

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

SPECIAL BUSINESS MEETING MINUTES THURSDAY, DECEMBER 30, 2021 CHAVES COUNTY ADMINISTRATIVE CENTER – JOSEPH R SKEEN BUILDING #1 ST. MARY'S PLACE, ROSWELL, NM 88203

CALL TO ORDER

Chairman Cavin called the meeting to order at 9:00 am.

PLEDGE OF ALLEGIANCE

Commissioner Dana led the pledge and Commissioner Bilberry led in prayer.

DETERMINATION OF QUORUM

Those present were Commissioners Cavin, Bilberry, Ezzell, Dana and Taylor.

Also present were County Manager, Bill Williams, Public Services Director, Mac Rogers, County Attorney, Stan Riggs, IT Director, Alfredo Garcia, County Clerk, Cindy Fuller, County Treasurer, Charlotte Andrade, Sheriff, Mike Herrington, news media, staff, and guests.

AGENDA ITEMS

1. RESOLUTION R-21-055 - APPROVAL OF CHAVES COUNTY REDISTRICTING PLAN

Presenter: Will Cavin, Chaves County Commission Chairman

Commissioner Cavin asked the demographer, Rod Adair with New Mexico Demographic Research for a presentation on plans F and G.

Rod Adair, 2606 Sherill Lane, Roswell, NM - New Mexico Demographic Research Mr. Adair apologized for missing the last meeting, especially to Commissioners Bilberry and Ezzell. Mr. Adair stated the plans under consideration are E, F, and G.

Plan E

In the terms of deviation, everything is within the 5%. Districts 2 and District 4 are right at the edge but that's certainly acceptable. District 1 is 74.6% Hispanic, District 2 is 65.4%, District 4 is 61.1%. He raised this because, from the Legislature, all the Republicans and a number of Democrats objected to plans recently developed by the State Legislature because of the reduction of Hispanic voting power, especially in southeastern New Mexico. This was in several newspapers and Representative Miguel Garcia even ended up resigning his Chairmanship of a Committee over that issue. Plan E gives District 3, 3203 square miles, the top half of the County. It keeps whole the most rural, perhaps ranching area of the County, the district that is most represented by ranching interests although Districts 2 and 1 also have considerable holdings in that respect.

Chaves County		Plan E		2021					
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						Mark Inco			Acos (Sa.)
-		Developed	N Day.			Ann-KM	Brack		WAY DA
1 1	13,175	1.64	in	F4 676	71.7%	93%	13%	p #4	1,017.7
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		44	094	39 7%	14.65	0.5%	12%	1 7%	1,361.5
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Adv-T	9,751		_	19.1%	1	0.5%	1.7%	71%	
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Total	44,157	Springs (\$10.00)	_	10 4%	17.5%	(F £94	1 444	B 944	
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Plan F

This plan divides District 3 somewhat. This plan has a Hispanic population of District 1 at 66.7%, District 2 at 64.1%, and District 4 at 62.5%. That lowers the Hispanic population in District 1 by 7.9 points or 10.6%. The Hispanic population is above 60 in all three plans.

Chaves County Pla			an F	n F 2021					
,									
District	Population	Devlation	% Day.	Hispanic	White	Natire American	Black	Aslan	Area (Sq Mi
1	13,645	614	4.7%	66.7%	29.1%	0.5%	1.3%	0.5%	1,070.61
Adult	9,993	-		63.2%	32.6%	0.4%	1.5%	0.5%	
								•	
2	13,373	341	2.6%	64.1%	31.5%	0.6%	1.3%	- 0.3%	2,989.85
Adult	9,972			60.2%	34.6%	0.7%	1.7%	0.4%	
-									
3	12,750	-281	-2.2%	38.2%	55.0%	0.7%	1.2%	1.9%	1,993.10
Adult	9,639			33.2%	60.0%	0.7%	1.4%	2.0%	
						•			
4	12,890	-141	-1.1%	62.5%	32.0%	0.7%	1.9%	0.6%	18.43
Adult	9,141		1	. 57.2%	36.9%	0.8%	2.0%	0.6%	
5	12,499	-532	-4.1%	52.0%	41.0%	0.7%	1.6%	1.6%	
Adult	9,226		- 1	46.9%	46.0%	0.8%	1.8%	1.6%	6.72
Total	65,157	tdeat: 13,051		56.9%	37.5%	0.6%	1.5%	0.9%	6,077.71
Adult	47,971			52.3%	41.9%	0.7%	1.7%	1.0%	

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Plan G

This plan is an adjustment to Plan E in that it places all of both East and West Lake Arthur area into District 2. It leaves Hagerman, Dexter, East side, where the actual municipalities are located, in District 1 where Representative Dana, who is a resident of Dexter, actually lives. It does restore Lake Arthur on both sides of the river all the way to the Lincoln and Otero/Eddy County lines to District 2. That places the Hispanic population in District 1 at 75.1%, District 2 at 65.9%, and District 3 at 61.9%.

Chaves County		Plan G		2021					
				ſ	Non-Hispanic Origin				
District Population Ornation			% Dev. Hispanic		White	Native American	Black	Asian _	Area (Sq.M
	12,529	-502	-3.9%	75.5%	21.2%	0.5%	1.2%	0.3%	803.26
Adult	9,484		:	72.2%	23.5%	0.5%	1.5%	0.3%	
2	12,535	-496	-1.8%	65.9%	29.4%	0.7%	1.9%	0.5%	2,054.12
Adult	9,762			61.4%	31,3%	0.7%	2.2%	_0.5%	
	12,967	-64	-0.5%	38.7%	54.85	0.6%	1.2%	1.5%	3,203.13
Achat	9,618			34.1%	59.2%	0.7%	1.5%	1.5%	
4	13.529	498	3.8%	61.9%	32.4%	0.6%	1.7%	0.6%	4.99
Adult	9,235			57.1%	25.7%	0.7%	1.9%	0.7%	
		566	4.3%	44.4%	48.7%	0.8%	1.3%	2.0%	12.21
<u> </u>	13,197	366	-17	19.0%	. 54.3%	O.ES	1.3%	2.0%	2.21
Adult	9,832			. 39.0%	54.5%		2.3)4	2.05	
Total	63,157	Med: 15,032		36.9%	37.5%	0.6%	1.5%	0.9%	6,077.71
Adult	47,971			52.3%	41.9%	0.7%	1.7%	1.0%	1

All the plans were drawn trying to ensure that each Commission District was within 5% of the ideal and sometimes this had an effect on where the incumbent lived but in Plan G, Commissioner Taylor is in District 4. Some of the others, for population purposes, he was not.

Commissioner Cavin opened the floor for public comments.

Rita Kane Doerhoefer, very narrow, unstriped, my sign's been taken down, Mark Road Ms. Doerhoefer stated Plan G would put her in Bilberry's district. Plan F would leave her in Commissioner Ezzell's district. She can't find Mark Road on Plan E. Commissioner Cavin stated he would imagine she is in Commissioner Bilberry's district on map E. Ms. Doerhoefer stated she couldn't find herself on Plan E. Her commissioner right now is Ezzell, but she wanted to make crystal clear that it doesn't matter whose district she is in, she will call each and every one of them if she has a concern. She always has and she calls the County Manager because the County Attorney doesn't give her his phone number and she hates calling his wife.

There were no comments online.

Commissioner Cavin closed the floor from public comments.

Further discussion from the Commissioners:

Commissioner Dana: Bill, did we get ahold of Frank Sanchez and send him this information? Bill Williams: He has this information. Yes, we talked about it after the last meeting and told

him it would all be online and published. I did not call him specifically after, but he should be aware of everything.

Commissioner Dana: Senator Adair, the Plan F deviation on the Hispanic, where does that come from? Why? It's not in the other plans.

Senator Adair: asked Alfredo to pull up a map of the central part of the County and stated lowering the hispanicity statistic on Plan F from the 70's and 66.7 would be caused by the movement of the area just to the east of Goddard High School. That's precinct 5 or 6. It was clarified to be precinct 5. That precinct is probably only about 28 to 29, 30% Hispanic. If you put that in the plan into District 1, then that accounts for reducing the Hispanic population percentage in District 1. It's a largely Anglo area.

Commissioner Dana: The testimony that I wrote down here from Frank Sanchez, because of the communities, just out of curiosity, would this set up the County for a lawsuit because of the communities?

Senator Adair: That I don't know. Not that the information is not available, and that somebody might look at it. He came from San Juan County, where the Navajo Nation put in a plan and have threatened a lawsuit there. He discussed the comments made at the recent redistricting session in the Legislature, he doubts that they have much of a case there, but they may have a case in San Juan County. Here, with regard to just Chaves County, you would be lowering both the voting population and the overall Hispanic population in District 1 so could someone make a case out of that? He's appeared in seven trials, never as an Attorney, largely because he's not one, only as a witness, so what attorneys decide in that regard and interested parties decide constitute grounds he can't speak to that. In answer to the question, it does lower the population and people have sued based on that before.

Commissioner Dana: What is the reasoning for Plan F, why was that even submitted, what was the premise of it?

Senator Adair: Plan F came about in meeting with Commissioners Ezzell and Bilberry. The question came up, what could be done that's just maybe a simple move here or there from the plan we were working from which may have been the current array of districts. In using the Maptitude program, he found a bordering precinct which is the one earlier referenced in answer to the question, "Why would the percentage go down", he clicked on that, and the deviations stayed within the allowable deviation. District 1 went all the way up to 4.7% and District 3, from which it came, went to -2.2%, so all that worked out. That satisfied the requirement of having perhaps the least change necessary moving one precinct into District 1 to make the population come out even among the five districts. That was his roll with regard to the interests. Why that was a desirable thing he would leave to other Commissioners to answer. He doesn't speak to motivations or goals.

Commissioner Dana: Commissioner Ezzell had asked what is the current set up? What is current set up for Districts 1 through 5?

Senator Adair: Currently District 1, without changing anything, oddly enough there was only one district that was out of deviation requiring redistricting in 2021, and currently the Hispanic population of District 1 is 68.9%, District 2 is 64.1%, District 3 is 62.5%.

Commissioner Ezzell: What about four and five?

Senator Adair: Three and Five you mean; District 3 is 38.2% and five is 52.0%.

Again, 1 is 68.9%, 2 is 64.1%, 3 is 38.2%, 4 is 62.5%, and 5 is 52.0%.

Commissioner Dana: So those stay the same and the only one that deviates is District 1?

Senator Adair: There were minor ones in the hundredths of a percent. They remained the same because for the displays he has the program set to round to the nearest tenth. There were changes at the hundredth of a percent level but only in Districts 1 and 3.

Commissioner Dana: So Plan F moves a northern Roswell precinct into ...

Senator Adair: Plan F does move an area traditionally seen as part of north Roswell into District 1 which has been traditionally an Eastern, Southeastern Chaves County district, largely rural. Plan F does move a purely urban north Roswell precinct into that, that's true.

Commissioner Dana: What came about in Plan G?

Senator Adair: Plan G, he drew, in listening to the concerns of Commissioners, especially with regard to concerns perhaps with Lake Arthur. Plan G moves Lake Arthur and it's environs back into District 2 but other than that, things are pretty much the same with Plan G except District 1 which is Commissioner Dana whose residence is Dexter, she would have Dexter and Hagerman, but Plan G Lake Arthur would remain in District 2. He did that because Commissioner Dana and

other Commissioners, the Community, had expressed concerns about a Commissioner, who actually lives in the Valley, so called. All of this is the Pecos Valley but those of us who were born, who are actually from Hagerman, Dexter, or Lake Arthur, we always called ourselves the Valley whereas Roswell is Roswell even though Roswell is in the Valley. The Valley goes from Las Vegas to the Texas line where it abruptly ends and turns into chaos.

Commissioner Cavin: One of the things we have to pay attention to as we do redistricting, is there any substantial movement from ten years ago and what does it look like from the census where population growth is going here in Chaves County? Is it going north, is it going down in the Valley? He knows we have a lot of growth that's going out to the East of Roswell but then we have a lot of growth to the West of Roswell in the County. He doesn't know if this plays into his program as to what that growth has looked like over the last ten years. Do you have any type of figures or what it appears that growth is going to happen because that's something we really need to pay attention to for this redistricting as to what Chaves County is going to look like over the next ten years.

Senator Adair: Mr. Chairman, that is a great question, and it has come up before, as a matter of fact, he had one County Manager tell him thanks for the plans, you don't need to come back, we are going to move certain precincts over and we're going to draw our own next plan. He said if you move that precinct that certain district is now 20% above deviation. He goes, that doesn't surprise me but that's where the growth is going to be and that's what we have to look at. I said you can't do that. Plus, he grew up in this area, and this is a southeastern New Mexico entity, and he said, I'm not from the industry but oil and gas related counties have boom and bust and for people to try to say that the population in 2030 is going to be such and such because of some real estate development in a certain part of the County is not a fools error but it's dangerous because you may not have, he works with Sandoval and Socorro County and both of them with the census bureau have these enormous number of streets. You go out there and look around and it's just desert countryside, there's not even a dirt road let alone a paved one, same thing in the north end of Socorro County. The answer to your question, which is a very good one is that redistricting is about what it is today. It's about what the population was, according to the census bureau, on April 1, 2020, and you redistrict according to that, and you can't really forecast anything because no one really knows, not even the census bureau. They don't know what is going to happen and neither do the people who are in the business of making money know. He's heard some real estate developers have ended up going broke, it's a rumor, sometimes it works out and sometimes it doesn't.

Commissioner Cavin: Part of that question comes from the redistricting in Bernalillo County, and they were trying to push because they were going to be doing this big deal out there and it didn't quite go the way that elected official wanted it to have representation out in that particular area. Senator Adair: There wasn't a robust of growth in Chaves County to start with, a difference of a couple hundred people. Sadly, Hagerman, for the first time since 1940 fell below 1,000 people. When he was born there it had more people than the 957 it says it has today.

Commissioner Cavin: At the last meeting, Mr. Sanchez was here, and you did do the redistricting for Chaves County for the map that we currently have yes?

Senator Adair: Yes, I did

Commissioner Cavin: I wasn't here for that, but Mr. Sanchez said that he did not like what our current maps look like. He's had conversations with others, and they said he didn't have a problem then, so he doesn't know, he's just asking, he's not here today, he's surprised he's not here because this is something that he is passionate about. So, your memory, recollection, that he was in opposition to our current, and looking at the expression on your face it doesn't appear that there was any opposition to it.

Senator Adair: Mr. Chairman, thank you for that, not only did he do that one, he did the one before that, so he drew the plans in 2001 and 2011 and Mr. Sanchez was in support of both of those, he had no objections. With regard to the district mostly being discussed, which is 1 and 2, he thinks it's because in each of those years the Hispanic population in each of those districts was made larger each time as a percentage of each of those districts. He was asked specifically, his recollection, in both 2001 and 2011 and he supported the plans.

Commissioner Cavin: Asked everyone there, that was the impression he got from Mr. Sanchez at their last meeting that he was in opposition to the maps.

Senator Adair: Which is odd because Mr. Sanchez will go to court, as he spoke accurately, he believes about the actions in the 1980's. He was a key person in moving us from a three person

Commission to a five person Commission and in the very first redistricting which resulted in District 1 being represented by Mr. Joe Velasquez who owned a business in the southeastern part of Roswell.

Commissioner Cavin: If his memory serves him correctly, he probably played a part in having to district our Magistrate Judges here in Chaves County and in probably four or five other counties in the State.

Senator Adair: He definitely did, and he, (Senator Adair), was involved in that as well. He (Mr. Sanchez) prevailed in that. In Chaves County going with two Magistrate Judges and drawing districts for them. Mr. Adair remembers making the argument that Magistrates are not representatives of people, you don't say well I have a legal problem let me go to this Magistrate and he will advocate on my behalf, like you would do with a County Commissioner which is odd to treat Magistrates as County Commissioners or as if they were representatives as opposed to people who are applying the law to cases before them he thought was a terrible idea but it didn't impress the Court and that resulted in districts that were drawn in 1998 and have never been changed by the way. Those precincts that a part of Magistrate division 1 and 2 in Chaves County and where he also prevailed in Eddy County, Magistrate Divisions 1, 2, and 3 remain exactly the same as they were 23 years ago. There is not this trail of case law about judicial districts, he doesn't know why, but those are not updated every ten years and your other districts have to be. Why that's the case, he doesn't know. In San Juan County a similar suit resulted in five divisions and those have never been updated.

Commissioner Ezzell: From what you just told us, which is responsive to what we asked two meetings ago, what we have right now there are four districts that are Hispanic majority and in the plans that are before us, A and F have four districts that are Hispanic majority, the other plans only have three districts that are Hispanic majority. Is there, in your opinion, does that matter? The County is 56.% Hispanic, does it matter whether there are three or four?

Senator Adair: He would think there is no real case for that because 56% times five is not going to give you more than three. What's more important is what is the voting power and potential voting power in key, certain districts. That's what they would base any kind of challenge on.

Commissioner Ezzell: Is there any public comment at all?

Alfredo Garcia: Nothing online

Rita Kane Doerhoefer: She thought at the last meeting that the consensus of the Commissioners was leave the maps the way they were and move precinct 15 to a different one, isn't that what the consensus was? Maybe I was mistaken and wasn't paying attention back there but that's what she thought, if it's not broke don't fix it, you don't have to fix it. She thought there was only one precinct that was different, I'm mistaken?

Commission Ezzell: No, you are not at its precinct 5 not 15, that's Plan F

Rita Kane Doerhoefer: this is keeping everybody the way there were except that one precinct and we were moving it from 3 to 1, so what's wrong with that one?

Commissioner Cavin: He thinks the consensus they had at their last meeting was that they wanted to make sure they get the redistricting right and that was one of the big things they talked about that they think will be right but when it comes right down to it, at the end of today, there won't be another meeting for redistricting, today that decision will be made and you will have a majority vote on a decision for whatever map it is they do.

Commissioner Cavin: Any other comments out there on social media/Facebook?

Alfredo Garcia: No

Commissioner Cavin: Commissioners any other questions for Senator Adair?

MOTION MADE TO: ADOPT PLAN G

MOTION MADE BY: COMMISSIONER DANA MOTION FAILED FOR LACK OF A SECOND

Commissioner Ezzell: When you look at redistricting, the criteria is equal population, compactness, contiguity, preservation of existing political communities, and above all, fairness. We've had a plan in place for the last decade and as Commissioner Bilberry pointed out if it isn't broke don't fix it. The voters are the ones who should decide who their elected officials are, not the people who prepare plans, not the governing bodies that adopt plans, despite what we've seen in Santa Fe and a little bit in the City of Roswell recently, redistricting should not be about preventing some individual from running or allowing some individual to run in a particular

district. It should be following the criteria that the law states. Considering that and considering what we had worked for the last decade and the fix is so simple by moving one precinct.

MOTION MADE TO: ADOPT PLAN F

MOTION MADE BY: COMMISSIONER EZZELL SECOND MADE BY: COMMISSIONER TAYLOR

ROLL CALL VOTE:

COMMISSIONER TAYLOR – YES
COMMISSIONER DANA - NO
COMMISSIONER EZZELL – YES
COMMISSIONER BILBERRY - YES
COMMISSIONER CAVIN - YES

Further comments from the Commission:

Commissioner Cavin: Map F will be the new map for redistricting for Chaves County by a 4-1 roll call vote.

2. RESOLUTION R-21-061 — RESOLUTION TO JOIN OTHER NEW MEXICO COUNTIES IN THE OPIOD SETTLEMENT

Presenter: Bill Williams, Chaves County Manager

Mr. Williams stated this resolution will allow Chaves County to enter into settlement agreements with McKesson Corporation, Cardinal Health Inc., AmerisourceBergen Corporation, Johnson & Johnson, Ortho-McNeil-Janssen Pharmaceuticals Inc., and Janssen Pharmaceutical Inc., to resolve pending litigation regarding opioid litigation, MDL 2804, and authorizing the Chaves County Manager to execute on behalf of the County all documents necessary to effectuate the County's participation in the settlement agreements. Staff recommends approval.

There was no further discussion or questions from the Commissioners.

MOTION MADE TO: APPROVE RESOLUTION R-21-061

MOTION MADE BY: COMMISSIONER BILBERRY SECOND MADE BY: COMMISSIONER EZZELL

IN FAVOR: CAVIN, BILBERRY, EZZELL, DANA, AND TAYLOR

OPPOSED: NONE

UNSCHEDULED COMMUNICATIONS LIMITED TO THREE MINUTES PER VISITOR NOT TO EXCEED 15 MINUTES. NO FORMAL ACTION WILL BE TAKEN BY THE COMMISSION.

Charlotte Andrade, Chaves County Treasurer, 3402 Highland Road

Ms. Andrade stated she wanted to give them a brief update. They did have the delayed tax bill this year and as of today they are 41% collected. Out of their 37.5 tax roll for this year they've collected fifteen million to date and that is exceptional. They did have the delay and had a few obstacles coming in but if they compare this to the last two years, they are running about 16% above their collection rate for last year and the prior year. She just wanted to give them an update, her staff has been working diligently making sure they have all their payments posted, they have received volumes of mail and have been taking their Sunday afternoons to come in and make sure they have all of it posted so they can get those distributions out in the next month or two. She wanted to give kudos to her staff for doing such a great job this year on the property tax collections. She knows they have seen lines throughout the building on a consistent basis, so she just wanted to let them know.

There were no comments online.

MANAGER'S COMMUNICATION

Mr. Williams wanted to remind everyone that the January meeting will be on January 13, 2022. We're moving it forward one week because of the New Mexico Legislative Conference. Merry Christmas and Happy New Year to everyone.

COMMISSIONERS' COMMUNICATIONS COMMISSIONER TAYLOR

Commissioner Taylor stated he thinks they accomplished what they needed with the redistricting, and he thinks it's a good plan. He wanted to take this opportunity to wish everybody a blessed and happy New Year and hope that 2022 is a much better year than the last two years have been.

COMMISSIONER DANA

Commissioner Dana stated she agrees, and the last two years have been a challenge, the last two weeks have been a challenge for her. It's so nice to be back in the land of the living, it's been a rough few weeks. She thanked people for leaving soup in her mailbox. Happy New Year and hopefully the best and happiest for 2022, it will be a great year, it's an important year. We do have elections coming up and it will be a busy year for the Clerk and her staff. She told Charlotte that was wonderful news.

COMMISSIONER EZZELL

Commissioner Ezzell thanked everyone that has made the County work so well this year despite the obvious challenges. He hopes everybody has a safe New Year and prosperous 2022.

COMMISSIONER BILBERRY

Commissioner Bilberry stated he would like to reflect all the previous comments and told Commissioner Dana he was glad she was feeling better, he was worried about her. Happy New Year and remember what's for dinner...beef.

COMMISSIONER CAVIN

Commissioner Cavin echoed everything the other Commissioners' have said, it's been a tough two years and hopefully in 2022 life is going to get a lot easier, we'll get past COVID stuff, he's not sure this will happen but everyone needs to do their due diligence and do what they feel is necessary to protect themselves and their families whether it's vaccination or wearing masks or whatever other protocol that anyone takes to protect themselves from accidents or COVID, it's all personal choices you make to make a difference for yourself and your family. Everybody here in Chaves County, we make an amazing family, he says this at every meeting because that's what it's all about. You do a great job for our folks in Chaves County, and he appreciates everything everybody does. He told the Sheriff to be safe out there, he knows we have a lot of criminal activity out there and they are doing the best they can but unfortunately our legal and judicial system is not doing their part. We have a revolving door of people who are in and out. Keep doing the best you can and hopefully somewhere along the lines common sense will come in to play with folks. He thanked Dr. Powell for attending the meeting today and thanked Rita for always looking out for Chaves County, he thanked Senator Adair for all the great options he gave them for redistricting. He thinks they settled on a good one for the next ten years for Chaves County. God bless this great Nation, State, and Chaves County, everybody have a happy New Year. The meeting was adjourned at 9:55 am.

William E Cavin Chairman

Jeff Bilberry, Vice-Chairman

Dara Dana, Member

T. Calder Ezzell IV, Member

Richard C Taylor, Member

BOARD OF CHAVES COUNTY COMMISSIONERS