



JANUARY 12, 2017

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 Corn called the meeting to order at 9:00a.m. Those present were Commissioners Bilberry, Duffey, Ezzell, Corn and Cavin. Also present were County Manager Stan Riggs, Public Services Director Bill Williams, Sheriff Britt Snyder, Finance Director Joe Sedillo, Past Commissioner Smiley Wooton, County Treasurer Charlotte Andrade, County Clerk Dave Kunko, news media, staff and guests.

MINUTES

Commissioner Duffey moved to approve the Minutes from the December Commission meeting. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

ELECTION OF OFFICERS

Commissioner Duffey nominated Commissioner Corn as the Chairman. Commissioner Cavin seconded the nomination. There were no other nominations. A voice vote was unanimous and the motion carried. Commissioner Duffey nominated Commissioner Cavin as the Vice Chairman. Commissioner Bilberry seconded the motion. There were no other nominations. A voice vote was unanimous and the motion carried.

PUBLIC HEARINGS

LOW INCOME PROPERTY TAX PAYERS REBATE

Mr. Riggs explained that in every odd numbered year the Commission is required to hold a public hearing on the question of whether a property tax rebate benefitting low income property tax payers in the County should be made available through adoption of a County Ordinance. This Ordinance has never been adopted in New Mexico. Chairman Corn opened the public hearing for public comment.

IN FAVOR: None

AGAINST: None

Commissioner Ezzell moved to deny the Low Income Property Tax Rebate Ordinance. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

SUBDIVISION CASE SD 2016-11 LA PAZ SUBDIVISION PRELIMINARY PLAT

Marlin Johnson explained that this was a re-submitted request for the La Paz Subdivision Preliminary Plat. This proposal would create 25 parcels of 5.0 to 5.3 acres. In August the Planning Commission voted to approve with the conditions of approval and Findings of Fact, however the County Commission voted 2 -2 and the motion failed. Chairman Corn opened the public hearing for public comment.

IN FAVOR: Richard Tresise the surveyor of this subdivision stated the State Engineer gave a favorable recommendation for the project, there is an existing NMDOT crossover and the individual buyers would be responsible for water and septic.

AGAINST: None

Commissioner Duffey moved to approve Subdivision Case SD 2016-11, the La Paz Subdivision Preliminary Plat with the stipulations and findings of fact. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

CASE Z 2016-09 REZONE TO MIXED USE AGRICULTURAL/LIGHT INDUSTRIAL/RESIDENTIAL

Marlin Johnson explained that this was a request for mixed use of Agricultural, Industrial and Residential to allow the parking of trucks in addition to the permitted agricultural and residential uses. Chairman Corn opened the public hearing for public comment.

IN FAVOR: Speaking in favor of the rezone were Ignacio Campa, Ignacio Campa III, David Gonzales, James Rose, Charles Sims and Norma Campa.

Against: Speaking against the rezone was Neil Binderman.

Marlin explained that approximately 18 months ago Mr. Campa had asked for a Special Use Permit and at that time the Commission approved to give Mr. Campa 12 months to find a new location to park the trucks. After the 12 months Mr. Campa applied to continue the Special Use and it was denied. He also mentioned that this request did not get approved in the Planning Commission due to the lack of a second to the motion.

There was discussion about the expansion of Mr. Campa's trucking business. It was also pointed out that during the 12 month period it sounded as though they did not really try to find a new place for the trucks. Setting a precedent was also discussed because Industrial Zoning for this area is not in the Chaves County Comprehensive Land Use Plan. The Commission discussed their options.

Ignacio Campa III stated that they are looking for another property. He also stated they had to grow in order to survive.

Commissioner Ezzell moved to deny the rezone request and approve a special use permit for 18 months with the understanding they would have to look for another property. Commissioner Cavin seconded the motion. Commissioner Duffey stated the applicant would just be back in 18 months. We need to be more definite. He does not like the 18 month extension. Mr. Riggs stated the motion can have a time limit and they would have a legal right to come back. It was agreed to amend the motion to give the applicant 6 months to find a place to park their trucks. A voice vote was 3 to 2 and the motion carried. Commissioners Corn and Duffey voted against the motion.

AGREEMENTS AND RESOLUTIONS

RESOLUTION A-16-046 CDBG POLICIES AND CERTIFICATION FOR THE TOBOSA BUILDING PROJECT

Georgianna Hunt stated this resolution would adopt the CDBG Policies and Certification for this project which includes the Citizen Participation Plan, a Fair Housing Resolution, a Residential Anti-Displacement and Relocation Assistance Plan, a Section 3 Plan and the Procurement Code. Commissioner Duffey moved to approve Resolution A-16-046. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

RESOLUTION R-17-001, R-17-002 NOTICE FOR PUBLIC MEETINGS – COMMISSION/IHC

Mr. Riggs stated that in accordance with the Open Meetings Act, the Commission is required to publish a notice for public meetings each year. These resolutions would establish Commission and IHC meetings once a month on the 3rd Thursday with the IHC meetings at 8:30a.m. and the Regular Commission meetings at 9:00a.m. Commissioner Cavin moved to approve Resolutions R-17-001 and R-17-002. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

RESOLUTION R-17-003 ADOPT CHAVES COUNTY TITLE VI PLAN

Bill Williams stated that in order for Chaves County to receive NMDOT funding we must have a Title VI Program. This ensures that no one shall be excluded from participation, is denied the benefits of, or is subjected to discrimination under any program or activity receiving federal financial assistance from the DOT on the ground of race, color, age, sex, disability or national origin. Commissioner Bilberry moved to approve Resolution R-17-003. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

RESOLUTION R-17-004 FILM ROSWELL/FILM LIASON FOR CHAVES COUNTY

Mr. Riggs stated this resolution was requested by the Economic Development Corporation. John Mulcahy from the Economic Development Corporation stated the purpose of the resolution is to recognize the existence of the Film Roswell Board and to designate Juanita Jennings as the Liaison for Chaves County. Juanita introduced herself and stated the purpose of the board is to streamline the

process for film companies and assist them in the permitting process. Commissioner Cavin moved to approve Resolution R-17-004. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

RESOLUTION R-17-005 AUTHORIZE SALE OF PROPERTY TO EYE ASSOCIATES OF NM

Mr. Riggs stated this resolution starts the process of selling a vacant lot next to the building leased by Eye Associates of New Mexico. We have obtained an appraisal of the property and by law we must sell it for at least fair market value. Commissioner Duffey moved to approve Resolution R-17-005. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

OTHER BUSINESS

COMMISSION COMMITTEE APPOINTMENTS FOR 2017

Stan Riggs stated that the Commissioners are appointed each year to serve on standing committees. Chairman Corn asked if there were any objections to the committee assignments. Commissioner Cavin moved to approve the Commission Committee appointments for 2017. Commissioner Duffey seconded the motion. Commissioner Ezzell stated one reason he ran for Commissioner was to get off PLAC. A voice vote was unanimous and the motion carried.

APPROVAL OF CHECKS

Commissioner Duffey moved to approve checks in the amount of \$2,260,013.91. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

APPROVAL OF REPORTS

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

UNSCHEDULED COMMUNICATIONS

Rita Kane-Doerhoefer thanked the new Commissioners for running and she told them they have a tough job ahead of them.

MANAGER'S COMMUNICATIONS

Stan Riggs stated the NMAC Legislative Conference was next week. The County will be closed on Monday in observance of Martin Luther King Day. The next Commission meeting will be February the 16th. He felt like the BLM meeting went well and we would continue to push forward. He stated he had not heard anything on the BLM 2.0 lawsuit. The FLSA change on overtime for certain employees had been put on hold.

COMMISSIONER'S COMMUNICATIONS

Commissioner Duffey welcomed the 2 new Commissioners to their first Regular Commission Meeting. It has been kind of a rough 48 hours with the BLM meeting and this one. He told Smiley Wooton we missed him. He told Marlin he had a tough job and he appreciated all he did.

Commissioner Bilberry thanked everyone for the support. He knows he has a lot to learn and he is up to the challenge. He is looking forward to working with everyone and he thanked the Commission, Stan, and all the Department Heads for their hard work.

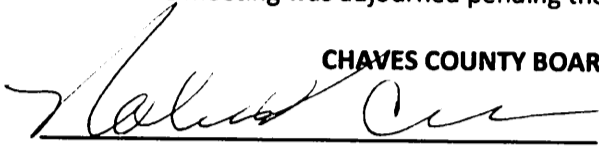
Commissioner Cavin welcomed the new Commissioners. He said this was just round one. We have a 60 day battle ahead in Santa Fe. We work in the best County in the State. He appreciates all the employees.

Commissioner Ezzell echoed what Commissioner Bilberry said and he requested that the existing Commissioners and staff be gentle.

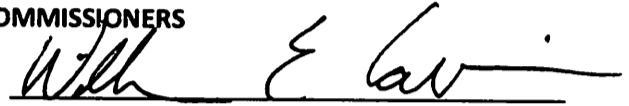
Chairman Corn stated it is a tough job but we have stepped up to the plate. Dealing with the land use issues can be a very slow process especially when BLM and the Feds are involved. After the BLM meeting he spoke with Commissioners around the United States on the NACO Land Council Committee. The learning process is happening everywhere. When dealing with the Federal Government the first thing you need to have is you own Land Use Plan. We are ahead of a lot of Counties because they are asking us for guidance. It is a good thing to be able to pass on that knowledge. There also was interest in the BLM 2.0 lawsuit and it was suggested he be on the agenda for the legislative retreat in Washington D.C. at the end of the month. While we are in D.C. we will be visiting with our Senators and Congressman.

The meeting was adjourned pending the signature of documents at 10:42 a.m.

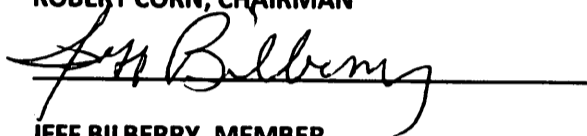
CHAVES COUNTY BOARD OF COMMISSIONERS



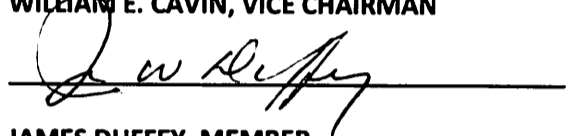
ROBERT CORN, CHAIRMAN



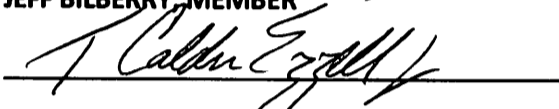
WILLIAM E. CAVIN, VICE CHAIRMAN



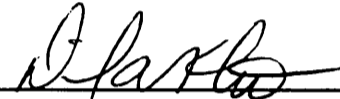
JEFF BILBERRY, MEMBER



JAMES DUFFEY, MEMBER



T. CALDER EZZELL JR., MEMBER

ATTEST: 

DAVE KUNKO, COUNTY CLERK

