



CHAVES COUNTY BOARD OF COUNTY COMMISSIONERS

William E. Cavin, Chairman
Jeff Bilberry, Vice Chairman



Dara Dana, Member
T. Calder Ezzell Jr, Member
Richard C Taylor, Member

William B. Williams, County Manager

ADMINISTRATIVE MEETING MINUTES THURSDAY, MAY 20, 2021 #1 ST. MARY'S PLACE, ROSWELL, NM 88203

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 County Manager, Bill Williams, Public Services Director, Mac Rogers, Finance Director, Anabel Barraza, County Clerk, Cindy Fuller, County Treasurer, Charlotte Andrade, Planning and Zoning Director, Louis Jaramillo, IT Director, Alfredo Garcia, Road Supervisor, Joe West, County Attorney, Stan Riggs, news media, staff, and guests.

APPROVAL OF MINUTES

MOTION MADE TO: APPROVE THE MINUTES FROM THE APRIL 15, 2021 MEETING AND THE APRIL 20, 2021 MEETING.
MOTION MADE BY: COMMISSIONER DANA
SECOND MADE BY: COMMISSIONER TAYLOR
IN FAVOR: CAVIN, BILBERRY, EZZELL, DANA, TAYLOR
OPPOSED: NONE

PRESENTATION – ROSWELL INDEPENDENT SCHOOL DISTRICT SUPERINTENDENT

Presenter: Brian Luck, RISD Superintendent

Mr. Luck thanked the Commission for the opportunity to be here today. He looks forward to a continued good working relationship with the Commission. They will have some challenges coming up, just like every district in the State, but with the staff that's in place, the teachers that are already there working diligently to get us through to the end of the year, we're going to be just fine. He looks forward to the opportunity to take education into a new frontier, a post COVID frontier. The right people are in place and the phenomenal teachers in our district are going to do great things for our kids. Commissioner Dana congratulated Mr. Luck and asked if we will be able to get back to in school learning next fall. Mr. Luck stated that's the hope, they have to follow State guidelines. They have very active people within different committees with the State and the push is to get everything back to normal as possible. They have returned to in person learning. The push right now for him is to get all of the kids that they've lost back, that's their job. Parents are there to help support them, but their job is to educate, and they look forward to getting everyone back so they can do their jobs.

Commissioner Dana asked how many teachers the district has lost, and have they seen retirements rise because of this? Mr. Luck stated there is an ebb and flow every year with teachers with retirements and relocating and they will face that like they would any other year but right now they haven't seen any that have jumped out because of this. If they run in to this, they will tackle it as they get there. The staff at Central Office has made contingency plans for that. The Human Resource group has done a phenomenal job surviving COVID tracking and trying to field teacher shortages. Those ladies in that department have done a phenomenal job. It's not time to punch a panic button just yet. Commissioner Dana thanked Mr. Luck for stepping up and stated he is taking on a tremendous task, but we appreciate it. Commissioner Cavin thanked Mr. Luck and stated he has a lot of great assets within the Roswell Independent School District.

PRESENTATION – PECOS VALLEY ARTESIAN CONSERVANCY DISTRICT

Presenter: Aaron Balok, Superintendent

Mr. Balok stated that the PVACD's mission is to conserve the waters of the Pecos Valley. This mission becomes a little more complicated when we're having years like we're having right now. The reason he was asked to come today was to discuss what happened about two months ago with the Carlsbad Irrigation District. They sent a letter to the State Engineer demanding that he administer water rights by priority call. The question is, what does that mean for water right holders here in the Valley? The short answer is, we don't know. This demand letter has been sent in the past and no action has been taken. To understand what could happen, it's important to understand what priority administration is. It's the water law we live by in this State. The most senior right, the date when that water was first put to beneficial use, is the better right. If we both have water rights and yours is senior to mine, and we're both on the same stream, and there's not enough water for both of us, the way the law reads, the senior gets their water first and then the junior gets theirs. It's pretty straight forward and by and large, it works.

The problem we have is, when we have a year like this, and the majority of the senior users are downstream from the junior users, but we have two different sources of water, the downstream seniors, being the Carlsbad Irrigation District, are not getting the water they need and are demanding curtailment from the juniors. Now we get into a complicated hydrological conundrum to decide what would happen if you curtail the juniors would it make water available for the seniors? Where the State Engineer is going to come down on this is anyone's guess. In the meantime, the PVACD is engaged in negotiations with the State Engineer and the Carlsbad Irrigation District to see if we can find a remedy that would not include curtailment. If curtailment is the decision that the State Engineer decides to go with then they have a robust legal team and are willing to take their argument as far as they need to go to disagree with that outcome. Those are the two possibilities; the State Engineer could do nothing, and he could demand curtailment. Under the strictest definition of the law, He could say, every junior user has to stop diverting water completely until the senior gets all of theirs. That is the worst-case scenario. The best-case scenario is he says, stopping all that pumping would do absolutely no good whatsoever and therefore, nothing needs to change.

In the interim, what the PVACD has been doing, is they have a very robust water conservation program. They have been acquiring water rights both within the boundaries of the PVACD and within the boundaries of the CID. The simple logic being if we can not influence the supply side of this supply and demand equation then all we can do is hope to influence the demand side. That's about a 30,000-foot overview of the situation they are facing. They have a settlement agreement whose primary function is to meet the obligations to Texas. They have done that and done it well and they have a very comfortable surplus due to over deliveries to Texas. Part of the settlement agreement was to put in the augmentation well field, these are wells in the Seven Rivers and Lake Arthur area, pumping Artesian ground water into the reservoir to make water available to the downstream users. Under the settlement agreement the goal was to have 50,000-acre feet in storage delivered to Brantley for CID. This year on May 1st, they had closer to 30,000 in storage. There is no way those wells can produce more than 10 or 12,000 acre feet. These wells only flow during the wintertime.

In spite of the drought, the water enters the PVACD on the north end of Roswell. To the time it gets to Brantley, even during years like this, it gains. That is a testament to the good work that has been done in this Valley in the past to ensure we are conserving water. Commissioner Bilberry stated on Monday they're supposed to turn the water out in the dam at Fort Sumner for three days, that water probably won't ever make it. Mr. Balok said they refer to this as a block release. When water is going to be released from upstream storage you try and send it all in one big plug so that most of it gets down. The losses on that are going to be tremendous this time. They will lose 30% of the water when it leaves Fort Sumner and gets to Brantley, and another 30%, upwards to 50%, between Brantley and CID. It's costing 9-acre feet or better to irrigate an acre of land down there because it's so inefficient. Commissioner Ezzell asked if CID wants wet water or a check. Mr. Balok stated in his opinion there is no eventuality where wet water would

fill the river to address this priority call and in light of that the only reason for making that is to ask for money.

Commissioner Taylor asked how our water table was right now. Mr. Balok stated it is down, but we have the best aquifer in the entire world. The great thing about it is, it is such a tremendous resource. During times like this we can really work that aquifer and pull the levels down and when we do get some rain it will recover quickly. Right now, our aquifer levels are being compared to the 1970's. The 1970's are estimated to be the most strain we've had on the aquifer and they have levels going back to the mid 30's. He is not alarmed by this because the aquifer will recover. This is the primary reason he is so adamant about their position on this call situation is that they can't be expected to contribute to the river without inflows. Kelly Goodpasture is their new water resource specialist and they are thrilled to have her onboard. She will be a tremendous asset. They meet the second Tuesday of the month and the meetings are open to the public.

UPDATE ON THE ECONOMIC DEVELOPMENT CORPORATION

Presenter: Mike Espiritu, President

Mike Espiritu stated last Thursday at the Roswell City Council meeting, they approved the liquor license permit for Project Gold. This is a business on South Atkinson, Admiral Beverage, they outgrew their property and are now located on a parcel of property on SE Main or 285 and Brasher and will build a 100,000 square foot building with 20% of that being cold storage. They will increase their work force. He was glad to see the City pass this. He attended the MRO show in Florida. As a result of this visit, he visited with about 30 companies, and one came that Friday for a site visit. They toured the Air Center. They are currently in negotiations. This project could create up to 150 jobs. This is called Project Ready.

Project Love is a local company in the County that is expanding. They are seeking to lease a building at the Air Center. This would initially create between 20 and 30 jobs. They anticipate growing to 60 jobs. The business is a food preparation business as well as cold storage and also a laboratory. He testified on this to the City Council and they voted unanimously to move forward on a lease with EDC so they can maintain confidentiality with the Company.

Their outreach to local businesses is very significant and he believes the businesses value when they help them to retain their businesses, keep jobs and maybe even grow some. They average between 30 and 50 visits a month and their goal next year is to do at least that. As a result of those visits, they see the challenge is staffing. They are having a community job fair next Tuesday at the Convention Center. They have 28 businesses participating. They have another project at the Air Center that has moved to the next level. Mr. Espiritu thanked the Commission for their support. Commissioner Cavin asked about the report and presentation about the company that has acquired Mystic. Mr. Espiritu stated a new company has acquired Mystic. Mystic is not leaving, in fact, their footprint is going to grow. They do a lot of work for DOD and a lot of training and testing. This is an important piece of why Chaves County is so important to them. We don't have issues with the electromagnetic spectrum here like they do in other communities. We also have great weather and a 13,000-foot runway, as well as our air space is really good. Commissioner Cavin thanked Mr. Espiritu and stated he appreciates the updates.

PRESENTATION – MOTORCYCLE AWARENESS MONTH - MAY

Commissioner Dana read the proclamation. No one was present to accept the proclamation.

AGREEMENTS AND RESOLUTIONS

AGENDA ITEM #1 - RATIFICATION OF AGREEMENT A-21-014 BETWEEN CHAVES COUNTY AND THE STATE OF NEW MEXICO CHILDREN, YOUTH, AND FAMILIES DEPARTMENT

Presenter: Elly Hollon, Continuum Coordinator

Ms. Hollon stated the Chaves County Comprehensive Strategy Board would like the ratification approval for the FY22 Agreement between Chaves County and CYFD. The amount awarded for FY22 is \$179,682.00. Programs are listed within the agreement under attachment 2-budget. The agreement will fund the project year July 1, 2021 through June 30, 2022. Staff recommends approval.

MOTION MADE TO: APPROVE RATIFICATION OF AGREEMENT A-21-014
MOTION MADE BY: COMMISSIONER BILBERRY
SECOND MADE BY: COMMISSIONER DANA
IN FAVOR: CAVIN, BILBERRY, EZZELL, DANA, TAYLOR
OPPOSED: NONE

AGENDA ITEM #2 – RESOLUTION R-21-018 – REQUIRED TWO YEAR REVIEW OF THE CHAVES COUNTY BOARD OF FINANCE PERMANENT FUND INVESTMENT POLICY

Presenter: Charlotte Andrade, Chaves County Treasurer

Ms. Andrade stated that under the advisement of their investment firm, Insight Investments, they are not recommending any changes. Staff recommends approval.

MOTION MADE TO: APPROVE R-21-018
MOTION MADE BY: COMMISSIONER BILBERRY
SECOND MADE BY: COMMISSIONER EZZELL
IN FAVOR: CAVIN, BILBERRY, EZZELL, DANA, TAYLOR
OPPOSED: NONE

AGENDA ITEM #3 - RESOLUTION R-21-019 - APPROVAL OF BUDGET ADJUSTMENT FY 20-21

Presenter: Anabel Barraza, Chief Financial Officer

Ms. Barraza stated the Finance Department is requesting a budget adjustment for line items in exhibit A. These adjustments are for landfill increases, Sheriff donations, and fund transfers. Staff recommends approval.

MOTION MADE TO: APPROVE R-21-019
MOTION MADE BY: COMMISSIONER BILBERRY
SECOND MADE BY: COMMISSIONER DANA
IN FAVOR: CAVIN, BILBERRY, EZZELL, DANA, TAYLOR
OPPOSED: NONE

AGENDA ITEM #4 – RESOLUTION R-21-020 – APPROVAL OF INTERIM BUDGET FOR FY 21-22

Presenter: Anabel Barraza, Chief Financial Officer

Ms. Barraza stated that the Finance Committee and staff have reviewed the department budget requests with elected officials and department heads. The interim budget was then reviewed on May 13th and the budget has been amended and is being presented in its revised form. They decided to go with a different accounting method to book any American Rescue Plan money, therefore, they will wait until the final guideline is released and then will make a strategic plan as to how they will use the funds. They will then do budget adjustments accordingly. Before you is the interim budget in the amount of \$51,430,613.00. They added a part time position and now the general operating budget overrun of costs over revenue is \$201,172.00 which is still within the tolerance amounts. Therefore, our general operating budget is \$27,671,859.00. Once more, a big thank you to our Finance Committee, our County Manager, and all departments for their hard work. Upon approval, this will be submitted to DFA and will allow us to start operating on July 1st. They will come before the Commission in July for the final budget. Staff recommends approval. Commissioner Cavin asked if we had received a portion of the American Rescue Act funds this week. Ms. Barraza stated they received confirmation the application was being processed.

MOTION MADE TO: APPROVE RESOLUTION R-21-020
MOTION MADE BY: COMMISSIONER BILBERRY
SECOND MADE BY: COMMISSIONER EZZELL
IN FAVOR: CAVIN, BILBERRY, EZZELL, DANA, TAYLOR
OPPOSED: NONE

AGENDA ITEM #5 – RESOLUTION R-21-021 – DELETION OF PROPERTY AND PROPOSED DISPOSITION

Presenter: Lucia Serrano, Assistant Finance Director

Ms. Serrano stated the Commission’s approval of this resolution will allow staff to remove the attached inventory. Exhibit A has the assets listed. Staff recommends approval.

MOTION MADE TO: APPROVE RESOLUTION R-21-021
MOTION MADE BY: COMMISSIONER DANA
SECOND MADE BY: COMMISSIONER TAYLOR
IN FAVOR: CAVIN, BILBERRY, EZZELL, DANA, TAYLOR
OPPOSED: NONE

AGENDA ITEM #6 – RESOLUTION R-21-022 – CHAVES COUNTY ANNUAL ROAD HEARING DISPOSITION RESOLUTION

Presenter: Bill Williams, County Manager

Mr. Williams stated the Chaves County Commission held a public hearing on April 15, 2021 in consideration of the road status changes, road vacations, and new road applications. As part of the hearing process, the Commission has viewed and inspected all roads. At this time, the Commission will consider the disposition of the 2021 road hearing requests.

New Road Requests

Application #1, Thunder Road, and application #2, Stagecoach Road were considered together.

MOTION MADE TO: APPROVE APPLICATION #1 AND APPLICATION #2
MOTION MADE BY: COMMISSIONER BILBERRY
SECOND MADE BY: COMMISSIONER DANA
IN FAVOR: CAVIN, BILBERRY, EZZELL, DANA, TAYLOR
OPPOSED: NONE

Maintenance Status Changes

Application #3, Tierra Grande Blvd, Application #4, Veleta Drive, Application #5, Blanca Rosa Lane, Application #6, El Dorado Lane were considered together. Commissioner Dana verified these roads were being added to maintenance and asked how long they have to get up to County standards? Joe West stated until December 31st of this year. Mr. Williams stated they normally allow from the May meeting until December for them to get the roads up to County standards. If it’s a new road request they must deed the property to Chaves County and bring the road up to County standards. Once this is done, they go inspect in December so they can go on the roads by January. The roads are then reported to the State in April as County maintained roads.

MOTION MADE TO: APPROVE APPLICATION #3, APPLICATION #4, APPLICATION #5, AND APPLICATION #6
MOTION MADE BY: COMMISSIONER BILBERRY
SECOND MADE BY: COMMISSIONER DANA
IN FAVOR: CAVIN, BILBERRY, EZZELL, DANA, TAYLOR
OPPOSED: NONE

Road Vacation Requests

Mr. Williams stated they would take these individually as there may be some discussion.

Application #7 – Woodbine Way

Commissioner Ezzell stated he needed to recuse himself from the discussion and vote on applications #7 and #8 because of involvement he has learned of with other members of his law firm with the parties involved.

MOTION MADE TO: APPROVE APPLICATION #7
MOTION MADE BY: COMMISSIONER BILBERRY
SECOND MADE BY: COMMISSIONER DANA
IN FAVOR: CAVIN, BILBERRY, DANA, TAYLOR
RECUSED: EZZELL
OPPOSED: NONE

Commissioner Taylor asked Senator Jennings if he'd like to comment. Mr. Jennings stated he has not opposed closing Woodbine Way. He understands the problem of having people drive through their farm. He's had access to this for over 70 years and this would completely landlock them from access to their property except by the river. When you close the road on the west side of the canal, that means he will have to build a bridge over the canal to get access to his property. He realizes the property doesn't have an easement, but they've had access since the time his family acquired the property until now. They've never had a problem and by closing the road it means he'll have to find another way to have access which will make his property virtually useless. With the requirements that were given to him he couldn't even drive his pickup to his property because his truck is a four wheeled one-ton truck. They've done improvements and fenced it. They have been good neighbors over the years. His family uses the property for recreational purposes and hunting purposes. Under the agreement proposed they couldn't take weapons or shoot weapons without permission. He doesn't have a problem trying to work on a right of first refusal for the property, so it doesn't diminish the value of his property. If they just use the existing roads that they've been using the last 70 years, it's ok, he just wants access. Commissioner Bilberry asked Mr. Jennings if he had been denied access in this process. Mr. Jennings stated not at the present time. There are times he's gone out and there's a gate that's locked but how else can he be assured he'll have access to his property.

Mr. Ken Barbe, President of Adelante Farms came to the podium to speak. They are requesting the road vacation. He stated he wanted to dispute most everything Senator Jennings said. They have no intention of denying him access, they're just changing the access point where he accesses their property about 1700 feet. Even if we don't do this, he still has to cross us for about a mile and a half which they've always done in the past. They don't intend to limit his access at all. He wanted a written agreement, so they proposed a written agreement and haven't gotten anything back from him on that as far as changes he'd like to make. They're not changing his rights whatsoever. He had to cross them before and he will still have to cross their property. They don't intend for him to have to do any work on the canal bridge or anything else, they'll give him access. They've always given him access to their locks and codes. They continue to want to be good neighbors and are not trying to do anything to infringe upon his rights.

Commissioner Bilberry stated it looks like Mr. Barbe has gone on record publicly that he won't deny access to the Jennings Family. He's sure things can change down the road but is hoping they can come to an agreement on this. Commissioner Cavin stated he failed to read the list of restrictions that Senator Jennings was talking about, but he would hope that if this does come to a vacation that they can manage to be good neighbors. Commissioner Taylor asked by vacating this road it will landlock the property and he doesn't think they have the right to landlock property. It makes it very difficult for the owner to ever sell and reduces the value of the property. Mr. Barbe spoke up from the back and stated the land is already landlocked and all they are doing is changing the point of access. He already has to go through their land to access his. Commissioner Bilberry stated they visited this site twice and from the point where Mr. Jennings leaves the County Road going to his property, there is not an existing easement there and so the access he has there now is just verbal. He asked Mr. Barbe if they were willing to continue to do that. Without an existing easement that property is landlocked. Mr. Jennings stated they've had a verbal easement for 70 years and have never had a need for a recorded easement. He doesn't mind working on an agreement. They've been through several owners. Restrictions include how big of a truck can be on their land. He couldn't take a back how to fix drainage issues or fencing.

Commissioner Cavin asked Stan Riggs if they could table this. Stan stated yes.

MOTION MADE TO: TABLE
MOTION MADE BY: COMMISSIONER DANA
SECOND MADE BY: NONE
THE MOTION FAILED FOR LACK OF A SECOND.

Commissioner Bilberry stated he has a little bit of experience with the same situation these gentlemen are in and his experience has been that they've had people that would be in the same position as Mr. Jennings and they had access through a prescriptive type access, there was never

anything put in to place. They've always worked with those people and when it came down to them selling the property it changed the whole scope of things. The people that came to them to get an easement, which they had to do because it was a different situation and it changed the scope. He understands what Mr. Jennings is talking about and what Mr. Barbe is talking about. The issue at hand, for the county, is whether they want to close this road and not maintain it anymore, their issues are between them. He doesn't believe the County is in a position to make that decision for Mr. Jennings or Mr. Barbe on their access. Mr. Barbe has already said he would not deny access and they could work something out down the road. Commissioner Cavin stated he would like to give some correction in the fact that the County is not asking for this road to be vacated. This vacation was applied for by Adelante Farms.

MOTION MADE TO: APPROVE APPLICATION #8
MOTION MADE BY: COMMISSIONER BILBERRY
SECOND MADE BY: COMMISSIONER DANA
A ROLL CALL VOTE WAS REQUESTED BY CHAIRMAN CAVIN
COMMISSIONER TAYLOR: NO
COMMISSIONER DANA: YES
COMMISSIONER EZZELL: RECUSED
COMMISSIONER BILBERRY: YES
COMMISSIONER CAVIN: NO

Mr. Williams stated that it's his understanding in that situation, no ruling was made, so the road will have to stay the same as it is. Chairman Cavin stated that was correct.

Application #9 – Fox Glove Road

MOTION MADE TO: APPROVE APPLICATION #9
MOTION MADE BY: COMMISSIONER BILBERRY
SECOND MADE BY: COMMISSIONER DANA
IN FAVOR: CAVIN, BILBERRY, EZZELL, DANA, TAYLOR
OPPOSED: NONE

Application #10 – Mescalero Road

MOTION MADE TO: APPROVE APPLICATION #10
MOTION MADE BY: COMMISSIONER DANA
SECOND MADE BY: COMMISSIONER BILBERRY
IN FAVOR: CAVIN, BILBERRY, EZZELL, DANA, TAYLOR
OPPOSED: NONE

Application #11 – Wiggins Lane

MOTION MADE TO: APPROVE APPLICATION #11
MOTION MADE BY: COMMISSIONER DANA
SECOND MADE BY: COMMISSIONER BILBERRY
IN FAVOR: CAVIN, BILBERRY, EZZELL, DANA, TAYLOR
OPPOSED: NONE

Application #12 – Mark Road and Application #14 – Honeysuckle Road were considered together.

MOTION MADE TO: APPROVE APPLICATION #12 AND APPLICATION #14
MOTION MADE BY: COMMISSIONER DANA
SECOND MADE BY: COMMISSIONER BILBERRY
IN FAVOR: CAVIN, BILBERRY, EZZELL, DANA, TAYLOR
OPPOSED: NONE

AGENDA ITEM #7 – RESOLUTION R-21-023 – A RESOLUTION OPPOSING THE FEDERAL GOVERNMENT'S 30 X 30 LAND PRESERVATION GOAL

Presenter: Bill Williams, Chaves County Manager

Mr. Williams stated this resolution sets forth Chaves County's opposition to the Federal Government's 30 x 30 Land Preservation Goal. Chaves County already has 34% of the land within the County under Federal control. This plan would have a negative affect on the economy of the State of New Mexico and Chaves County. Staff recommends approval. Commissioner Bilberry stated this affects our tax base, how much money we bring in, and how we live in the County and the City, this will affect everybody. It's not an agriculture issue, it's a people issue. Commissioner Bilberry read the first half of the resolution and Commissioner Cavin read the second half.

Commissioner Cavin stated this will be a battle. The ultimate goal is 50/50 and not just 30/30. This is the first step in taking control of all of our lands and waters in this Country. If we don't take a stand now, we might as well sit back and get run over. Commissioner Bilberry stated this could be 10 years, 20 years, 50 years down the road before some of this ever gets completely in gear, they're just chipping away at it and we can't sit idly by and let our private property rights and our right to be free Citizens in this Country, that our Constitution gives us, be taken away. This is our way of saying we oppose this.

MOTION MADE TO: APPROVE RESOLUTION R-21-023
MOTION MADE BY: COMMISSIONER BILBERRY
SECOND MADE BY: COMMISSIONER EZZELL
IN FAVOR: CAVIN, BILBERRY, EZZELL, DANA, TAYLOR
OPPOSED: NONE

Commissioner Cavin stated there are a lot of people in the room and people on the internet, but for the last twelve years we've been battling with the lesser Prairie Chicken, the Sand dune Lizard and all these other endangered species they come up. The Federal Government keeps moving the goal post. We meet their goal and they move it back. This is to keep our ranchers, farmers, oil and gas, to stop any type of economic promotion in our Counties and States. He appreciates everyone's passion to protect our County. Commissioner Bilberry encouraged people to get on the internet, do your due diligence, educate yourself, because this is something that will affect you.

AGENDA ITEM #8 – RFP 21-1 – LEGAL SERVICES FOR CHAVES COUNTY

Presenter: Sandra Rodriguez, Purchasing Director

Ms. Rodriguez stated this RFP is for legal services for Chaves County. Three proposals were submitted and at this time staff recommends the award be made to the highest-ranking offer, Stanton L Riggs, Attorney at Law. If awarded, it is anticipated that a contract will be negotiated and brought back for approval next month. Staff recommends approval.

MOTION MADE TO: APPROVE AND AWARD RFP 21-1 TO STANTON L RIGGS
MOTION MADE BY: COMMISSIONER EZZELL
SECOND MADE BY: COMMISSIONER DANA
IN FAVOR: CAVIN, BILBERRY, EZZELL, DANA, TAYLOR
OPPOSED: NONE

OTHER BUSINESS

AGENDA ITEM #9 – WAIVE RIGHT OF WAY FOR J&H SERVICES INSTALLATION OF CITY OF ROSWELL WATER LINE

Presenter: Bill Williams, Chaves County Manager

Mr. Williams stated the Chaves County right-of-way use permit ordinance requires that fees be collected for road pavement excavations and a per foot charge for utilities buried in a Chaves County road right-of-way. The ordinance also contains a provision for the Board of

Commissioners to waive these fees. Louis Najar, City of Roswell Engineer inquired about allowing this installation in the County right-of-way prior to any work being performed. Aspen Estates is in the ETZ. Mr. Williams told him he would petition the Commissioners to waive the associated fees since it was a municipal water line and would help the City of Roswell. There was no cost to Chaves County. The road was repaired as per the County specifications and was inspected by Joe West, Road Department Director. Staff recommends waiver of the road excavation fee.

MOTION MADE TO: WAIVE RIGHT OF WAY USAGE AND ROAD CUT FEES
MOTION MADE BY: COMMISSIONER EZZELL
SECOND MADE BY: COMMISSIONER DANA
IN FAVOR: CAVIN, BILBERRY, EZZELL, DANA, TAYLOR
OPPOSED: NONE

AGENDA ITEM #10 – APPOINTMENTS TO THE CHAVES COUNTY PLANNING AND ZONING COMMISSION

Presenter: Louis Jaramillo, Planning and Zoning Director

Mr. Jaramillo stated the Planning and Zoning Department is asking the Commission to appoint two County residents to serve on the Chaves County Planning and Zoning Commission. On May 4th, Mr. Harold Hobson and Ms. Melodi Salas resigned from the P&Z Commission. The P&Z Commission consists of five members and is a recommendation commission that reviews planning and zoning cases within the unincorporated area of Chaves County. Current members are Dale Rogers, Chairman, Andy Morley, Vice Chair, and recently appointed Mark Lewis. Staff has received two people who are interested, Valli West and Francisco Salvarrey.

MOTION MADE TO: APPOINT VALLI WEST AND FRANCISCO SALVARREY TO THE PLANNING AND ZONING COMMISSION
MOTION MADE BY: COMMISSIONER TAYLOR
SECOND MADE BY: NONE
MOTION DIED FOR LACK OF A SECOND

Commissioner Dana stated Brian Archuleta was interested. He lives in the Valley between Roswell and Dexter. She would like to nominate him.

MOTION MADE TO: APPOINT VALLI WEST AND BRIAN ARCHULETA TO THE PLANNING AND ZONING COMMISSION
MOTION MADE BY: COMMISSIONER DANA
SECOND MADE BY: COMMISSIONER BILBERRY
IN FAVOR: CAVIN, BILBERRY, EZZELL, DANA, TAYLOR
OPPOSED: NONE

Commissioner Ezzell asked if there is a vetting process to see if people have experience. Commissioner Cavin stated there is a process. He stated he knows Brian Archuleta. Commissioner Bilberry stated he's worked with Mr. Archuleta for 25 or 30 years. Commissioner Cavin stated he has been in a number of Commission meetings with animal control staff. Commissioner Bilberry stated he knows he's very community minded. These are very important positions. Commissioner Ezzell called for the question.

APPROVAL OF CHECKS

MOTION MADE TO: APPROVE CHECKS IN THE AMOUNT OF \$2,430,174.40
MOTION MADE BY: COMMISSIONER DANA
SECOND MADE BY: COMMISSIONER TAYLOR
IN FAVOR: CAVIN, BILBERRY, EZZELL, DANA, TAYLOR
OPPOSED: NONE

APPROVAL OF REPORTS

MOTION MADE TO: APPROVE REPORTS FOR THE PERIOD
MOTION MADE BY: COMMISSIONER DANA
SECOND MADE BY: COMMISSIONER TAYLOR
IN FAVOR: CAVIN, BILBERRY, EZZELL, DANA, TAYLOR
OPPOSED: NONE

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UNSCHEDULED COMMUNICATIONS ONLINE COMMENTS

Karen Petty asked, what if the Feds decide Chaves County land could become a waste disposal site for the world?

Anne Baker stated she would like to research the 30 x 30 plan as you encouraged Chaves County residents to get online and do their own research. Would you post legitimate sources of information that we should look into? Also please post the sources that are known to post and discuss lies and disinformation.

IN PERSON COMMENTS

Neil Binderman, 3751 E. Crossroads, Roswell, NM 88203. Mr. Binderman stated that back in 2013 the Commission approved a twenty-million-dollar pollution control bond to allow an aerobic digester to be built. It was to be built on Prices Lane. The promise was that it would dispose of 2,000 tons of cow manure on a daily basis, turn it into usable products. He was very pro this because he's an avid gardener, they were going to turn it into compost. Eight years later it sits there, still unused. Could you research and find out why it's sitting there? Why is this manure being piled up in mountains around the County, almost like a waste disposal dump? If you want full details, it's in the comprehensive plan on page 75. We need it, they promised 33 jobs as well and none of this has come to pass.

Stan Riggs, Chaves County Attorney, stated he could address this. The bond was approved but it never got State approval and had to have State approval. The Corporation that asked for it went away so it's never been issued or come to fruition. Bill Williams added that the Company is continuing to work out there. It's been around eight months since they did an inspection of construction out there, but they continue to slowly grow. There isn't a definite date when they will be in full operation. Stan Riggs stated that's a different company than the one that applied for the bond.

Mr. Binderman stated that at the last Commission meeting Ms. Dana stated she was in support of the shooting sports. He stated the only draw back to that is we don't have anywhere to shoot. He mentioned the Roswell Gun Club but stated he hasn't been out there in years and thought it was primitive. Commissioner Dana stated it is much better and they have used a lot of their funds for improvements. They also have a restroom out there. Mr. Binderman was wondering if they could have somewhere closer to town. Commissioner Dana stated several people have wanted to put in an indoor shooting range like Calipers in Albuquerque but with the liability, insurance, and land, everyone has walked away and said they can't do it. Mr. Binderman stated that's a shame because there are people who want to shoot, and they've got no where to do it. Commissioner Dana stated the Roswell Gun Club has membership and they have a website and they are on the right-hand side as you're going to Clovis. He stated he has been there with the Roswell Police Department when they would go out there for certification and it was a trek.

Jay Hollifield made some comments from the back of the room. He asked, what about parcels of Federal land in the middle of his ranch? The 30/30 plan doesn't make sense. Commissioner Bilberry stated from what he's read this is going to start with incentives but there is fine print. There is going to be a percentage of landowners who won't participate. What will they do with them? Carrie Hollifield stated there is no free money.

MANAGER'S COMMUNICATION

Bill Williams, Chaves County Manager

Mr. Williams stated to Mr. Hollifield's question: he thinks what they are going to try to do with the parcels that are interspersed is try to connect them all. Whether it's by condemnation, or other means, because who is going to be willing to give that up, he doesn't know. He believes a big portion is going to be in the West. Back East there is very little public land. Chaves County is already at 34% Federal lands and then you add the State lands at 26%, that's 60% of our lands that are out of private ownership and we all need to pay attention and watch this. He stated he and Jeff went up to Tucumcari, Saturday before last, and heard Margaret Byfield, with American Stewards of Liberty, she is going to come and speak with us at our next Commission meeting.

She is also going to be available that evening. They are putting together a community meeting. They will invite all the farmers, ranchers, and hunters. This is a big deal and they're glad they've got people who can help fight this fight. As Commissioner Cavin said, 30 x 30 is just the beginning. National Geographic said the true goal, worldwide, is 50% of the lands and waters in the world be under the control of some conglomerate. There are a lot of entities that are going to have a footprint within our Country right in the middle of your ranch. We need to take a stand. He thanked the Staff and the Finance Committee. He thanked the Commissioners for keeping us in such good shape. The July meeting will be moved from the 15th to the 22nd. They will mention this again next month and make sure it is properly advertised. He was glad to see so many people this morning. It was encouraging to see new faces from the community. He thanked Troy Thompson for all the hard work they do across the street with 4H, FFA, and Cooperative Extension.

COMMISSIONERS' COMMUNICATIONS

Commissioner Taylor stated that driving down Main Street most people have seen the DWI signage for Danny Ortega who was hit by a drunk driver many years ago. Last night there was an excellent commercial put out by our Chaves County DWI program and it featured Danny. He hopes everyone gets a chance to see it, it was very well done. He stated that our State blew 250 million dollars on unemployment. He had a client, who is a President of his own company, and he got a notice to verify unemployment for himself for an unemployment claim and he hasn't missed a paycheck. Somebody had used his name to make a claim and the State really blew it. The downside is that many businesses in this State are probably going to be forced to pay a higher premium to rebuild the fund.

Commissioner Dana thanked Anabel and her staff for the budget. It's nice to be able to tell taxpayers that we are running efficiently. Sometimes it's hard to say no but they have to. We are not like the Federal or State Governments, we don't have an endless bucket of money. She thanked the Finance Committee. We will hopefully get information online for the 30/30. It's very important. If you look back the Federal Government will set aside this forest to look at and for public use and then they lock everybody out. We're seeing what happens when you just look at a forest, with as dry as we are all it takes is one spark and it's gone. All it takes is dangling a dollar in front of somebody and they'll do whatever. She is glad they passed the resolution.

Commissioner Ezzell thanked Anabel and staff for their wonderful work on the budget. He asked Mike Ray if he had any reports from the troublemakers in Reno. Mike stated No Sir.

Commissioner Bilberry thanked Anabel and the Finance Committee for their hours and hours of work. He appreciates Jay and Carrie Hollifield being there and asked them to please come back. People don't realize how much they do for this community and Roswell and he appreciates them. As we go forward with decisions on the 30/30, talk to your neighbors and ask one question, how are we going to stay sustainable? All up and down this valley, how are we going to keep our water? If we sell ourselves short, we will not be sustainable. He's thankful to work with this group of conservative people that are for the County and about the County's business.

Commissioner Cavin stated he will be in Montana at the Western Interstate region board of directors meeting and he already has a bunch of literature to take up there. This is a concern especially for our Western Counties and States. This will affect everybody in this Country. There are already 15 States that are on board in opposition to this radical plan that has come out of Washington DC. This will be detrimental if it goes forward. We can't stick our heads in the sand, we have to take a stand. He appreciates all the comments today and also those that came from Facebook. The Commissioners really appreciate all the hard work that gets done. We are a great family. We don't always agree on everything as you saw today, and we have to make tough decisions. He thanked everyone for being here and stated God bless Chaves County, this Country, and he hopes everyone stays healthy. Be safe out on the roads over Memorial weekend.

MOTION MADE TO: GO INTO CLOSED SESSION PURSUANT TO SECTION 10-15-1-(H)(7) – TO DISCUSS THREATENING OR PENDING LITIGATION
MOTION MADE BY: COMMISSIONER BILBERRY
SECOND MADE BY: COMMISSIONER DANA
A ROLL CALL VOTE WAS REQUESTED BY CHAIRMAN CAVIN
COMMISSIONER TAYLOR: YES
COMMISSIONER DANA: YES
COMMISSIONER EZZELL: YES
COMMISSIONER BILBERRY: YES
COMMISSIONER CAVIN: YES

Commissioner Cavin stated there would not be any formal decisions made in the closed session. The Commissioners went in to closed session at 11:09 am.

The Commissioners came out of closed session at 11:39 am.

MOTION MADE TO: COME OUT OF CLOSED SESSION PURSUANT TO SECTION 10-15-1-(H)(7) – WHERE THEY DISCUSSED THREATENING OR PENDING LITIGATION BUT TOOK NO ACTION
MOTION MADE BY: COMMISSIONER BILBERRY
SECOND MADE BY: COMMISSIONER EZZELL
A ROLL CALL VOTE WAS REQUESTED BY CHAIRMAN CAVIN
COMMISSIONER TAYLOR: YES
COMMISSIONER DANA: YES
COMMISSIONER EZZELL: YES
COMMISSIONER BILBERRY: YES
COMMISSIONER CAVIN: YES

The meeting was adjourned at 11:41 am.



Cindy Fuller
Cindy Fuller

BOARD OF CHAVES COUNTY COMMISSIONERS

William El Cavin
William El Cavin, Chairman

Jeff Bilberry
Jeff Bilberry, Vice-Chairman

Dana Dana
Dana Dana, Member

T. Calder Ezzell
T. Calder Ezzell, Member

Richard C Taylor
Richard C Taylor, Member