

October 15, 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. Chairman Cavin called the meeting to order at 9:00 am. Commissioner Dana led the pledge and Commissioner Bilberry led in prayer. Those present were Commissioners Cavin, Bilberry, Ezzell, Dana, and Corn. Commissioner Ezzell arrived at 9:15 am. Also present were County Manager, Stan Riggs, Public Services Director, Bill Williams, Sheriff, Mike Herrington, Finance Director, Joe Sedillo, County Assessor Mark Willard, Chief Deputy Clerk, Cindy Fuller, news media, staff, and guests.

MINUTES

Commissioner Bilberry moved to approve the minutes from September 17, 2020. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion passed 4-0.

PRESENTATIONS

Shane Kinsey, Roswell District Supervisor with the USDA gave a presentation by phone. This report is in accordance with the Work/Financial Plan for the previous year that encompasses partial FY19 and FY20. During FY20, Wildlife Services helped protect approximately 43,742 head of livestock valued at approximately \$21.6 million specific to Chaves County. That's a direct result of our Predator Damage Management Program. Reported and verified livestock losses due to predation totaled 13 animals and a loss of an estimated \$4,349.00. Using the estimates, we believe we've prevented over \$775,000.00 worth of possible livestock predation in Chaves County just this past year. They have worked on 56 ranches encompassing 517,185 total acres. They also provide other services including feral pigeon management, feral pig management, rodent damage management, and migratory bird damage management. They have two designated feral swine trappers. 99 feral swine were removed from NM in FY20. 80% of NM native wildlife spend time in the 1% riparian habitat. These species are particularly subject to negative impacts. USDA Wildlife Services appreciates your continued support as NM WS works to help protect the economic stability and integrity of local rural economies through our predator damage management and other wildlife management activities.

Commissioner Bilberry asked if Wildland Services had an airplane. Mr. Kinney stated yes, they do and it is based out of Alamogordo. They also have partners out of Clovis and Albuquerque and will be using their services with a helicopter. Commissioner Corn stated over the almost eight years he's been on the commission this has been a great partnership. Its done great work to help our ag industries. With the feral hog situation, it helps our farmers and our dairies. It's a great program and I'm proud to have been able to support them for the time I've been on the commission.

ROSWELL CHAMBER OF COMMERCE UPDATE

Commissioner Cavin stated the Chamber Chair has some family health issues and she won't be here.

EDC UPDATE

Mike Espiritu could not be at the meeting, but Melissa Juarez gave a report on the Cares Act. They have partnered with the City and the County. The City was funded \$1.3 million and the County was funded \$337,000. 120 Applications were received. They have contacted all 120 businesses and created a checklist of all documents required. One requirement was receipts from March 1st to June 30th for two categories, one was business continuity consisting of utilities, rent, mortgage, marketing, insurance, and payroll. The other was business redesign due to COVID. There were 83 completed applications with all documents and receipts. Three for County and 80 for City. Verified receipts were \$1.9 million for City businesses and \$27,000 for County. They are still receiving calls even though the deadline has passed. They have turned those into

the City and County finance departments. If there is money left over there will be a phase 2 that will cover July 1st to December.

PUBLIC HEARINGS

CASE SD 2020-5 MOUNTAIN ROAD ROW REALIGNMENT

Louis Jaramillo stated this request comes from Craig and Kristen Waide and James and Claudia Waide. A proposal to realign a portion of Blue Mountain Road right away that currently does not correspond with existing 20-foot curvy chipped sealed road that is located in Lot 7, Block 17 of Berrendo Irrigated Farms Subdivision. Both families are adjacent property owners to the ROW and would be affected by the proposed realignment. It would begin at the eastern most boundary line of lot 7, which is the city limits, located approximately 1,305 feet from the intersection of N. Main and Blue Mountain Road. The proposed ROW in question is approximately 470 feet in length and is situated in the curvy portion of Blue Mountain Road. The existing road is not completely within the dedicated ROW. Chaves County Road Department and the City of Roswell continue to maintain Blue Mountain Road in its current location. County maintenance begins at the eastern most boundary line and again at Lot 7 of the city limits and continues to Sycamore Road. The City has stated they are in agreement with the realignment. Staff supports realignment based on findings of fact. Commissioner Cavin opened the public hearing to public comment.

In Favor: Kristen Waide, applicant & Mike Douglass with Smith Engineering

Opposed: None

Commissioner Bilberry moved to adopt Case SD 2020-5 with the stipulations and findings of fact. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

LIQUOR LICENSE #0074 FOR ALLSUP'S CONVENIENCE STORES, INC. TO TRANSFER OWNERSHIP OF LIQUOR LICENSE FROM ALLSUP'S TO BW GAS & CONVENIENCE RETAIL LLC.

Stan Riggs stated the statute for the liquor control act shows the reasons why this could be denied. Per State law the only reasons for disapproval is if the proposed location is within 300 feet of a church or school and in this case the proposed location is not within 300 feet of a church or a school. Commissioner Cavin opened the public hearing to public comment.

In Favor: None

Opposed: None

Commissioner Dana moved to adopt Liquor License transfer #0074. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

LIQUOR LICENSE #0389 FOR ALLSUP'S CONVENIENCE STORES INC TO TRANSFER OWNERSHIP OF THE LIQUOR LICENSE FROM ALLSUP'S TO BW GAS & CONVENIENCE RETAIL LLC.

Commissioner Cavin stated these two transfers were the same but had to be voted on separately. He then opened the public hearing to public comment. Commissioner Ezzell stated that it seems we allowed Allsup's to park the second one at the South Main location while they were negotiating for a new location. Did that all just go away? Commissioner Cavin stated that when they made that move Mr. Allsup was still alive and he has since passed away. Stan said that was correct and he did not have an update on that. He stated they have been bought out and did not know what their future plans were here but they love this area and want to continue to be here. Commissioner Cavin opened the public hearing to public comment.

In Favor: None

Opposed: None

Commissioner Corn moved to adopt Liquor License transfer #0389. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

AGREEMENTS AND RESOLUTIONS

AGREEMENT A-20-039 BETWEEN CHAVES COUNTY AND NEW MEXICO DEMOGRAPHIC RESEARCH FOR PROFESSIONAL SERVICES

Stan Riggs stated that every ten (10) years the County is required to re-examine our commission districts using the latest census data. In 2000 to 2010 the County utilized the service of New Mexico Demographic Research to update our commission districts. The County will partner with NMDR to update the Commission Districts using the 2020 Census data. Staff recommends approval. Commissioner Ezzell asked whether this went out to bid. Stan explained that it did not because it's professional services under \$60,000 and this is a \$35,000 contract so it's not required to go out to bid unless the commission asks them to do that. Commissioner Bilberry moved to adopt Agreement A-20-039. Commissioner Corn seconded the motion. A voice vote was unanimous, and the motion carried.

AGREEMENT A-20-040 BETWEEN CHAVES COUNTY AND PHOENIX RESTORATION & CONSTRUCTION LTD

Sandra Rodriguez stated the Commission awarded RFP 20-3 Chaves County Courthouse historic window replacement phase I in September to Phoenix Restoration and Construction. Agreement A-20-040 is the standard AIA agreement form between owner and contractor for this project as specified through the specification plans issued under RFP 20-3. Staff recommends approval. Commissioner Ezzell moved to adopt Agreement A-20-040. Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried.

AGREEMENT A-20-041 BETWEEN CHAVES COUNTY AND CONSTRUCTORS INC.

Sandra Rodriguez stated the Commission awarded ITB-20-3 Chaves County Complex Trail construction, phase I in September to Constructors Inc. Agreement A-20-041 is the standard AIA agreement form between owner and contractor for this project as specified through the specification plans issued under ITB 20-3. Staff recommends approval. Commissioner Bilberry moved to adopt Agreement A-20-041. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

RESOLUTION R-20-036 DELETION OF PROPERTY & PROPOSED DISPOSTION

Lucia Serrano stated this resolution is for approval to remove the attached inventory. Exhibit A has the assets listed. Staff recommends approval. Commissioner Bilberry moved to adopt Resolution R-20-036. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

RESOLUTION R-20-037 ADOPTING THE CHAVES COUNTY CYBER SECURITY POLICY

Stan Riggs stated this is something he is really proud of. Our IT Department is the best in the State. Two years ago we invited Homeland Security (DHS), we took them up on an offer to come down and look at everything and tell us how we're doing cyber security wise. They ran through a lot of things with the Clerk, and they were very pleased. They went through our systems and they gave us some recommendations. They were surprised we had a disaster recovery plan. They challenged us to do a few things. We invited NM Tech to come over unannounced and basically try to break in to our system. They could not. Andrew has been working for 6 to 9 months to get the best policy in place. Staff recommends approval. Commissioner Dana stated their system is so good she could not even hack in to her email and

thanked Alfredo Garcia. Stan Riggs stated this is to protect tax payer information, citizens information, employee information and even the vendors that we deal with. Last year we took measures to protect our HVAC system. We take this very serious. Commissioner Cavin stated Alfredo and Andrew do an amazing job. The City of Roswell and the Roswell Independent School District has gone through some stuff and this can be very damaging and costly. He thanked the I.T. staff. Commissioner Ezzell moved to adopt Resolution R-20-037. Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried.

OTHER BUSINESS

APPROVAL TO PURCHASE A CLASS-A PUMPER FOR DISTRICT 8 VOLUNTEER FIRE DEPARTMENT

Sandra Rodriguez stated District 8 Volunteer Fire Department is asking for approval to purchase a new class A pumper. The State Marshall has approved specifications for this bid and has authorized purchase of the apparatus. The department has 100 percent funding available through the fire apparatus replacement schedule. Staff recommends approval. Commissioner Bilberry moved to approve the purchase of a Class-A pumper for District 8 Volunteer Fire Department. Commissioner Corn 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 \$2,051,972.50. Commissioner Bilberry 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 Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

UNSCHEDULED COMMUNICATIONS

Rita Kane Doerhoefer wished Dara the best of health and a happy birthday last week. She talked to the County Clerk today about her polling location on election day and everything is great. She did not know that the correctional facility had a pumper. She's had 18 skunks. They had Walk for Hope on the courthouse lawn, thanked the Commission for letting them do that. They had no problems. The lady that cleans everything is marvelous. Thank you for hiring her full time. She gave Sheriff Herrington some skunk hair.

Louis Jaramillo gave a Census update. The Census will end as of this evening. They've been working on it for over a year now. As of today, they have 18,187 households that responded in Chaves County. DFA estimated that we were at 28,100 households based on an average growth of 30 years. The census bureau had us at 29,099. This is a huge number and we've never seen that kind of growth from one year to the next. In 2010 we did have 26,697 households. I believe we reached our goal at 64.7, based on the NM estimate growth. That left us with 9,900 households that the numerators needed to reach out to in approximately a month and a half. There was a misunderstanding with an apartment complex about their non-soliciting policy. The Census is not a part of the non-soliciting requirement. Right now, the city of Roswell accounts for 75% of the households in Chaves County. That left them with approximately 13,640 households that were counted or responded. The Numerators had to reach out to 7,434 households. This would give the city of Roswell 50,580 as a population based on 2.4 members per household. The reports will be delivered in December. They are currently running ads thanking the citizens for their participation. They had a low number of responses. Response rate in the County was approximately 70%. We average approximately 1,500 households every 10 years, that's about 150 homes per year. Louis thanked the commission for their support and thanked his committee members.

MANAGER'S COMMUNICATION

Stan Riggs stated they have been creative with the CARES ACT money. The County received around \$129,000.00 in reimbursement for payment of people overtime during the pandemic. He thanked Sandra, George, Anabel, and Bill for their hard work.

The Chairman received a letter from the Government Finance Officers Association notifying us that our comprehensive financial report for the fiscal year ending June 30th, 2019 qualifies for the Certificate of Achievement of Excellence in Financial Reporting. This is the highest achievement you can receive, and this is the sixth year in a row Finance has received this honor. There will be a formal presentation once the certificate is received. Our Finance Department is second to none. Bill and I are still serving on the airport steering committee. A couple commissioners and three city councilors attended the last meeting to give us their overview of what they see the future being. I was very proud of our Chairman and Commissioner Corn because they are so knowledgeable about the airport and what's going on in our community and they did an outstanding job expressing that.

The Clerk received a privately funded grant for COVID protection during the voting process. They've hired a full-time person to clean the early voting location. It's very safe to vote. November 10th at 2:00 pm will be the next meeting to canvass the General election.

Lucia Serrano will be going out to the volunteer fire departments to conduct a physical audit. He would like to get this done before December.

Mr. Riggs tendered his letter of resignation today to retire at the end of December. He's served for 27 ½ years. He stated he would like to get all the audits completed by the end of December so the next Manager can come in and have a clean slate.

COMMISSIONERS' COMMUNICATIONS

Commissioner Corn stated he is the Chamber of Commerce Representative. He attended a meeting and they are moving in the right direction. They have been able to get all their back bills paid, they have money in the bank and are moving in the right direction. Problems are cleaned up and staff is doing an excellent job. He witnessed the certification of the voting machines by the Clerk's Office. They ran 187 ballots through each voting machine and made sure the tallies were correct. The machines are handicapped accessible and check for flawed and forged ballots. He hopes the people of Chaves County will get out and vote. Our early numbers are good. People are excited about this election. He and the Chairman were fortunate to get to early vote on the first day. He let the Chairman vote first and he was voter number two. It's a pretty exciting time to be involved in a campaign.

Commissioner Dana stated she voted on Tuesday. She commended the early voting workers. The disinfecting person is marvelous. As soon as anybody got up they disinfected the chair, the table, the pens, everything. We have a marvelous County Clerk's Office. Chaves County is commended all the time for the way we run our departments and how efficient we are. Put your mask on and go vote. People feel safe and were happy to get in and get out. She thanked Louis and his team for their census work. She usually asks people; A. are you registered to vote? And B. did you fill out your census? It's not about money but representation. She hopes we don't lose representation in Chaves County. She's hoping the numbers are there. Our voices are vital. She saw the numerators going door to door. It will be the fault of people who were lax or leery of filling out the census. Thanked everyone in the County. We do a marvelous job and have wonderful people that work for Chaves County.

Commissioner Bilberry thanked Stan for the last four years and being able to work with him. He's learned a lot from him and thanked him for his patience. Stated Stan will be missed. He thanked all the County Officials and all the people that work for the county. Thanked Sheriff Herrington. Stated we have choices to make as Americans in the next few weeks. He encouraged everyone to pray for our country and vote.

Commissioner Ezzell apologized for his tardiness to the meeting. He congratulated the Finance Department on their award. He echoed what everyone else has said. He asked Stan to submit the cleaning person's salary to Santa Fe.

Commissioner Cavin stated all departments are doing a phenomenal, amazing, outstanding job. Every office goes above and beyond. We're the gold standard as far as county's go. He appreciates all the hard work done by the elected officials and all departments. He told Stan he will be missed. Hold on to your hats, this COVID stuff is not going away. We hit a high for Chaves County with 66. At last month's meeting we tried to get the Health Secretary to give an update and advise us how to put a stop to this. Everyone must be smart, vigilant, and use common sense. Asked everyone to be safe and attend to their health. He, Commissioner Corn, Stuart Ingle, and Representative Townsend had a great meeting with the Secretary of the Interior and followed up with some of the things they've been working on. They keep talking about the Carlsbad RFP, had a call from Tim Williams on Bitter Lakes. He sent him former Commissioner Duffey's information. It is breast cancer awareness month so he's wearing his pink ribbon for all the warriors having gone through or are going through. It's tough. New Mexico is number one in suicides in the country right now. They had a great rally for our kids on Monday. This is devastating for our kids. Pray for teachers and families all over the State. God bless America.

Commissioner Corn asked for a voting update which was provided by Cindy Fuller, Chief Deputy Clerk. She stated as of end of voting yesterday at 5:00 they had 6,150 early voters. That's an average of over 800 per day. Normal early voting numbers would be around 150 people per day. One day last week they had 1,101 people early vote. Cindy Fuller stated the Clerk's Office received a grant and they have been able to purchase PPE to keep voters, poll workers, and staff safe. They did hire a cleaning person in Area D and plan on having a cleaning person at every election day site. They are doing everything they can to keep voters safe. So far we are at a 21% turnout. Commissioner Corn asked for the number of absentee ballots in the mail. Cindy stated they have 2,765 ballots still out and they have received 1200. The last day to request an absentee ballot is October 20th.

CLOSED SESSION: PURSUANT TO SECTION 10-15-1-(H)(2), NMSA 1978 – PERSONNEL MATTERS

Commissioner Dana moved to go into closed session pursuant to Section 10-15-1 (H) (2) Personnel Matters. Commissioner Ezzell seconded the motion. Commissioners Corn, Dana, Ezzell, Bilberry, and Cavin all voted in favor of the motion at 10:26 am.

Commissioner Corn moved to come out of closed session pursuant to Section 10-15-1 (H) (2) Personnel Matters. Commissioner Ezzell seconded the motion. Commissioners Corn, Dana, Ezzell, Bilberry, and Cavin all voted in favor of the motion.

Commissioner Cavin stated that the items discussed in the closed session were limited to those specified in the motion for closure and no action was taken.

The meeting was adjourned at 11:24 am.



Cindy Fuller
Dave Kunko *Chief*
County Clerk *Deputy*

BOARD OF CHAVES COUNTY COMMISSIONERS

William E. Cavin
William E. Cavin, Chairman

Approved by phone
Jeff Bilberry, Vice-Chairman

Dara Dana
Dara Dana, Member

Approved by phone
T. Calder Ezzell, Member

Robert Corn
Robert Corn, Member