

**JANUARY 16, 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 9:00a.m. Commissioner Ezzell 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.

#### **ELECTION OF OFFICERS**

Commissioner Corn moved for the current Chairman and Vice-Chairman to continue for another year by acclamation. Commissioner Dana seconded the motion. Commissioner Ezzell moved that nominations cease. A voice vote was unanimous, and the motion carried.

#### **MINUTES**

Commissioner Corn moved to approve the minutes from December 19, 2019. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

#### **ECONOMIC DEVELOPMENT CORPORATION**

Mike Espiritu the Executive Director of the EDC stated one of their main focuses has been on housing. This is a regional issue. There was a housing summit in early December which included the City of Roswell. Developers and builders have contacted us with interest in doing something. The City is actively moving forward. He believes there is also opportunity in the county. Another area they have been working on is workforce development. CAVU, the aerospace company that replaced Stewart Industries was awarded \$527,000 for training 37 new employees by the State of New Mexico. The company hopes to eventually add more than the 37 employees. They are currently searching for employees. There have been efforts to get the high schools and the college involved in a training and intern program. USA Beef has also applied for State Training Funds as well. Their future looks very promising. Their focus in business attraction will be aerospace and agriculture. They will continue to support companies already in Chaves County. Commissioner Dana asked if the housing needs were temporary. In the past housing has been needed and then there is an economic downturn which leaves houses empty. He mentioned the Permian Strategic Partnership, stating it is a non-profit organization set up by the top 20 oil companies. They are forecasting a continued growth for the next 5 to 10 years. They are claiming a shortage of 15,000 workers in the Permian Basin. Developers are looking at single resident homes and apartment complexes. There is a complex breaking ground on College with a plan of 120 units. The Spring River complex is near a 100% occupancy rate. Commissioner Dana also asked if CAVU Aerospace was currently established in Roswell. They have been actively working here for approximately 2 years and have a workforce of 26 employees. They are actively hiring. They would also prefer additional hangar space as they expand. In addition to dismantling they also will repair aircraft to return to the airlines. We need to continue assisting them with the resources they need. Chairman Cavin thanked Mr. Espiritu for his report and all the hard work.

#### **PROCLAMATION – CHAMPIONS DAY ROSWELL HIGH SCHOOL**

Chairman Cavin read a proclamation proclaiming today as Champions Day for Roswell High Coyotes State Champion Football Team. The Coyotes also won the State Championship last year. The team posed for a picture with the Commissioners and were presented a proclamation.

#### **PUBLIC HEARINGS**

##### **CASE Z 2019-15 SPECIAL USE PERMIT FOR A SECOND RESIDENCE**

Louis Jaramillo stated this special use permit would allow for a second residence on a 5-acre lot to care for elderly parents. Staff recommends denial of the request based on the Chaves County Comprehensive Plan and the Chaves County Zoning Ordinance No. 7. The Planning and Zoning Commission recommended approval based on the age of the parents with 2 conditions. The first being

that the home's liquid waste system be permitted with the New Mexico Environment Department (NMED). The second being that the property be legally divided by survey. The applicant has met both of the conditions. Chairman Cavin opened the public hearing to public comment.

In Favor: Rosario Villagran

Opposed: None

There was discussion on the septic system. Commissioner Ezzell asked if the second residence was a mobile home. The answer was yes. He also asked why it was required by P & Z to split the lot legally. Louis Jaramillo stated it is a State Statute requirement that it be divided by survey. There is a survey from 1996 dividing the property into lots 4A and 4B. Each lot is 5 acres. Commissioner Corn moved to adopt Case Z-2019-15, a special use permit for a second residence with the stipulations and findings of fact. Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried.

#### **CASE Z 2019-16 SPECIAL USE PERMIT – TRUCKING BUSINESS**

Louis Jaramillo stated this special use permit request is for a trucking business consisting of 6 rigs and trailers in Area II, zoned Agricultural-Residential. He has been operating a trucking business from this location for approximately 5 years. Staff recommends approval with 10 conditions. The Planning and Zoning Commission denied the special use permit to protect and preserve the surrounding residential community from commercial use. Chairman Cavin opened the public hearing to public comment.

In Favor: Sergio Armenta and Louis Ford Velos

Opposed: Neal Binderman

Commissioner Ezzell stated the application was denied by the P & Z Commission for 6 rigs. Since it is changing to 3 rigs and 4 trailers he asked if it should go back to the P & Z Commission. Louis Jaramillo stated it definitely could go back to the P & Z Commission at their February meeting. The Commissioners felt it should go back through the process since it is being modified. Commissioner Ezzell moved to deny the original special use application for Case Z 2019-16 for a trucking business. Commissioner Dana seconded the motion. Stan Riggs stated that denying the application would require the applicant to wait 1 year to apply again. Commissioner Ezzell amended his motion to re-manned Case Z 2019-16 back to the P & Z Commission because the applicant has changed the special use application. Commissioner Dana seconded the motion. There was discussion in reference to these trucking businesses popping up in residential zoned areas. The proper procedure would be to visit the Planning and Zoning Office first and see what the current zoning allows and apply prior to starting a business. The Commissioners stated they are all for people making a living, however zoning determines if it is acceptable in each zoning designation. If there are violations, there is an attempt to resolve them. If the violations continue, then law enforcement and possibly the District Attorney get involved. Giving the applicant time to relocate has not worked well in the past. A voice vote was unanimous, and the motion carried.

#### **REVISION #10 TO CHAVES COUNTY ZONING ORDINANCE NO. 7**

Louis Jaramillo stated Revision #10 to Ordinance No. 7 amends Article II and adds Article XXI, Workforce Camps and Article XXII, Recreational Vehicle Parks. The Chaves County Planning and Zoning Commission held 5 public hearings. On December 3, 2019 the Planning and Zoning Commission recommended approval of Revision #10 to Ordinance No. 7 amending Article II and adding Articles XXI and XXII. Chairman Cavin opened the public hearing to public comment.

In Favor: None

Opposed: None

Commissioner Corn mentioned the airport clause. He read a portion that states any areas used for landing or taking-off of aircraft needs approval of the Federal Aviation Administration (FAA). He

mentioned having many strips on his ranch and none of them were approved by the FAA. He asked if it was the aircraft or the strip that needed FAA approval and the restrictions on ranchers using aircraft in their daily business. Louis Jaramillo stated the intent was to address the existing airport at the RIAC. The FAA does keep track of some runways. Mr. Jaramillo stated he understands that not all strips are presented to the FAA for approval. Commissioner Corn mentioned the Benedict runway in the south and a couple of crop duster airstrips. They are listed on the FAA map but he said he knows of no approval process from the FAA. Commissioner Corn said the verbiage bothers him a little. Louis Jaramillo stated he could scratch the language "which is approved by the FAA" from the definition. Commissioner Corn moved to amend the definition by removing the phrase "which is approved by the FAA". Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried. Louis Jaramillo mentioned an error in the definition of marijuana. The word "no" in the last sentence needs to be removed. Commissioner Corn moved to amend the definition by removing the word "no". Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried. Commissioner Ezzell stated the way he reads this we have amended Article II, which is definitions to primarily add "workforce camps" and "RV Parks". He asked if we put those in definitions and used them in the Ordinance. Louis Jaramillo stated that was correct. Mr. Jaramillo stated they are anticipating additional changes to the Zoning Ordinance and have addressed those in advance of amending those portions of the Ordinance later this year. He hopes to be a step ahead of the State changing the uses of Marijuana. Commissioner Corn moved to adopt Revision #10 to Ordinance No. 7 as presented and amended. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

## **AGREEMENTS AND RESOLUTIONS**

### **RESOLUTION R-20-001 NOTICE FOR PUBLIC MEETINGS FOR THE CHAVES COUNTY BOARD OF COMMISSIONERS AND RESOLUTION R-20-002 NOTICE FOR PUBLIC MEETINGS FOR THE INDIGENT HOSPITAL/HEALTH CARE BOARD**

Stan Riggs stated Resolutions R-20-001 and R-20-002 are the notice of public meetings for the Chaves County Board of Commissioners and the notice of public meetings for the Indigent Hospital/Health Care Board. These resolutions are a requirement of the Open Meetings Act. Mr. Riggs stated in addition to advertising meetings, the agendas will be available on the kiosk in the rotunda of the administration building. Commissioner Corn moved to adopt Resolutions R-20-001 and R-20-002. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

### **RESOLUTION R-20-003 DESIGNATING POLLING PLACES FOR THE 2020 PRIMARY AND GENERAL ELECTION AND THE 2021 LOCAL ELECTION**

Chaves County Clerk, Dave Kunko stated that in June of 2019 the Board of Commissioners approved Polling Places for the Local Election 2021, Primary Election 2020 and General 2020. The Board also approved precinct splits in order to comply with a new state statute that went into effect after the 2019 Legislative Session. He stated the precincts did not go into effect until January 1, 2020 after the 2019 Local Election held in November. We are presenting the same information that now includes the new precinct additions. Commissioner Corn moved to adopt Resolution R-20-003. Commissioner Bilberry seconded the motion. Commissioner Bilberry thanked the Clerk's Office for their hard work on this project. Chairman Cavin asked if a demographer assisted in these changes. Mr. Kunko stated the Secretary of State's Office hired a demographer that made recommendations for precinct splits. Some of their recommendations were not necessary at this time and we did not believe they would be necessary in the near future. Commissioner Corn made everyone aware that the changes that were made were mandated by HB 407 in the last legislative session. Mr. Riggs added that after the 2020 Census, Redistricting will require redrawing districts. We may wish to hire a demographer in 2020 because all districts will need to be adjusted including school districts, County Commission, City Council and the number of demographers tends to be limited, so the sooner we get in line probably the better. Commissioner Dana stressed the importance of the Census and how it determines our representation in Chaves County. We must get everyone counted. Chairman Cavin agreed and stated unfortunately not everyone in this community feels that way. A voice vote was unanimous, and the motion carried.

## **RESOLUTION R-20-004 FEE SCHEDULE**

Louis Jaramillo is requesting approval of a new fee schedule for zoning permit applications, to be known as Appendix A of the Chaves County Zoning Ordinance No. 7, Revision #10. This will include RV Parks and Workforce Camps. The Planning and Zoning Commission recommended one change. Permits for Workforce Camps and RV Parks originally was set at \$50.00 by staff. The Planning and Zoning Commission recommended changing that permit fee to \$300.00. The annual renewal would be \$100.00 and the late fee would be \$100.00. Commissioner Corn moved to adopt Resolution R-20-004, the new Fee Schedule. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

## **RESOLUTION R-20-005 APPROVAL OF BUDGET ADJUSTMENT**

Joe Sedillo stated the Finance Department is requesting a budget adjustment for the line items in Exhibit A. The adjustments are for the 27 pay periods affecting fiscal year 2020 in the amount of \$589,103.00 and the Junior Bill Grants that will ensure positive budget balances. This issue has been discussed by the Budget Committee. Commissioner Ezzell moved to approve Resolution R-20-005. Commissioner Corn seconded the motion. A voice vote was unanimous, and the motion carried.

## **OTHER BUSINESS**

### **LEASE WITH OPTION TO BUY (1) VOLVO L90H WHEEL LOADER**

Sandra Rodriguez stated this item is a lease with option to buy (1) 2020 Volvo L90H Wheel Loader for the Chaves County Road Department. They will be replacing 1 Wheel Loader in February. The contract will be with Sierra Machinery. It was discussed that the lease term is 5 years at \$1,584.90 per month. Commissioner Bilberry moved to approve the lease with option to buy (1) 2020 Volvo L90H Wheel Loader. Commissioner Corn seconded the motion. A voice vote was unanimous, and the motion carried.

### **2020/2021 ANNUAL EMS FUND ACT APPLICATION AND SERVICE REPORT FOR BERRENDO, MIDWAY AND SIERRA VOLUNTEER FIRE DEPARTMENTS**

Bill Williams stated this item is a request for permission to submit the 2020/2021 Annual EMS Fund Act Applications and Service Reports on behalf of the Berrendo, Midway and Sierra Volunteer Fire Departments. Commissioner Corn moved to adopt the 2020/2021 Annual EMS Fund Act Applications and Service Reports. Commissioner Ezzell seconded the motion. Commissioner Ezzell asked about the other fire departments. Mr. Riggs stated this is only for the ones with EMS capabilities. Bill Williams thanked Alys for working very hard putting this together. A voice vote was unanimous, and the motion carried.

### **REQUEST FOR OUT OF STATE TRAVEL**

Bill Williams stated this is a request for Out-of-State travel for 2 firefighters of the Sierra Volunteer Fire Department to attend a training seminar at the Arizona Wildfire and Incident Management Academy in Prescott, Arizona March 7, 2020 through March 13, 2020. This travel and training has been budgeted. In addition, the Sierra Volunteer Fire Department is purchasing a new tanker from Spartan Manufacturing. Included in the purchase price is three trips for three representatives to check the build progress. They are requesting permission to send Shawn Brink, Justin Crum and Mike Rohrbacher to Brandon, South Dakota to verify the build is proceeding as to the contract specifications at the appropriate times. The Manufacturer is responsible for transportation, lodging and meal costs. Commissioner Corn moved to approve travel and training and the progress check on the tanker.

### **APPROVAL OF CHECKS**

Commissioner Dana moved to approve checks in the amount of \$1,997,727.61. Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried.

## **APPROVAL OF REPORTS**

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

## **DEPARTMENT COMMUNICATIONS**

Mike Herrington thanked the Budget Committee for allowing him to address some issues. One of the things they are doing is currently they have 2 Deputies in the Academy and are hiring additional deputies. He wants the public to know they will soon be at full staff. Commissioner Dana asked about a presence in the Valley and the Lake Arthur area. The meeting with the Budget Committee will assist the Department in getting Deputies in the Valley. Sheriff Herrington mentioned an incident at the Roswell Mall where a man escorted out of the Mall opened fire on the RPD and went through the riverbed and made it to his house. As law enforcement closed in, he took his own life. Agencies are working together. The town of Hagerman has approved a workforce camp, so the County is producing more jobs. Emergency response is good, unfortunately other things have to wait.

Joe West thanked the Commission for approving the new loader. Jeff Bilberry mentioned the reclaimer doing a great job on Railroad Mountain Road. Joe West feels as though the reclaimer purchase was a wise investment for the County. Mr. West mentioned they would be reclaiming East Chickasaw from Hwy. 285 to Vineyard. Commissioner Corn stated it was amazing to see the reclaimer in action. Bill Williams stated this equipment has changed how Chaves County works on roads. It saves money because you use the existing material.

## **UNSCHEDULED COMMUNICATIONS**

Rita Kane-Doerhoefer stated Keep Chaves County Beautiful has been very busy. They have around \$2,000.00 they need to spend. They are busy working with schools and the Boys and Girls Club. They have partnered with Mainstreet Roswell to do the pots for National Planting Day.

Louis Jaramillo stated he is the Chairman of the Chaves County Complete Counts Committee. There is an individual that has chosen to resist the efforts of the committee. They will continue to move forward. They meet on the 3<sup>rd</sup> Wednesday at the Hagerman Townhall. They are hoping to expand the committee. They have met with the State twice. They are ready to advertise. The school districts are on board. They are assisting canvassers by replacing worn address numbers.

## **MANAGER'S COMMUNICATION**

Stan Riggs stated the Budget Committee did meet on Tuesday. We will be bringing a couple of budget issues to the Commission in February. Bids have come in on the elevator project and they were way over budget based on the Architects projections. We do have options. We could try to get more money from the State which would delay the process, or we could keep moving forward. We most likely will move forward and pay the additional cost. The Commission has been given a handout showing the current committees. He asked that the Commissioners let him know of committee changes they would like the Chairman to consider. Final Committee assignments will be completed in February. The County will be closed Monday in observance of Martin Luther King Day. Tuesday is the beginning of the NMC Legislative Conference in Santa Fe.

## **COMMISSIONERS' COMMUNICATIONS**

Commissioner Corn stated he would be in Santa Fe next week for the NMC Legislative Session. There will be information that is beneficial to all Counties in the Commissioners Affiliate. Soon after that he will be headed to Washington D.C. for the NACO Legislative Retreat. We will continue to deliver our message. He is looking forward to a productive 2020.

Commissioner Dana stated she is looking forward to the Legislative Conference and the NM Edge Classes in Santa Fe. Santa Fe passes problems down to the Counties. Hopefully they can get some common sense. Hopefully our continued efforts can change some of the minds in Santa Fe.

Commissioner Ezzell mentioned a Finance Committee Meeting on Tuesday. Every time he attends, he is amazed at the job Joe, Anabel and the Finance Department does. Our money is well managed and taken care of. He thanked them for all their work. He thanked Louis Jaramillo tackling the P & Z duties which are almost insurmountable. People need to know that what was presented today is just scratching the surface. There are Ordinances in place. Many times we will not know what people are doing until there is a complaint or we stumble across a violation. He thanked Louis Jaramillo for his efforts. New growth will affect Chaves County and we must enforce our Ordinances. We are not anti-business, we just want things done right.

Commissioner Bilberry thanked all the departments for their hard work. He agreed with Commissioner Ezzell that Louis Jaramillo has a tough job. We are for business in Chaves County, but we must be fair to everyone. He is looking forward to a good year. He said, "Beef, it's what's for dinner".

Chairman Cavin mentioned Kea Riggs has already started as the Federal District Court Judge in Albuquerque. He congratulated her and thanked her for her willingness to serve. The US Senate passed the USMCA. This is a great accomplishment for this country. Hopefully our State Legislature can use some common sense in the upcoming 30-day session. We have been pushing for a 3-lane highway to the Texas boarder from Chaves County. This is a dangerous road without any passing lanes. He thanked everyone for their hard work. We have a great working family in Chaves County. God Bless America.

The meeting was adjourned at 11:22a.m.



**BOARD OF CHAVES COUNTY COMMISSIONERS**

William E. Cavin  
William E. Cavin, Chairman

Jeff Bilberry  
Jeff Bilberry, Vice-Chairman

Dara Dana  
Dara Dana, Member

Dave Kunko  
Dave Kunko  
County Clerk

Approved by Phone  
T. Calder Ezzell Jr, Member

Robert Corn  
Robert Corn, Member