

FEBRUARY 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. Chairman Cavin called the meeting to order at 9:00a.m. Commissioner Corn led the pledge and Commissioner Bilberry led in prayer. Those present were Commissioners Bilberry, Dana, Ezzell, Corn and Cavin. Commissioner Ezzell attended by conference call. 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.

AGENDA

Commissioner Corn moved to approve the agenda. Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried. Chairman Cavin moved item #6 to the beginning of the meeting and moved item #4 after the audit presentation.

RESOLUTION R-20-10 DECLARING OPPOSITION TO THE EXTREME RISK PROTECTION ORDER ACT

Sheriff Herrington thanked the Commission for protecting our constitutional rights. Laws already exist that allows law enforcement the ability to intervene when a person is threatening harm to themselves or another. He mentioned additional laws and stated he took an oath to defend the Laws and Constitution. Commissioners Corn, Dana, Bilberry and Cavin read a portion of the resolution. Commissioner Corn moved to adopt Resolution R-20-010. Commissioner Dana seconded the motion. Commissioner Ezzell asked that the title of the resolution be amended to state, "Extreme Risk Firearm Protection Order Act", and remove the work "just" from the 3rd Whereas paragraph. Commissioners Corn and Dana accepted the friendly amendment. A voice vote on the amendment was unanimous, and the motion carried. Commissioner Corn moved to adopt Resolution R-20-010 as amended. Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried. Roswell Police Chief Smith was in attendance and recognized for supporting this resolution. Sheriff Herrington thanked everyone coming out in support of this resolution. Commissioner Ezzell stated the "Red Flag" bill passed the Senate by 2 votes and was only heard in 1 committee in the House. He stated the Lea County Sheriff did a good job debating this bill. Representative Ely stated the Sheriff's need to follow the law or resign. Commissioner Ezzell stated this law has some serious constitutional issues. Commissioner Cavin agreed this was bad legislation.

MINUTES

Commissioner Corn moved to adopt the minutes from January 16, 2020. Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried.

RECESS

A short recess was taken, and the meeting resumed at 9:31am.

PRESENTATION

Joe Sedillo introduced Shawn Mortenson, CPA from the Jaramillo Accounting Group. Mr. Mortenson stated Chaves County was in an elite group and one of the few entities in the State that file a Comprehensive Annual Financial Report (CAFR). The Government Finance Officers (GFA) have issued Chaves County with the Certificate of Achievement and Excellence in Financial Reporting. Mr. Mortenson started on the Independent Auditors Report stating this is an unmodified or clean opinion. There were no errors or misstatements in the audit. He mentioned the next section was the Management Discussion and Analysis. Page 21 is the Statement of Net Position. Total current assets are \$30.9 million and current debt is \$3.6 million. This is a tremendous position to be in. The County shows a \$4.9 million increase in net assets over the previous year. He mentioned where to find the balance sheet as well as the statement of revenue. He mentioned the pension liability. There was discussion that GASB68 requires we show this liability. Commissioner Corn added that it is not our liability and it is not right to have it on our books. Mr. Riggs stated all Counties and Municipalities are required to show it. Commissioner Corn added that it really makes the books look much worse than

they really are. Mr. Mortenson stated the test controls showed no red flags and no findings. This is an excellent County and the Departments communicate well. Commissioner Ezzell thanked the auditors and the Finance Department. Commissioner Corn stated he was on the Finance Committee for 6 years and we received many awards. Joe Sedillo thanked all the departments for their cooperation.

AGREEMENTS AND RESOLUTIONS

RESOLUTION R-20-008 ACCEPTANCE AND APPROVAL OF THE FY 2019 AUDIT

Commissioner Corn moved to approve Resolution R-20-008 the FY 2019 Audit. Commissioner Bilberry seconded the motion. A voice vote was unanimous, and the motion carried.

AMENDMENT #1 TO RESOLUTION R-12-049 CHAVES COUNTY RISK CONTROL PROGRAM

Stan Riggs stated this amendment would modify and update the Chaves County Risk Control Program. This amendment was reviewed by the Chaves County Risk Committee and they are recommending approval. Commissioner Cavin thanked Tim Salazar for his work on this update. Commissioner Bilberry recommended approval of Amendment #1 to Resolution R-12-049, The Chaves County Risk Control Program. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

RESOLUTION R-20-006 APPROVAL OF DWI GRANT AND DISTRIBUTION APPLICATION FOR FY 2021

Lucia Serrano stated that Chaves County DWI Board is requesting approval to submit the FY 2021 Local DWI Grant and Distribution Application. The Distribution portion of the application is for \$416,675.00. The portion requested under the Competitive Grant is \$52,500.00. This amount would fund the Full-time treatment provider. The By-Laws were mentioned by Commissioner Dana. Lucia Serrano stated a sub-committee is currently reviewing the by-laws. Commissioner Bilberry moved to approve Resolution R-20-006. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

RESOLUTION R-20-007 APPROVAL OF BUDGET ADJUSTMENT

Anabel Barraza stated the Finance Department is requesting a budget adjustment for the line items in Exhibit A. These items include the courthouse elevator project, 2 sheriff positions and the Keep Chaves County Beautiful Grant. Commissioner Corn stated we recently went out to bid for this project and the architect underestimated this job by 32% because the lowest bid was approximately \$170,000 over the estimate. Mr. Riggs stated there are a lot of construction projects occurring south of Roswell, so construction companies are busy which is driving the price up. Commissioner Ezzell asked about the 2 positions in the Sheriff's Office. Anabel Barraza stated they were deputy positions. The amount of the request for the deputies would just cover the last 4 months of the fiscal year. Commissioner Bilberry moved to approve Resolution R-20-007. Commissioner Corn seconded the motion. A voice vote was unanimous, and the motion carried.

RESOLUTION R-20-009 ENDORSING THE MIKE SMITH HIGHWAY

Commissioner Dana read Resolution R-20-009 naming State Road #2 from Midway south to highway 285, the Mike Smith Highway. Commissioner Ezzell moved to approve Resolution R-20-009. Commissioner Dana seconded the motion. Commissioner Ezzell stated that at the event Tuesday night this honor totally surprised Mike Smith and he was deeply moved. Mike Smith stated he thought when he was inducted into the Hall of Fame that it would be the pinnacle of his career, but naming the highway after him topped it. Commissioner Ezzell thanked Joe West for making the street signs. Commissioner Dana stated she learns more Chaves County history every day. We are so much more than just aliens. She encourages new people to this area to learn the history. Mike Smith is an inspiration to our youth on what you can accomplish by setting goals. Mike Smith told a story about a school principal telling him if he drops out, he will never amount to anything. He always had a goal and a dream and never looked back. Mike Smith stated he plans to keep riding. She stated it was really a wonderful event and she thanked Calder and Candy Ezzell and Joe West. A voice vote was unanimous, and the motion carried.

ITB/RFP'S

ITB-19-04 CHAVES COUNTY COURTHOUSE ELEVATOR PROJECT

Sandra Rodriguez stated 2 bids were received for ITB-19-4 the Chaves County Courthouse Elevator Project. They were from Waide Construction and Mick Rich Contractors. Staff finds the low bidder responsive to the specifications and recommends award to Waide Construction Co. Inc. of Roswell, New Mexico in the amount of \$594,640.81. Staff also request the Board authorize the Chairman to execute the grant agreement between the County and the contractor. Authorization for the project to proceed after approval is contingent upon DFA review and approval. Bill Williams estimated the DFA approval to take around 30 days. Commissioner Corn moved to approve award of Bid ITB-19-04 to Waide Construction Company in the amount of \$594,640.81. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

ITB-20-1 INTERIOR COMMERCIAL PAINTING CONTRACTOR SERVICES

Sandra Rodriguez stated Chaves County received 2 bids for Interior Commercial Painting Services. She stated the bids were much higher than expected and staff is recommending no award be made at this time. Chaves County Facility Maintenance will do the interior painting. Commissioner Corn moved to adopt staff's recommendation of no award. Commissioner Dana seconded the motion. A voice vote was unanimous, and the motion carried.

OTHER BUSINESS

2020 COMMISSION COMMITTEE APPOINTMENTS

Stan Riggs stated each year the Commissioners are appointed to serve on standing committees. The requests and recommendations were attached. Commissioner Bilberry moved to approve the appointments as listed. Commissioner Corn seconded the motion. A voice vote was unanimous, and the motion carried.

UPDATE CASE Z 2019-16 SPECIAL USE PERMIT

Louis Jaramillo stated this case was being sent back to the Planning & Zoning Commission because the applicant wished to alter the application. The applicant and his partner have since chosen to withdraw the application and discontinue the trucking business at this address and will be parking one rig at this site along with one spare. The other rig will stay at the partner's address. Mr. Jaramillo stated Planning and Zoning will continue to monitor this situation to assure compliance.

2020 CHAVES COUNTY ANNUAL ROAD HEARING APPLICATIONS AND APPOINTMENT OF FREEHOLDERS

Bill Williams stated the application deadline for the 2020 Chaves County Road Hearings has passed and no additional applications will be accepted. Three freeholders must be appointed to view the roads and make a report back to the Commission. Staff has recommended appointment of Tim Henry, Jean Ann Dunn and Jim Higgins with the alternate as Cody Rattan. Mr. Williams stated the County has received 14 applications. Commissioner Ezzell moved to approve the appointments as recommended by staff. Commissioner Bilberry 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 \$1,794,353.88. Commissioner Dana 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 Bilberry seconded the motion. A voice vote was unanimous, and the motion carried.

DEPARTMENT COMMUNICATIONS

Mike Herrington thanked the Commission for the approval of the Deputy positions today and the Resolution opposing the Extreme Risk Firearm Protection Order Act.

Joe Sedillo handed out a worksheet to the Commission on Gross Receipts Tax (GRT). He stated Friday the Treasurer received 1,216,623.08 from the State. This is an 8.75% increase over last year. This brings our total to a 14.3% increase for the year. He mentioned a delay in reporting by 2 City retailers. He feels as though online sales tax is not being properly credited to local governments by the State. The numbers are good, however, the trends do not appear to be sustainable and we need to continue to be very cautious. Commissioner Corn stated the trend is continuing. He is glad we have a conservative budget that will allow us to weather the storm.

Louis Jaramillo stated they are ramping up the 2020 Census advertising and will continue to do so. Billboards are coming out soon. There was some discussion about negative information and additional funding.

Ron Lethgo stated they are currently advertising for the Chief Appraiser position in the Assessor's Office. They have received a few applications. They have more than one opening. It is a difficult climate to find qualified employees. He stated they are very busy doing their renditions. Commissioner Corn asked the difference between personal property and business property when property taxes increase? Are they treated the same? Ron stated real property pays flood control and the conservancy district inside the City of Roswell. Personal Property does not pay those 2 special levies, but do pay State, Counties and Schools. An increase by the City would affect business personal property and not livestock.

County Clerk Dave Kunko mentioned the Municipal Officers Election (MOE) is currently doing early vote at City Hall and Area D of the County Administrative Center. Mr. Riggs stated the Commission will canvas this election on March 10th at 2:00p.m. Chairman Cavin mentioned the NMC Board of Directors not supporting HB 229. Mr. Kunko stated the Clerks requested amendments to the bill which were now in place and the Clerks are supporting the bill. There was some discussion on HB 407 that was passed last year. Mr. Kunko would like to see these bills limited in scope. Chairman Cavin asked what the cost would be for this City election. Mr. Kunko stated the entire bill is paid for by the Municipalities for a MOE and he and his Chief Deputy Cindy Fuller estimate it to be around \$70,000. Had they opted-in to the Local Election last November those elections are paid by the Secretary of State.

UNSCHEDULED COMMUNICATIONS

Neil Binderman stated the staff summary on the special use permit allows this activity while the Ordinance prohibits it.

Rita Kane-Doerhoefer asked for some Census signs. On behalf of Keep Chaves County Beautiful (KCCB) she thanked Finance, Bill Williams, Sandra and Joe West for all their help. She stated KCCB has received the Standards of Excellence Award again. She mentioned the Great America Clean-up. She thanked Alys for her help.

Bill Williams thanked the Commissioners for supporting the Community, the Sheriff and approving the additional money for the Courthouse Elevator.

MANAGER'S COMMUNICATION

Stan Riggs stated he receives a report from Clay Corn on the number of juvenile detainees being housed in other Counties. We have three. Two of them are in Curry County and One is in Dona Ana County. He believes the program is working very well. The Western Counties are getting back together regarding the rewrite of the Council on Environmental Quality. They are rewriting the regulations implementing the procedural provisions of NEFA. There are a few things we wish to add to it. They are working with the American Stewards of Liberty. He thanked our Representatives and Senators currently working in Santa Fe. He was on the phone Monday night with Representative Nibert. The Capital

Outlay is looking good. We may receive money for the Brasher Bridge. The 5 million dollars for utility extension at the airport is in the bill.

COMMISSIONERS' COMMUNICATIONS

Commissioner Corn thanked Mike Espiritu from the EDC for the report. USA Beef has secured some additional funding for training and will expand their operation. He thanked RISD and ENMU-Roswell for working on curriculum to train people for the local workforce. They had a good meeting in Santa Fe and he will be headed to Washington D.C. next week. We must keep promoting our cause. He mentioned seeing the Wind Turbine Project. It was very impressive and hopes we can take a tour.

Commissioner Dana thanked the Economic Development Corporation. She ran into a young man that moved back to Roswell looking for work. She guided him to the EDC and the Chamber of Commerce. She thanked the Sheriff and Deputies assisting with the trash situation in Midway. She has seen the 2 new compactors on Ojibwa Road. They are very nice. We work hard and should not have to clean up after lazy people.

Commissioner Ezzell stated there was 25 minutes left in the session and he prayed they would do no harm. He congratulated Finance on the audit. He thanked everyone for their hard work.


Commissioner Bilberry stated it was a privilege to be a part of this County. He thanked the Sheriff and Finance. He was in Las Cruces a couple weeks ago at a BLM meeting. There is discussion on more input coming from Western States. Jim Stovall from BLM states the RMP seems to just keep going back and forth between here and Washington D.C. There was good representation at the Las Cruces meeting. He asked Commissioner Ezzell to thank Representative Ezzell for her work on the Mike Smith presentation. Lea County has asked that Chaves County join them to discuss the trash issue with DOT. He wished the Commissioners good luck with their trip to Washington, D.C. He thanked all the departments for their hard work.

Chairman Cavin said he is looking forward to the trip to Washington, D.C. The trips are making a difference and we cannot let up. We must stay on top of the Carlsbad RMP. He finds it hard to believe the environmentalist are all in favor of windfarms. What is the environmental footprint? Commissioner Corn mentioned a meeting in Washington State where he asked an electric company executive what the impact was for building these towers. Energy is used to produce this equipment. He never really answered the question. Commissioner Ezzell stated there was an article in the Wall Street Journal that stated a "state of the art" wind turbine requires 900 tons of concrete and 110 tons of steel and generates around 75 tons of non-recyclable plastics and polymers. Chairman Cavin mentioned the Maze of Life. He thanked Mike Espiritu with the EDC. He thanked everyone for their hard work and added that we look out for each other. We make a difference for our citizens. God Bless America.

The meeting was adjourned at 11:52a.m.



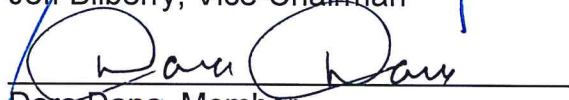
ATTEST:

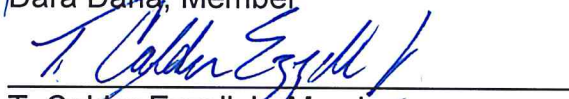

Dave Kunko
County Clerk


BOARD OF CHAVES COUNTY COMMISSIONERS


William E. Cavin, Chairman


Jeff Bilberry, Vice-Chairman


Dara Dana, Member


T. Calder Ezzell Jr, Member


Robert Corn, Member