



STATE OF NEW MEXICO, COUNTY OF CHAVES  
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Dave Kunko, County Clerk

**JULY 18, 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. Commissioner Bilberry led the pledge and Commissioner Duffey led in prayer. Those present were Commissioners Bilberry, Duffey, Ezzell, Cavin and Corn. Also present were County Manager Stan Riggs, Public Services Director Bill Williams, Sheriff Britt Snyder, Treasurer Charlotte Andrade, Assessor Mark Willard, Finance Director Joe Sedillo, County Clerk Dave Kunko, news media, staff and guests.

#### **MINUTES**

Commissioner Bilberry moved to approve the Minutes from June 15, 2017 and June 27, 2017. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

#### **AGENDA**

Chairman Corn stated he would like to move item #2 on the Agenda prior to item #1.

#### **PUBLIC HEARINGS**

##### **CASE Z 2017-09 REQUEST FOR SPECIAL USE PERMIT IN AREA II, RESIDENTIAL - AGRICULTURAL**

Marlin Johnson explained that the special use permit in Area II Residential – Agricultural is for storage of vehicles for a delivery services business. He stated that the Planning and Zoning Commission recommends approval with stipulations and findings of fact. Chairman Corn opened the public hearing for public comment.

IN FAVOR: Bryan Konichek spoke in favor of the special use permit. Mr. Konichek stated he was not looking to expand his business after Commissioner Cavin stated it was not likely this property would be re-zoned.

AGAINST: None

Commissioner Ezzell moved to approve the Special Use Permit with the 8 conditions of approval and the findings of fact. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

##### **CASE Z 2017-08 REQUEST TO REZONE TO INDUSTRIAL FROM AGRICULTURAL**

Marlin Johnson stated this is a request to rezone 20 acres as industrial for a trucking business. The Planning and Zoning Commission recommended approval with conditions and findings of fact. One additional stipulation is that a one year review be administered by the staff. Chairman Corn opened the public hearing for public comment.

IN FAVOR: None

AGAINST: None

Commissioner Duffey asked if there was mining activity in this area. Marlin Johnson stated there is about 40 acres that have been used for gravel extraction. The applicant Mr. Mistry arrived late and stated it was for use by a trucking company. It was confirmed by Mr. Mistry that Mr. Campa would be using this property. Mr. Mistry stated it was not an active gravel pit and it is used occasionally. Mr. Johnson stated there was no opposition by the local residents. Commissioner Duffey moved to approve Case Z 2017-08 a request to rezone to industrial with the stipulations, findings of fact and the one year review by staff. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

#### **AGREEMENTS AND RESOLUTIONS**

**AGREEMENTS A-17-012, A-17-013, A-17-014, A-17-015 WITH CASA AND WINGS FOR LIFE**

Lucia Serrano stated Chaves County received funding under the Juvenile Justice Continuum grant fund for programs addressing at-risk youth. These funds will benefit the CASA Alternative Education Program, the CASA Youth Advocacy Program, the CASA Gender Specific Program and the WINGS for L.I.F.E. Why Try Middle School Program. Mr. Riggs stated this is all grant funds and no general fund money. Commissioner Duffey moved to approve Agreements A-17-012, A-17-013, A-17-014 and A-17-015. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

**AGREEMENTS A-17-021 & A-17-022 WITH USDA, APHIS AND THE WILDLIFE SERVICE**

Mr. Riggs stated Agreement A-17-021 is for Predator Control Services and the \$25,000 comes from the Chaves County Predator Control Board. He also stated that Agreement A-17-022 is with the USDA, APHIS, WS and Chaves County for a Cooperative Wildlife Services Program. Brian Archuleta gave a report about the program and stated services may be reduced due to the reduction in funds. Mr. Riggs stated the County budget would be revisited at mid-year to see if more funds would be available. Mr. Archuleta mentioned the help they received from former Deputy Sheriff Jerry Flores. Commissioner Cavin moved to approve Agreements A-17-021 and A-17-022. Commissioners Ezzell and Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

**AGREEMENT A-17-024 WITH LA CASA DE BUENA SALUD**

Mr. Riggs explained that this is a lease agreement with La Casa de Buena Salud for the building located at 1511 S. Grand in Roswell. They have leased this building for several years. This is our standard lease for 1 year with 3 additional 1 year options. Commissioner Bilberry moved to approve Agreement A-17-024. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

**RESOLUTION R-17-021 APPROVAL OF BUDGET ADJUSTMENT**

Anabel Barraza stated these are the budget adjustments for the end of fiscal year 2016/2017 to ensure positive budget balances. Commissioner Duffey moved to approve Resolution R-17-021. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

**RESOLUTION R-17-022 APPROVAL OF FY 17/18 FINAL BUDGET**

Joe Sedillo reviewed the budget. He stated there was approximately a \$622,000 carry over to the new fiscal year. The County is taking a tentative approach towards the State and what that may do with the Hold Harmless funds. His staff did a great job closing out the fiscal year. The total budget is 39 million. Mr. Riggs stated the County cut 6% across the board. It was tough to do because funds are needed. He stated hopefully some positive changes can be made to the budget at mid-year. Agencies were cut 25%. Commissioner Duffey asked Sandra Barraza from the County Extension Office if she would like to address the Commission. Sandra Barraza stated she is very concerned about the cuts. This cut takes her budget back to 2005 levels. She stated she appreciates the County's support. Commissioner Duffey stated the Commission will look closely at the budget at mid-year. Mr. Sedillo stated staff recommends approval. Commissioner Bilberry moved to approve Resolution R-17-022 the FY 2017/2018 Final Budget. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

**RESOLUTION R-17-023 FIXED ASSET INVENTORY**

Anabel Barraza presented the Fixed Asset Inventory for approval with all additions and deletions as required annually. Commissioner Duffey moved to approve the Fixed Asset Inventory. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

**RESOLUTION R-17-024 DELETION OF PROPERTY AND PROPOSED DISPOSITION**

Anabel Barraza stated that the New Mexico Veterans of Transportation wish to donate a van to the Healing America's Heroes Agency. This is a non-profit organization located in Tierra Amarilla, NM.

They provide transportation to Veterans in Northern New Mexico. Chaves County is the fiscal agent for NM Veterans of Transportation. Commissioner Bilberry moved to approve Resolution R-17-024. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-17-025, R-17-026, R-17-027 WITH NMDOT LOCAL GOVERNMENT ROAD FUND**

Bill Williams stated these Resolutions with DOT are for the School Bus Program, County Arterial Program and Cooperative Program. The County's share of the cost of each program is 25% and NMDOT covers 75%. Mr. Riggs stated Chaves County has a good working relationship with NMDOT. Commissioner Duffey moved to approve Resolutions R-17-025, R-17-026 and R-17-027. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-17-028, AGREEMENT A-17-023 WITH SENMEDD**

Mr. Riggs stated that this resolution and agreement are with the Southeastern New Mexico Economic Development District for annual membership dues. The County has budgeted \$8,000. Commissioner Duffey moved to approve Resolution R-17-028 and Agreement A-17-023. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-17-029 SUBMIT ICIP TO STATE AND APPROVE 2019 – 2023 ICIP**

Georgianna Hunt explained the ICIP Project Summary was updated due to the annual request from NM DFA. Resolution R-17-029 has included the updates. She stated Chaves County is the fiscal agent for many non-profit organizations and they needed to be included in the ICIP. Commissioner Duffey moved to approve Resolution R-17-029 and the Proposed ICIP Plan for 2019 – 2023. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-17-030 APPROVAL OF 2016 FINAL QUARTER FINANCIAL REPORT**

Toni Gomez stated DFA requires that the 4<sup>th</sup> Quarter Financial Report for fiscal year ending June 30, 2017 be approved by the governing body. Commissioner Cavin moved to approve Resolution R-17-030. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

#### **OTHER BUSINESS**

##### **APPOINTMENT TO JOY CENTER BOARD OF DIRECTORS**

Stan Riggs stated that the term for Dale Miller had expired. Monica Duran, the Executive Director of Chaves County JOY Centers, Inc. has requested that Mr. Miller be re-appointed for a 2 year term. Commissioner Duffey moved to approve the appointment. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

##### **APPROVAL OF VOTING MEMBER FOR THE DWI PLANNING COUNCIL**

Lucia Serrano stated this item is for the approval of voting members to the DWI Planning Council. The recommendation is to approve the attached list of members which includes James Edwards from the RISD Board. There is an additional opening and a recommendation will be brought forth at the August Commission Meeting. Commissioner Bilberry moved to approve the voting members of the DWI Planning Council as recommended. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

##### **APPROVAL OF CHECKS**

Commissioner Duffey moved to approve checks in the amount of \$2,383,808.86. Commissioner Ezzell 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**

Treasurer, Charlotte Andrade invited the Commissioners to stop by her office. She stated that if your constituents contact you about their taxes, please contact us and she would be happy to explain how her office functions. She stated they are very efficient and follow statute on everything they do.

**MANAGER'S COMMUNICATIONS**

Mr. Riggs stated the USA Beef project is completed and a UCC has been filed. They should begin operating in September. The appraisal has been approved by the State on the Verizon Tower Lease. He and Marlin met with the City Manager and his Planner on Friday. They had about an hour and a half discussion on the ETZ. The new auditor was here last week. This is the earliest an auditor has started their work. It was difficult due to year end closeout. Mr. Sedillo and his staff and Charlotte Andrade and her staff did a great job. He said he did hear from Robert Widener in Washington D.C. and he said SRS is still moving. Many Counties and States have gotten involved. It appears the holdup is a move to re-work or streamline the Forest Service. At the State level he has not heard much about Hold Harmless. ICE issues are at the forefront. We are working with the Magistrate Judges on the pretrial release rules from the Supreme Court. This is a work in progress.

**COMMISSIONER'S COMMUNICATIONS**

Commissioner Ezzell asked Mr. Riggs if he forwarded the Litigation Fund contribution request. He also asked what it was about. Mr. Riggs stated the AZ/NM Coalition asks for funds. Our dues normally help with litigation however they do periodically ask for voluntary litigation funds and we have contributed \$5,000 in the past. In January we may bring this request to the Finance Committee. Commissioner Ezzell thanked the staff for the great job they do.

Commissioner Duffey stated that next week the County 4-H and FFA Fair will get underway. He thanked Bill Williams about taking care of a building that was in a County Easement. He called him at about 11:00 a.m. and the building was gone by 3:00 p.m.

Commissioner Bilberry thanked everyone for all their hard work.

Commissioner Cavin echoed the thanks to staff and departments. School will be starting soon. He will be headed to the NACO Conference in Ohio. He also said he hopes we get more rain.

Chairman Corn said he would also be going to the NACO Conference in Ohio. He is on the Public Lands Committee. He is going to make sure Community Based Land Management gets adopted. He continues to work on the Endangered Species Act. He mentioned the designee by the court and that the rule talks about pre-trial release based on risk assessment. This is readily used in the Counties of Bernalillo, Santa Fe and Dona Ana. This is not really a good thing for Chaves, Eddy or Lea County. He appreciates Joe Sedillo and his staff during this real busy week with a new Auditor and yearend closeout. He mentioned pictures to be taken at 8:00 a.m. on August 17<sup>th</sup>.

The meeting was adjourned pending the signature of documents at 10:40 a.m.

**CHAVES COUNTY BOARD OF COMMISSIONERS**

*[Signature of Robert Corn]*  
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**ROBERT CORN, CHAIRMAN**

*[Signature of William E. Cavin]*  
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**WILLIAM E. CAVIN, VICE CHAIRMAN**

*[Signature of Jeff Bilberry]*  
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**JEFF BILBERRY, MEMBER**

*[Signature of James Duffey]*  
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**JAMES DUFFEY, MEMBER**

*[Signature of T. Calder Ezzell Jr.]*  
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**T. CALDER EZZELL JR., MEMBER**

*[Signature of Dave Kunko]*  
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**DAVE KUNKO, COUNTY CLERK**

