Ezzell moved to approve RFP-20-3 as recommended by staff. Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried.

**ITB-20-3 CHAVES COUNTY COMPLEX TRAIL CONSTRUCTION (PHASE 1)**

Bill Williams stated this bid is for Phase 1 of the Chaves County Complex Trail Construction. Staff recommends approval of the bid from Constructors, Inc. Funding for the project is through Appropriation 19-D2940 and 20-E2492 in the amount of \$328,217.67. Chaves County will fund the remaining \$44,290.35. Commissioner Corn moved to approve ITB-20-3. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

**OTHER BUSINESS**

**DFA APPROVAL OF THE FY 20-21 FINAL BUDGET**

Anabel Barraza stated the County received a letter from DFA indicating its official approval of the final budget for FY 2020/2021. Budgets approved by DFA are required to be made part of the minutes of the governing body pursuant to Section 6-6-5 NMSA 1978.

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

Bill Williams stated the Chaves County Right-of-Way Use Permit Ordinance requires that road pavement evacuations in excess of 24" will be approved by the Chaves County Board of Commissioners. Normally this would be done prior to an excavation. On August 25, 2020 Berrendo Cooperative Water Users Associations, Inc. were forced to perform an emergency repair to a line at 714 Georgia Road that had ruptured. This emergency repair required an excavation of 22' X 3'. Road Superintendent, Joe West set the road cut fee at \$2,210.00. 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 Bilberry moved to waive the excavation fee. Commissioner Ezell seconded the motion. A voice vote was unanimous, and the motion carried.

#### **APPROVAL OF CHECKS**

Commissioner Bilberry moved to approve checks in the amount of \$1,933,417.65.

Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

#### **APPROVAL OF REPORTS**

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

#### **UNSCHEDULED COMMUNICATIONS**

Bill Williams stated the fitness trail would go around this building and enhance this neighborhood. It will go around the detention pond. Eventually there will be low impact exercise equipment near eye associates and more advanced equipment near the Sheriff's Office. Keep Chaves County Beautiful has worked with us on this project. They will assist with signage on the trail, trees, benches landscaping and trash cans. He mentioned the meeting yesterday with EDC and the City of Roswell. The meeting focused on getting grant money to local businesses in need. The EDC has been instrumental in this process and are developing a flyer that explains the grant process.

Alys Klein stated she was speaking on behalf of the Chaves County Cancer Fund and Walk for Hope. She is reminding everyone that the 2020 COVID Safe Distancing Walk will take place at the courthouse lawn in 2 weeks. They are partnering with the "First Friday Program" downtown.

Sheriff Mike Herrington thanked the Commission for the 4 trucks they received. They are getting numerous compliments on the new vehicles. This has been a morale booster for the department. Three deputies and Chief Deputy Islas completed Sniper School. We will be forming our own SWAT team so that we don't have to rely on the Roswell Police Department. It is important to move quickly without having to wait on the RPD. He is sending deputies to the SWAT School in Carlsbad on the 28<sup>th</sup>. We plan to train all the deputies. In about 2 weeks we are getting an armored vehicle from Luna County. We plan to not rely so heavily on other agencies. Commissioner Dana thanked him for posting this progress on Facebook. This shows the taxpayer we are investing in law enforcement for their protection. Sheriff Herrington stated next week they would be changing the call signs for everyone in the order of seniority. They now have a drone that assists in surveillance. They will be parking all the vehicles at the county building and getting video to put on the website. He added that they are trying to educate the public to not make it easy for vehicles and other items to be stolen. Home burglaries are down because people are at home. Shoplifting has increased. Chairman Cavin asked about the homeless issue. Sheriff Herrington was working when the homeless person pulled a machete on Brad McFadden's son. The kids were down there and the homeless man became very possessive of the area. He stated the Mayor and his staff were recently in the river bed driving around. Hopefully they are planning to make some changes. They need to get them to use the 900 block of North Virginia that was provided by the City. They are allowed to put their tents up there. Currently there are tents everywhere. There was additional discussion on the homeless locations and a mapping of those areas.

Louis Jaramillo provided the Commission with the latest census report. Chaves County is at 61% which is 3% below their goal. They have been working on the senior living areas. Many are not willing to come out due to the COVID-19 issue, so we are willing to go to them. He mentioned the City of Roswell Census team is at the Farmer's Market every Saturday. There are 13 days left. The entire State is under counted. He asked that people be patient with the census workers. Commissioner Cavin asked what Mr. Jaramillo thought the final count would show. Mr. Jaramillo felt the County would show around a 1.2% growth, while he is still hoping the City of Roswell would hit 50,000. He mentioned additional measures they are taking to reach everyone.



Joe West thanked Commissioners Bilberry and Dana, Sheriff Herrington and Bill Williams for making it to the retirement for Bill Luck. Mr. Luck's son stated it really was a lift to Bill. Bill Williams and Joe West took a look at Hobson Road. There is some money left over from that project. They are looking at rebuilding sections of Hobson Road totaling about 2.4 miles. He stated the people they purchased the reclaimer from did not mention that it had a mixing drum, which allows you to add dry cement or other materials to roads you are reclaiming. This was causing them to go through numerous bits a day. Now that they have it set up properly a bit will last them up to 2 weeks. The project should take 3 to 4 weeks as long as the weather holds up. Commissioner Bilberry asked about Railroad Mountain Road where gravel is being hauled. Mr. West stated Constructors Inc. has a pit out there they are hauling material to a location off of Hwy 70. Ruben Olivas from Constructors asked if Constructors Inc. could maintain that portion of the road they are heavily using. The County agreed and they have been maintaining it regularly. Mr. West also said the issue with how their drivers are driving has been addressed. Bill Williams added that Hobson Road is heavily used at harvest time. They have checked in with everyone along this route and told them what the plan is for Hobson Road. They all really appreciated being contacted by the County and appreciative of all the work being done on the road and addressing the drainage issues.

### **MANAGER'S COMMUNICATION**

Stan Riggs stated the County received a check from the Insurance Company for \$80,000 that was misapplied premium and deductible. The County paid an \$80,000 deductible on a case a couple years ago out at the jail. The New Mexico Insurance Authority determined that even though they have the deductible in place it is not properly shown in their documents. It is nice to receive funds you are not expecting. \$44,000 of this money will be used for the fitness trail. Detention Center Administrator Clay Corn has announced he will be retiring effective December 1<sup>st</sup>. He has been part of the Detention Centers for 25 years. Finance Director Joe Sedillo officially announced he will be retiring at the end of November. Those are big losses we will need to fill. We are hoping to do the General Election Canvas on Tuesday, November 10<sup>th</sup> at 11:00am. The next Commission Meeting is October 15<sup>th</sup> and the ETZ Authority meets tonight at 6:00pm. and also on the evening of October 15<sup>th</sup>. At the next Commission meeting there will be Census contracts to look at and 2 Allsup's change of ownership on liquor licenses. He thanked Georgianna Hunt, Anabel Barraza, Bill Williams and Sandra Rodriguez for all the projects we are currently working on. They have done a great job. We are trying to get the CARES Act grants completed by the end of the year. They are working to spend this money for the benefit of the community. The HVAC systems should be on schedule for next month and the roof possibly next year. He mentioned the Chairman's article in the newspaper on PILT and SRS. We are still working on the Wolf Environmental Impact Study. He has not heard anything on the Carlsbad RMP. He thanked the EDC for working with us.

### **COMMISSIONER'S COMMUNICATIONS**

Commissioner Corn stated work on PILT, SRS and the Carlsbad RMP is never done. He hopes they will be able to visit face to face with the Department of the Interior one more time. We need to convince the Federal Government we are right. Then we can move forward. This has been a good meeting and we got a lot of things done. We are moving in the right direction.

Commissioner Dana thanked the EDC, RCC and Louis Jaramillo. Southeast New Mexico has always struggled with Santa Fe and it has continued during the coronavirus. People need to understand the importance of the census not only for Federal Funding but also for representation. She thanked Joe West for including her in the retirement party and the plaque presentation. We need to continue to be creative during these interesting times.

Commissioner Ezell thanked everyone for their hard work a lot was accomplished at this meeting. He told Joe Sedillo he had until the end of November to change his mind. We need to get creative with the CARES Act Funds.

Commissioner Bilberry thanked everyone for all they do. He thanked Joe West for being included in the retirement party. Mr. Luck deserved to be honored for all he has done.

Commissioner Cavin stated it was an honor and privilege to work with his fellow Commissioners and all the staff. This is one of the greatest Counties in this Country. We get things done and do it right. We have a great team. We will not let the Carlsbad RMP slip through the cracks. One issue created by COVID is face contacts suffer and are put on hold. We will have are hands full filling positions when Joe Sedillo, Clay Corn and Stan Riggs leave. We will still be in good shape. He thanked the Sheriff's Department and told them to be safe. 2020 has been a tough year and won't get any easier. God Bless America.

The meeting was adjourned at 11:03a.m. pending the signature of documents.

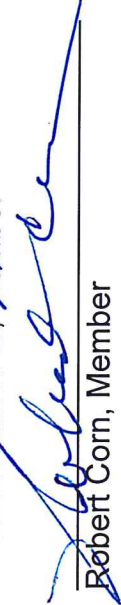
**BOARD OF CHAVES COUNTY COMMISSIONERS**

  
\_\_\_\_\_  
William E. Cavin, Chairman

  
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Jeff Bilberry, Vice-Chairman

  
\_\_\_\_\_  
Dara Dana, Member

  
\_\_\_\_\_  
T. Calder Ezzell Jr, Member

  
\_\_\_\_\_  
Robert Corn, Member

**ATTEST:**

  
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Cindy Fuller  
Dave Kuhko, Chief Deputy  
County Clerk