

January 21, 2021

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 Taylor led the pledge and Commissioner Bilberry led in prayer. Those present were Commissioners Cavin, Bilberry, Ezzell, Dana, and Taylor. Also present were Interim County Manager, Bill Williams, Sheriff, Mike Herrington, Finance Director, Anabel Barraza, County Clerk, Cindy Fuller, news media, staff, and guests.

ELECTION OF OFFICERS

Commissioner Dana moved that Commissioner Cavin remain Chairman and Commissioner Bilberry remain Vice-Chairman for another year. Commissioner Ezzell seconded the motion. A voice vote was unanimous. The motion carried. Bill Williams stated that every year the Commissioners are appointed to serve on standing committees and that will be presented at the next meeting.

MINUTES

Commissioner Bilberry moved to approve the minutes from the December 17, 2020 meeting. Commissioner Ezzell seconded the motion. A voice vote was unanimous. The motion carried.

PRESENTATION

Commissioner Cavin stated the Chaves County Finance Department has been awarded the 2019 County Audit and Accountability Award. They are one of only five in the State of New Mexico to win this award. Since we can not be in Santa Fe this year to watch our Finance crew go up and get this award, we are going to have a presentation here today. Anabel Barraza received the award for the Finance Department and a picture was taken with the Commissioners.

NEW MEXICO DEPARTMENT OF HEALTH UPDATE

Jimmy Masters with the NM Health Department gave an update on COVID testing and vaccines. We are still currently testing at our public health offices in all seven counties in the region and we have seen a drop in testing numbers statewide. In Roswell we've seen between 40 and 80 tests daily. They are not using the State lab, but a company called Curative. It's an oral test that people use themselves. They are trying to maneuver into the vaccination side. One of their partners is Pathology Consultants and they would like to see them take on more of the testing so they can do more vaccinations. Commissioner Dana asked if all the testing sites report to the State? Mr. Masters stated that yes, it all goes into the State database. Commissioner Dana asked if a person tests positive and they have to go back and get another test and they have a negative do both results go into the system for the same person? Mr. Masters was unsure and said he would take this question back to ERD. Commissioner Dana asked how the vaccines are being distributed. Mr. Masters stated that there are several providers with the hospital being one of them. They started off with healthcare workers and first responders. They just got their ultra-low temp freezer installed. Once they get a shipment it must be used within five days. It's about a coordinated effort. Commissioner Dana thanked Jimmy. Commissioner Bilberry asked about the accountability in the numbers because it's so important to our economy. Mr. Masters will take this question to ERD. Commissioner Bilberry stated that no one trusts what's going on and asked how we get our County back open? Mr. Masters stated he will try to get someone down here to answer questions. Commissioner Ezzell asked what the process is to go from red to yellow? Mr. Masters stated he doesn't know. Commissioner Bilberry stated we've got to get ahead of this. We need answers in days not a month. Commissioner Taylor stated he works with a lot of businesses who are devastated but more importantly how this is affecting our children. Mr. Masters stated it could be April or May before vaccines are available to the public.

SHERIFF'S OFFICE UPDATE

Sherriff Mike Herrington presented Gage Kennard. Gage is the handler for the new canine, Felek, whose name means Fate. He's one and a half and is a full narcotics dog. He can jump nine feet. The Sheriff stated that Felek was sworn in, he carries a commission card, and he is a deputy sheriff. If anyone does him harm, they will be charged with battery on a peace officer.

ROSWELL CHAMBER OF COMMERCE UPDATE

Andrea Moore stated she is now a paid staff member with the title of President/CEO. Nic Snowberger is the Chairman of the Board. They are ready to move into their next phase. They have a good basis for their finances and are building a budget for the second half of the fiscal year. They have a new treasurer. They are getting ready to roll out a quarterly magazine in March and will highlight agriculture in Chaves County. The Shop Safe Shop Local campaign was a success and they are looking forward to expanding this going forward. Commissioner Dana thanked Ms. Moore for stepping up. She encouraged people to get away from Amazon and online shopping, get creative and shop local. Henry's BBQ in Artesia closed their doors and moved to Texas. We don't need to lose any more businesses. Ms. Moore stated she will be posting links to the legislative session and at the County and City levels. She would also be happy to post COVID vaccination sites. Commissioner Cavin thanked Ms. Moore.

ECONOMIC DEVELOPMENT CORPORATION UPDATE

Mike Espiritu congratulated Commissioner Taylor on being elected and stated the EDC is all about job creation. COVID has shifted us more towards taking care of our local businesses. They contacted 224 businesses this last quarter. Mr. Espiritu stated that at last months meeting Commissioner Dana asked how many businesses in Chaves County have closed. There are probably less than 20 that they are aware of but remarkably there are around 15 that have opened their doors in the County. The EDC comes in and helps businesses with financing, land, incentives, things of that nature. He is working with a company in San Diego on a building that will be demolished and then retail space built there. They currently have 16 projects and continue to push out opportunities. They have gone more towards online platforms to tell the Chaves County story to consultants. They will be doing more videos on agriculture and the Air Center. These are a great resource for schools. There are a lot of concerns out there. Unemployment insurance rates will be high as we begin to re-open. As a result, some businesses might consider not re-opening their doors because they can't afford this. Commissioner Cavin thanked Mr. Espiritu.

PUBLIC HEARINGS

PUBLIC HEARING ON THE QUESTION OF WHETHER A PROPERTY TAX REBATE BENEFITTING LOW INCOME PROPERTY TAXPAYERS IN THE COUNTY SHOULD BE MADE AVAILABLE THROUGH THE ADOPTION OF A COUNTY ORDINANCE

Bill Williams stated that according to Section 7-2-14.3G NMSA 1978, in every odd numbered year, the Board of County Commissioners shall conduct a public hearing on the question of whether a property tax rebate benefitting low income property taxpayers in the County should be made available through adoption of a County ordinance. The problem with this rebate is twofold, first, who actually qualifies as low income? The procedure to qualify is set out in section 7-2-14, NMSA 1978. It is based upon New Mexico Income Tax returns and could possibly be manipulated. The second issue revolves around the tax itself. The taxes are not forgiven. The tax burden is shifted to the County to pay until an election occurs and the voters decide whether to impose a 1 mil property tax increase to pay for the taxes which have been rebated. In addition, this does not rebate state or school taxes, bond levies, etc. It only rebates the County and City portion of the property tax. Staff recommends denial of creating an ordinance. This public hearing has been properly advertised.

In Favor: None

Opposed: None

Commissioner Cavin closed the public hearing for public comment. Commissioner Ezzell moved to enact no ordinance. Commissioner Bilberry seconded the motion. A voice vote was unanimous. The motion carried.

PERMISSION TO ADVERTISE A NOTICE OF PUBLIC HEARING FOR RURAL ADDRESSING SYSTEM ORDINANCE O-108

Louis Jaramillo stated they are requesting permission to advertise a notice of public hearing for the rural addressing system ordinance O-108. The public hearing is to be held at the regularly scheduled County Board of Commissioners meeting, February 18, 2021. The notice will contain the date, location of the hearing, title of the ordinance, and general summary of the proposed ordinance as required by NMSA 4-37-7. The notice will be advertised two weeks before the public hearing in the local newspaper and on the Chaves County Facebook page. Copies of the proposed ordinance will be available online and in the Chaves County Planning and Zoning Department. The purpose of the ordinance is to repeal and replace ordinance 19, Chaves County Rural Addressing Revision No. 1, with a new Rural Addressing System that would utilize a comprehensive and simplistic process for assigning addresses and new road names within the unincorporated areas of Chaves County for the health, safety, and wellness of Chaves County residents. Commissioner Ezzell made a motion to authorize the advertisement of the notice for a public hearing. Commissioner Taylor seconded the motion. A voice vote was unanimous. The motion carried.

AGREEMENTS AND RESOLUTIONS

AGREEMENT A-19-026 RATIFICATION OF ADDENDUM #1 BETWEEN CHAVES COUNTY AND UTILITY ASSOCIATES INC.

Sandra Rodriguez stated that staff is requesting ratification of Addendum #1 between Chaves County and UTILITY Associates, Inc in the amount of \$177,271.89 for a four-year lease. 19 lapel cameras have been purchased under Governor's mandate and was effective January 1, 2021. Staff recommends approval. Commissioner Cavin stated this was an unfunded mandate. Commissioner Ezzell asked if we had heard anything from NM Counties to fund this unfunded mandate. Commissioner Cavin said they are pushing for it but they don't have much hope in it. Commissioner Ezzell made a motion to ratify addendum #1 between Chaves County and UTILITY Associates in the amount of \$177,271.89. Commissioner Bilberry seconded the motion. A voice vote was unanimous. The motion carried.

RESOLUTION R-21-001 NOTICE FOR PUBLIC MEETINGS FOR THE CHAVES COUNTY BOARD OF COMMISSIONERS. RESOLUTION R-21-002 NOTICE FOR PUBLIC MEETINGS FOR THE CHAVES COUNTY INDIGENT HOSPITAL/HEALTH CARE BOARD

Bill Williams stated these are annual resolutions that need to be passed in compliance with the Open Meetings Act. The Commission is required to publish a notice of public hearings each year. The attached resolutions, if approved, would establish Commission meetings once monthly, and Indigent Health/Hospital Care Board Meetings quarterly, on the third Thursday of the month with IHC at 8:30 am and the Commission at 9:00 am. Staff recommends approval. Commissioner Bilberry moved to approve R-21-001 and R-21-002. Commissioner Ezzell seconded the motion. A voice vote was unanimous. The motion carried.

RESOLUTION R-21-003 DELETION OF PROPERTY & PROPOSED DISPOSITION

Lucia Serrano stated that the approval of this resolution will allow staff to remove the attached inventory. The CH-55 rotary cutter head will be donated to the Hagerman-Dexter Soil and Water Conservation District. Exhibit "A" has the assets listed. Staff recommends approval. Commissioner Bilberry moved to approve R-21-003. Commissioner Dana seconded the motion. A voice vote was unanimous. The motion carried.

RESOLUTION R-21-004 APPROVAL OF BUDGET ADJUSTMENT

Anabel Barraza stated that they have reviewed the variances and have talked about pressing projects during the midyear meeting with the Finance Committee and are presenting budget adjustments for line items listed in exhibit "A". These are for various items like the PRC grant, professional service contracts, personnel expenses, Sheriff lapel cameras, transport vans, and the CARES paid administration reimbursements. Staff recommends approval. Commissioner Ezzell made a motion to approve R-21-004. Commissioner Taylor seconded the motion. A voice vote was unanimous. The motion carried.

RESOLUTION R-21-005 APPROVING UPGRADE OF HEALTH CARE DIRECTOR POSITION

Bill Williams stated this resolution is for the upgrade of the Health Care Director position. If approved, this will upgrade this position on the executive chart H. The Chief Financial Officer desires to add the functions of an internal auditor to this position. This is necessary due to all the new requirements imposed regarding the audit and financial reporting to the state. Staff recommends approval. Commissioner Bilberry made a motion to approve R-21-005. Commissioner Ezzell seconded the motion. A voice vote was unanimous. The motion carried.

OTHER BUSINESS

APPOINTMENT OF NEW MEXICO COUNTY INSURANCE AUTHORITY VOTING MEMBER AND ALTERNATE

Bill Williams stated that the New Mexico County Insurance Authority will hold its annual meeting in January 2021. Chaves County needs to appoint a voting member and alternate. Staff is requesting Mr. Tim Salazar, Safety & Compliance Manager, be appointed as voting member. Mr. Salazar will be replacing Ron Lethgo. In addition, staff is requesting that Ms. Susan Goldstrom, Human Services Director, be appointed as the alternate. Commissioner Bilberry moved to approve the appointments of the New Mexico County voting member and alternate. Commissioner Ezzell seconded the motion. A voice vote was unanimous. The motion carried.

APPROVAL FOR THE 2021/2022 ANNUAL EMS FUND ACT APPLICATIONS AND SERVICE REPORTS ON BEHALF OF THE BERRENDO, MIDWAY, AND SIERRA VOLUNTEER FIRE DEPARTMENTS

Bill Williams stated this item is for the annual EMS Fund Act applications and service reports on behalf of Berrendo, Midway, and Sierra Volunteer Fire Departments. Alys does a lot of work to help these departments get this done and staff is requesting approval. Commissioner Dana moved to approve. Commissioner Ezzell seconded the motion. A voice vote was unanimous. The motion carried.

RATIFICATION OF OUT OF STATE TRAVEL – SHERIFF'S OFFICE

Sheriff Herrington stated that he is requesting approval for out of state travel to send one of the employees to a Police K-9 handler course in Liberty Hill, Texas from January 3, 2021 to January 18, 2021. The training is presented by Pacesetter K9 LLC and consists of 80 hours of training in canine safety, care for a K-9, obedience training, maximizing the impact of drug scent evidence, and narcotics detection. The registration fee for this course is \$8,000.00 which includes a single purpose trained narcotics K-9. Lodging and per diem will cost approximately \$1,890.00 for the 14 days of training. The cost of the training as well as per diem will be taken out of the \$15,000.00 donation received on October 29, 2020. There will be no cost to the County for this travel. Staff recommends approval. Commissioner Bilberry moved to approve the ratification of out of state travel. Commissioner Ezzell seconded the motion. A voice vote was unanimous. The motion carried.

APPROVAL OF CHECKS

Commissioner Taylor moved to approve checks in the amount of \$3,212,674.85. Commissioner Dana seconded the motion. A voice vote was unanimous. The motion carried.

APPROVAL OF REPORTS

Commissioner Bilberry moved to approve the reports for the period. Commissioner Dana seconded the motion. A voice vote was unanimous. The motion carried.

KEEP CHAVES COUNTY BEAUTIFUL UPDATE

Rita Kane Doerhoefer, the treasurer, education director, litter director, and youth employment director, with Keep Chaves County Beautiful, stated they need to spend their money by mid-May. They have \$11,550.00 to spend. Mainstreet Roswell will get \$1,500.00 to do the pots because the City does not want to participate in that. The Executive Director, Shawn Davis, will not be going anywhere this year so that money will be used for beautification money. \$7,650.00 will go to beautify the County building, the Courthouse, and the walkway. She would like to do a cookout when the walkway opens, and the Sheriff has agreed to grill hotdogs. The \$2,400.00 in goal 4 can be used as partner money and they have to be youth. She has already contacted several groups including the Boy Scouts, Tim Fuller has two groups, All Saints, Emmanuel Lutheran, and The Assisteens. Each group will get \$400.00. They will write another grant in March for more money.

UPDATE ON THE CHAVES COUNTY GROSS RECEIPTS

Anabel Barraza stated she emailed the SWAY report. We did receive our gross receipts on Friday. Comparing from last fiscal year to this fiscal year we do have a 7.92% decrease. Our hold harmless is also down about 19.26%. In comparison to the budget variance of what we budgeted to what we actually received year to date we are at a 6.22% positive. The biggest decrease of activity for the month of November was retail trade which was down \$4.6 million. Following that was the food industry and accommodation. There were big decreases in most industries. We do have the internet sales which have been coming in.

UNSCHEDULED COMMUNICATIONS

Louis Jaramillo stated the US Census has informed them that their numbers should be out by April 1st. They have begun sending some possible corrections with boundary lines. He is looking for adjustments or corrections to addresses. There was an executive order signed yesterday, all residents within the United States will be counted. Commissioner Cavin asked Mr. Jaramillo if he had any anticipation about the numbers. He stated 68 or 69 for Chaves County.

Alys Klein stated that Chaves County Cancer Fund and Walk For Hope is very near and dear to her heart. This year they have taken a hit as well due to COVID. They were not able to have their typical Walk For Hope which means they did not receive their typical amount of donations. Chaves County Cancer Fund has joined with the City of Roswell and the Parks and Rec. Department. They would like to put on a Polar Plunge – Plunge For Hope to be held on Saturday, February 20th, from 10:00 to 12:00 at the Rec. Center. It will be \$10.00 per participant. Please participate or help push this on your personal Facebook pages.

MANAGER'S COMMUNICATION

Bill Williams stated he is glad Joe West is healthy and well after his life changing event. He recognized a previous Road Dept. employee who passed away. He thanked the Finance Committee for meeting and formulating the midyear budget adjustments. He welcomed Richard Taylor to the Commission. He thanked Keep Chaves County Beautiful. He also thanked Jimmy with the New Mexico Health Department and he's looking forward to hearing from the ERD. He is excited about the new Chamber magazine. He gave a shout out to I.T. Department for the new cameras and sound system. He thanked all County staff.

COMMISSIONERS' COMMUNICATIONS

Commissioner Taylor stated it's great to be back on the County Commission. He is involved with the Boy Scout's along with Bobby Arnett. Our major problem is we have to get past this virus. The Boy Scouts has been shut down except for virtual meetings. It's pretty hard to go

on a camping trip when it's virtual. The Scouts will love to help Rita with any project. He looks forward to serving on the Commission and knows the staff is great to work with.

Commissioner Dana stated we are in challenging times. She thanked Jimmy and asked if we should draft a letter to Santa Fe with our concerns. It's time that the Counties step up to the plate and start pushing Santa Fe. Chaves County has diverse female leaders moving this County forward. She is looking forward to 2021 and hopefully we can open up our County and State and keep our businesses going. We need to get our schools open and get the kids back on track.

Commissioner Ezzell congratulated the Sheriff on their new member and thanked everyone for their hard work.

Commissioner Bilberry thanked Jimmy and thanked everyone for their hard work. He also welcomed Commissioner Taylor.

Commissioner Cavin thanked the Commissioners for believing in him to continue as the Chair of this awesome County Board of Commissioners and he looks forward to serving another year. We want the State to come talk to us and help us get to where we need to be. The new President has decided he's going to pass an executive order to re-open schools. Hope he gets that accomplished because we need to get our kids back in school. He thanked everyone and stated Bill is doing a great job. Senator Egoff wants HB 4 passed. This will be a financial death sentence for local governments and very destructive to this State.

CLOSED SESSION: PURSUANT TO SECTION 10-15-1-(H)(2), NMSA 1978 – PERSONNEL MATTERS, 10-15-1-(H)(8) – DISPOSITION OF REAL PROPERTY, AND 10-15-1(H)(7) – DISCUSS THREATENED OR PENDING LITIGATION

Commissioner Ezzell moved to go in to closed session pursuant to the sections listed above. Commissioner Bilberry seconded the motion. Commissioners Taylor, Dana, Ezzell, Bilberry, and Cavin all voted in favor of the motion at 11:11 am.

Commissioner Ezzell moved to come out of closed session pursuant to the sections listed above. Commissioner Dana seconded the motion. Commissioners Taylor, Dana, Ezzell, Bilberry, and Cavin all voted in favor of the motion.

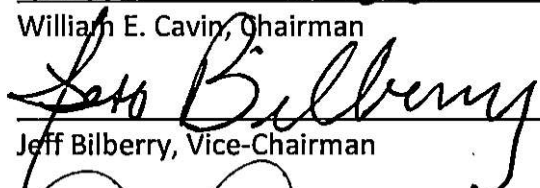
Commissioner Cavin stated that the items discussed in the closed session were limited to those specified in the motion for closure and no action was taken.

The meeting was adjourned at 12:02 pm.

BOARD OF CHAVES COUNTY COMMISSIONERS




William E. Cavin, Chairman



Jeff Bilberry, Vice-Chairman



Dara Dana, Member

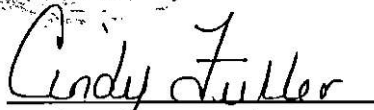


T. Calder Ezzell Jr, Member



Richard C. Taylor, Member





Cindy Fuller
County Clerk