



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

**JULY 19, 2018**

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 Ezzell led the pledge and Commissioner Bilberry 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, Finance Director Joe Sedillo, County Clerk Dave Kunko, news media, staff and guests.

**MINUTES**

Commissioner Cavin moved to approve the Minutes from June 15, 2018. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

**PUBLIC HEARINGS**

**CASE SD 2018-1 VACATION OF RIGHT-OF-WAY IN CUMBERLAND CITY SUBDIVISION**

Mary Rogers stated this request is to vacate the alley south of lots 1, 2, 3 and 4 in Block 7 of Cumberland City Subdivision from Templeton Avenue to Yakima Road. There appears to be no need for the County to have this right-of-way and the Planning and Zoning Commission recommends approval with the Conditions and findings of fact. Chairman Corn opened the public hearing to public comment.

IN FAVOR: Elva Melendez

OPPOSED: NONE

Commissioner Duffey moved to approve Case SD 2018-1 with the conditions and findings of fact. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

**CASE Z 2018-08 REQUEST FOR AN AMENDMENT TO THE CHAVES COUNTY ZONING ORDINANCE**

Stan Riggs explained that this amendment would allow the Planning Director to approve change of use, including conditions of approval upon determining a proposed change is of equal or lesser impact. The Planning and Zoning Commission recommends approval. Chairman Corn opened the public hearing to public comment.

IN FAVOR: NONE

OPPOSED: NONE

Commissioner Cavin moved to approve Case Z 2018-08. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

**CASE Z 2018-09 REQUEST FOR CHANGE OF USE IN INDUSTRIAL DISTRICT**

Mary Rogers stated the applicant is requesting a change of use in an Industrial District. The request is to change the use from outside storage and sales to light manufacturing. The Planning and Zoning Commission recommends approval with the conditions and findings of fact. Chairman Corn opened the public hearing to public comment.

IN FAVOR: Mr. Hellums

OPPOSED: None

Commissioner Bilberry moved to approve Case Z 2018-09. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

**LIQUOR LICENSE #0074 FOR ALLSUP'S CONVENIENCE STORES, INC. TO TRANSFER OWNERSHIP**

Stan Riggs explained that this action is required by NM Alcohol and Gaming when there is a change in ownership. Mr. Allsup passed away and this action reflects that change. Chairman Corn opened the public hearing to public comment.

IN FAVOR: NONE

OPPOSED: NONE

Commissioner Ezzell moved to approve the transfer of ownership of Liquor License #0074. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

#### **LIQUOR LICENSE APPLICATION #1088989 FOR ANITA'S RESTAURANT 6009 S. MAIN STREET**

Mr. Riggs stated this application is for a Beer and Wine License for Anita's Restaurant located at 6009 S. Main Street. This application has received preliminary approval by the Director of the Alcohol and Gaming Division. The proposed location is not within 300 feet of a church or school. Chairman Corn opened the public hearing to public comment.

IN FAVOR: Anthony Urquides and Michael Trujillo

OPPOSED: None

Commissioner Duffey moved to approve Liquor License Application #1088989 for Anita's Restaurant. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

#### **AGREEMENTS AND RESOLUTIONS**

##### **AGREEMENT A-18-033 WITH CASA GENDER SPECIFIC PROGRAM, AGREEMENT A-18-034 WITH CASA ALTERNATIVE EDUCATION PROGRAM, AGREEMENT A-18-035 WITH CASA YOUTH ADVOCACY PROGRAM, AGREEMENT A-18-036 WITH CASA WHY TRY MIDDLE SCHOOL PROGRAM AND AGREEMENT A-18-037 WINGS BUILDING ASSEST PROGRAM**

Lucia Serrano explained that Chaves County received funding under the Juvenile Justice Continuum Grant Fund addressing at-risk youth. Commissioner Cavin asked about accountability. Mr. Riggs stated each agreement has performance measures that must be met by each program. Commissioner Cavin also stated the hourly rate break down seems very high. Lucia Serrano stated that every County pays the same amount per service provided. Commissioner Ezzell moved to approve Agreements A-18-033, A-18-034, A-18-035, A-18-036, A-18-037. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

##### **AGREEMENT A-18-038 WITH NMDOT TRAFFIC SAFETY DIVISION**

Lucia Serrano stated the Chaves County DWI Program was awarded \$9,553.00 in CDWI funds under the Department of Transportation Traffic Safety Division. Commissioner Cavin moved to approve Agreement A-18-038. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

##### **AGREEMENT A-18-039 AND A-18-040 BETWEEN UNITED STATES DEPARTMENT OF AGRICULTURE (USDA), ANIMAL PLANT HEALTH INSPECTION SERVICE (APHIS), WILDLIFE SERVICES (WS) AND CHAVES COUNTY FOR A COOPERATIVE WILDLIFE SERVICES PROGRAM**

Stan Riggs stated Agreement A-18-039 is for a Wildlife Services Program. Chaves County will provide \$50,250 and the Farm and Range Fund will provide \$50,250 in support of the work plans outlined in the program budget. Mr. Riggs stated Agreement A-18-40 is for Predator Control Services with \$25,000 coming from the Chaves County Predator Control Board. Commissioner Duffey moved to approve Agreements A-18-039 and A-18-040. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

##### **AGREEMENTS A-18-041 WITH AUCROWN ENTERPRISE, LLC d/b/a CARABELLI DENTAL FOR INDIGENT DENTAL SERVICES**

Stan Riggs stated this is a standard provider agreement with Carabelli Dental for Indigent Dental Services. At one point La Casa had lost their Dentist and this is a good backup agreement if needed. Staff recommends approval. Seferino Montano from La Casa stated they just do not have a dentist during July. Their dentist is in the process of relocating to Chaves County and dental service will be available again in August. There was a discussion of an annual cap on services. Mr. Riggs stated La Casa is the primary and this may just be a short-term agreement. Commissioner Cavin moved to approve Agreements A-18-041. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-18-021 APPROVAL OF FY 2018/2019 FINAL BUDGET**

Joe Sedillo went over the budget recap and stated the projection is \$39,683,435. He mentioned GRT exceeding property tax. They have been part of a pilot project for reporting software. Anabel Barraza took on this project and she and Toni Gomez have done an excellent job. The previous year carryover was almost \$894,000. Stated the Sheriff's Office vehicles are going to be paid this year. He mentioned Indigent, dental claims, safety, DWI and the P-card rebate. He also mentioned the money used for the Detention Center expansion and repayment of the permanent fund. Commissioner Cavin asked the Sheriff about working with RISD. Sheriff said they have not gotten together yet, he is currently down 4 to 5 deputies but hopes to get this done quickly since school will be starting up soon. Commissioner Ezzell moved to approve Resolution R-18-021. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-18-022 BUDGET ADJUSTMENT RESOLUTION**

Anabel Barraza stated the Finance Department has performed the end of year variance report and is requesting a budget adjustment for the items listed in Exhibit A to ensure positive budget balances. Commissioner Cavin moved to approve Resolution R-18-022. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-18-023 FIXED ASSET INVENTORY**

Lucia Serrano stated the link where the end of year Fixed Asset Report could be accessed and recommends approval of this resolution. Commissioner Duffey moved to approve Resolution R-18-023. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-18-024 FY 2018/2019 PERSONNEL CHANGES TO CHARTS**

Stan Riggs stated this resolution incorporates personnel upgrades, modifications, additions and the new charts approved in the final budget for fiscal year 2018/2019. This resolution also includes the revisions to the Sheriff Lieutenant and Sergeant position specifications. Commissioner Bilberry moved to approve Resolution R-18-024. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-18-025 APPROVAL OF 2018 FINAL QUARTER FINANCIAL REPORT**

Chief Deputy Treasurer Toni Gomez stated NMDFA requires the approval of the 4<sup>th</sup> Quarter Financial Report ending June 30, 2018 by the governing body. Commissioner Ezzell moved to approve Resolution R-18-025. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-18-026 AND AGREEMENT A-18-045 WITH SOUTHEASTERN NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT/COUNCIL OF GOVERNMENTS FOR ANNUAL MEMBERSHIP**

Stan Riggs stated this resolution and agreement are with the Southeastern NM Economic Development District for annual membership and dues. Commissioner Duffey moved to approve Resolution R-18-026 and Agreement A-18-045. Commissioner Ezzell seconded the motion. Chairman Corn mentioned that the SENMEDD has assisted the communities of Chaves County with many large projects. A voice vote was unanimous and the motion carried.

#### **ITB'S AND RFP'S**

**ITB 18-3 AUTOMOTIVE AND HEAVY TRUCK REPLACEMENT PARTS**

Sandra Rodriguez stated Chaves County received bids from 5 vendors for automotive and heavy truck replacement parts. Staff has reviewed the bids and recommends award to Parts Plus of New Mexico for all items as listed. Commissioner Duffey asked what price this is based on. Sandra Rodriguez stated it was the jobber or whole sale price. Commissioner Duffey asked how we can be sure each vendor offers a similar jobber price. How can we compare apples to apples? We would have to change the bid and ask for specific items. The evaluation committee has dealt with Parts Plus and they do receive the lowest price. Commissioner Duffey asked Joe West if he felt comfortable with how this works or would he prefer a more specific price on each item. Joe stated it would be virtually impossible to go the price route because there is such a wide variety of parts needed by the County. Joe West also stated they have a good history with Parts Plus and they have been extremely fair to this point. Commissioner Cavin moved approval of bid award to Parts Plus of New Mexico. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

**OTHER BUSINESS****OUT OF STATE TRAVEL – SHERIFF’S OFFICE**

Sheriff Snyder stated Chaves County Crime Stoppers has offered to pay all the expenses to send Sergeant Doug Perham to the National Crime Stoppers Conference in New Orleans, Louisiana, September 9<sup>th</sup> through September 12<sup>th</sup>. Sheriff Snyder stated we are lucky to have Chaves County Crime Stoppers. Commissioner Cavin moved to approve the Out-Of-State travel. Commissioner Bilberry 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 \$2,406,758.00. 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**

NONE

**MANAGER’S COMMUNICATIONS**

Mr. Riggs thanked the Department Heads and Elected Officials for work on the Budget. He stated Finance and the Treasurer’s Office did a great job. He mentioned the closed session and that there would be an action item after the closed session.

**COMMISSIONER’S COMMUNICATIONS**

Commissioner Ezzell thanked everyone for teaching him everything he learned in the budget process and he thanked the Road Department for the rain. He said every time they blade his road it rains.

Commissioner Duffey congratulated Rita Kane-Doerhoefer for securing grant funds. He stated good job on the budget. The County Fair is coming soon and anyone interested in pitching in for an animal needed to let him know.

Commissioner Bilberry thanked the Finance Committee and Elected Officials.

Commissioner Cavin stated we live in the greatest County in the United States. He said they had a good trip to Nashville and he felt like they made some progress. Next week they would be in Washington D.C. and they hope to make things happen. We must take care of our oil and gas in Southeastern New Mexico. We need to be in the middle of the endangered species fight because we

would be in a world of hurt without oil and gas. It has been a busy month and will be busy the rest of the year. God Bless America.

Chairman Corn stated he and Commissioner Cavin attended the NACO Conference in Nashville, TN. He mentioned there was a large stack of changes to be made on the resolutions and NACO platform. He mentioned in the stack on page 45 & 46 is the Endangered Species Act Resolution and he reminded the Commission that this resolution was started in Chaves County. He also stated a Commissioner from Colorado put together another resolution that states 40% of federal mineral leasing goes to the County where generated. He believes this should be a portion of the NACO platform and not just a resolution. Commissioner Cavin will be joining the Chairman on the Land Committee. It will be nice to have additional help on this committee. He thanked everyone for their support in the passing of his wife.

**CLOSED SESSION PERSUANT TO 10-15-1-H (7) NMSA 1978 TO DISCUSS THREATENED OR PENDING LITIGATION**

Commissioner Duffey moved to go into closed session pursuant to 10-15-1-H (7) to discuss threatened or pending litigation at 10:24 a.m. Commissioner Ezzell seconded the motion. The motion carried with all 5 Commissioners voting yes in a roll call vote. At 10:41 a.m. Commissioner Duffey moved to come out of closed session and stated the items discussed during the closed session were limited to those mentioned in the motion for closure and no action was taken. Commission Ezzell seconded the motion. The motion carried with all 5 Commissioners voting yes in a roll call vote.

**ACTION ITEM**

Mr. Riggs gave a brief explanation of the class action lawsuit. Commissioner Duffey moved to approve Chaves County joining the Kane County, Utah v. United States Case Nos. 17-793C and 17-1991C (Consolidated). Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

The meeting was adjourned at 10:43 a.m. pending the signature of documents.

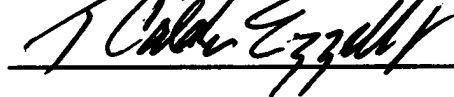
**CHAVES COUNTY BOARD OF COMMISSIONERS**

  
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**ROBERT CORN, CHAIRMAN**

  
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**JEFF BILBERRY, MEMBER**

  
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**T. CALDER EZZELL JR., MEMBER**

Approved by Phone

**WILLIAM E. CAVIN, VICE CHAIRMAN**

  
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**JAMES DUFFEY, MEMBER**

ATTEST:   
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**DAVE KUNKO, COUNTY CLERK**

