

**EDDY COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A REGULAR MEETING  
APRIL 6, 2010**

**BE IT REMEMBERED** that the Eddy County Board of Commissioners held a regular meeting in Room 211 of the Eddy County Administration Complex on April 6, 2010 at 8:30 a.m. Volpato called the meeting to order. Sartin led the Pledge of Allegiance and gave the invocation.

**Present:**

JACK VOLPATO	CHAIRMAN, DISTRICT 4
LEWIS DERRICK	VICE-CHAIRMAN, DISTRICT 2
GUY LUTMAN	COMMISSIONER, DISTRICT 3
TONY HERNANDEZ	COMMISSIONER, DISTRICT 1
ROXANNE LARA	COMMISSIONER, DISTRICT 5
CAS TABOR	COUNTY ATTORNEY
DARLENE ROSRPIM	COUNTY CLERK
ROBIN VAN NATTA	CHIEF DEPUTY COUNTY CLERK
TERRI RICHARDS	TREASURER
KAREN ROBINSON	ASSESSOR
ERNEST MENDOZA	SHERIFF
KENT WALLER	CHIEF DEPUTY SHERIFF
KENNEY RAYROUX	HR DIRECTOR
DEBBIE PENALUNA	FINANCE DIRECTOR
WARREN HARDIN	GIS COORDINATOR
ROBERT STEWART	WARDEN
SHAWN FUNK	CHIEF DEPUTY WARDEN
CAROL HENNINGTON	IT DIRECTOR
TINA PARRISH	PURCHASING ADMINISTRATOR
GAY WEST	ADMINISTRATIVE ASSISTANT
FRANK WELDON	ROAD SUPERINTENDENT
DANNY STAFFORD	M&O SUPERVISOR
ROBERT BRADER	FIRE DIRECTOR
LINDA P. MARTINEZ	INDIGENT ADMINISTRATOR
GEORGIA GOAD	RURAL ADDRESSING COORDINATOR
STEVE MCCROSKEY	CODE ENFORCEMENT
JIM GRANTNER	LANDFILL COMMITTEE
LOUISE TRACY	FLOOD COMMISSIONER
STELLA DAVIS	CARLSBAD CURRENT ARGUS

**Absent:**

CHARLENE WRIGHT	PROBATE JUDGE
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**TIMED AGENDA:**

**8:30 A.M.**

**1. BID AWARDS:**

a. **B-10-05: TWO (2) NEW CURRENT PRODUCTION MODEL WATER TRAILERS - FRANK WELDON:** Weldon recommended the bid go to Construction Trucks and Equipment out of Phoenix, AZ as low bidder. Derrick moved, seconded by Hernandez to award B-10-05 as recommended. Voting yes: Volpato, Hernandez, Derrick, Lara and Lutman. Passed 5-0. The bid minutes and the invitation to bid were recorded as Timed Exhibit 1.a.

2. **LOOP ROADS PRESENTATION - BILL MCFARLAND, SMITH ENGINEERING:** McFarland gave a Power Point presentation outlining the project and fielded questions from the Board. He reported the eastern route would cost an estimated \$30 million, and was 3.4 miles long. The western route would be 7.1 miles long and cost \$32 million. McFarland stated he had worked closely with Weldon and property owners to develop the corridors and estimated it would take a year to finalize property acquisition and rights-of-way once the routes were approved. Weldon requested direction from the Commission on how they wished to proceed with the project. Lutman moved, seconded by Volpato to approve the corridors as presented. Hernandez requested the motion be amended to approval contingent upon property acquisition. Lutman amended his motion, Volpato amended his second. Voting yes: Volpato, Hernandez, Derrick, Lara and Lutman. Passed 5-0. A map of the approved corridors was recorded as Exhibit 2.

### **TRAILING AGENDA:**

1. **APPROVE:**

a. **COMMISSION MEETING MINUTES FOR MARCH 16, 2010:** Lara moved, seconded by Derrick to approve the Commission Minutes for March 16, 2010. Voting yes: Volpato, Hernandez, Derrick, Lara and Lutman. Passed 5-0.

b. **EXPENDITURE APPROVAL LIST FOR APRIL 6, 2010 CHECK RUN:** Lutman moved, seconded by Derrick to approve the Expenditure Approval List for April 6, 2010 Check Run. Voting yes: Volpato, Hernandez, Derrick, Lara and Lutman. Passed 5-0. The Expenditure Approval List for April 6, 2010 check run was recorded as Exhibit 1.b.

2. **FLOOD COMMISSIONER APPOINTMENT-ALLEN R. SARTIN:** Sartin announced that Louise Tracy had been appointed by the Governor as Flood Commissioner. Tracy presented a letter of appointment to the Commission.

3. **CURRENT STATUS ON CONTINGENCY ACCOUNT-ALLEN R. SARTIN:** Sartin explained the item was for information purposes only and no action was required. The report was recorded as Exhibit 3.

4. **HEALTH SERVICES PROGRAM STATISTICS - ALLEN R. SARTIN:** Martinez reviewed the statistics and fielded questions from the Board. She reported a reduction in claims and attributed the drop to the State Health Insurance program. The indigent department was active in helping residents apply for insurance in order to save the County money. The Health Services Program Statistics were recorded as Exhibit 4.

5. **REQUEST FOR CONTINUED USE OF JUSTIFACTS BACKGROUND SERVICES - KENNEY RAYROUX:** Rayroux stated he was very pleased with the performance of Justifacts. Using the company had saved staff time and expedited the hiring process.

Rayroux estimated an additional \$2K would be needed for the remainder of the budget year. Hernandez moved, seconded by Lutman to approve the request. Voting yes: Volpato, Hernandez, Derrick, Lara and Lutman. Passed 5-0.

6. **HOPE CLEANUP - FRANK WELDON:** Weldon explained the Village handled the cleanup and the road department picked up the trash for transport to the transfer station. Lutman moved, seconded by Lara to approve the request. Voting yes: Volpato, Hernandez, Derrick, Lara and Lutman. Passed 5-0.

7. **RESOLUTIONS:**

- a. **R-10-26: 2010 COMMITTEE, BOARD & COMMISSION APPOINTMENTS & DESIGNATIONS - ALLEN R. SARTIN:** Sartin explained the list was being updated to include Jim Grantner on the Landfill and Planning and Zoning committees. Volpato welcomed Grantner and thanked him for his participation. Volpato moved, seconded by Hernandez to approve R-10-26. Voting yes: Volpato, Hernandez, Derrick, Lara and Lutman. Passed 5-0. R-10-26 was recorded as Exhibit 7.a.

- b. **R-10-28: COMMUNITY CENTER RENTAL POLICY & PROCEDURES -ALLEN R. SARTIN:** Sartin explained he had received complaints from users of the facilities about damage to the buildings. As a result he had reviewed the policy and revised it to be consistent for every county property. The other consideration was to accommodate small non-profit organizations that might not be able to pay the required fees. The proposed policy would add a process where an organization could apply for and be exempt from the deposits associated with rental of the building. Derrick stated the land was donated by the Fair Board for the building with the understanding that 4-H and Fair Board groups would be exempt from deposits and fees. He agreed with the agreement to a point. Derrick stated the 4-H Club, the Fair Board and FFA should not have to apply for an exemption. Derrick suggested the lock be changed on the fairground. He cited an incident where the Fair Board was to use the building and was presented a bill for damage. The building was not used by the Fair Board and they refused to pay the bill. Lutman requested an accounting of who actually used the building. Richards stated a calendar was kept of who rented the facility. Sartin explained the current resolution stated that everyone had to pay a deposit. The new policy was trying to address the exemption of certain organizations. Lara suggested a list of exempt organizations be added to the original policy and others would have to apply for exemption. Tracy requested county boards and committees be added to the list. Rosprim suggested county departments be included. Lara moved, seconded by Derrick to approve R-10-28 with the addition of paragraph 2.d. on page 4 which would list automatic exemptions for FFA, Extension Office, 4-H Clubs, Fair Board, and County affiliated departments and organizations. Voting yes: Volpato, Hernandez, Derrick, Lara and Lutman. Passed 5-0. R-10-28 was recorded as Exhibit 7.b.

- c. **R-10-29: HB POTASH INDUSTRIAL REVENUE BONDS, SUPPLEMENTAL RESOLUTION – ALLEN R. SARTIN:** Steve McCutcheon and Len Kaskiw of Intrepid Potash, presented the request for a \$90M revenue bond in order to expand their mining operations. Volpato pointed out the document requested \$80M. Kaskiw stated the figure should be \$90 million. McCutcheon explained the bonds would be self-funded and would have a positive impact on the County. Lutman commended the company for their investment in Eddy County. Lutman moved, seconded by Derrick to approve R-10-29 with the amended

figure of \$90M. Voting yes: Volpato, Hernandez, Derrick, Lara and Lutman. Passed 5-0. R-10-29 was recorded as Exhibit 7.c.

**d. R-10-27: PUBLIC ROADS MAINTAINED BY EDDY COUNTY - FRANK WELDON:** Derrick moved, seconded by Hernandez to approve R-10-27. Voting yes: Volpato, Hernandez, Derrick, Lara and Lutman. Passed 5-0. R-10-27 was recorded as Exhibit 7.d.

**8. AGREEMENTS:**

**a. A-10-36: LOVING ROAD MAINTENANCE AGREEMENT - FRANK WELDON:** Lutman moved, seconded by Hernandez to approve A-10-36. Voting yes: Volpato, Hernandez, Derrick, Lara and Lutman. Passed 5-0. A-10-36 was recorded as Exhibit 8.a

**b. A-10-41: PASS THRU PAYMENTS TO GRAMMY'S HOUSE-ALLEN R. SARTIN:** Sartin explained the funding had been reduced to \$220K by the State. Derrick moved, seconded by Lutman to approve A-10-41. Voting yes: Volpato, Hernandez, Derrick, Lara and Lutman. Passed 5-0. A-10-41 was recorded as Exhibit 8.b

**10. TRAVEL REQUEST CONSENT AGENDA:**  
**PRIOR:**

**a. JOEL ARNWINE TO ATTEND THREE (3) ICS TRAIN THE TRAINER CLASSES AT EMI IN EMMITSBURG, MD:**

**FUTURE:**

**b. JOEL ARNWINE TO ATTEND STATE LEPC CONFERENCE & NMEMA MEETING IN ABQ, NM:**

**c. KAREN ROBINSON TO ATTEND NMAC EXECUTIVE BOARD MEETING IN SANTA FE, NM :**

**d. CYNTHIA G. SHARIF TO ATTEND & BE GUEST SPEAKER FOR HOBBS HIGH SCHOOL SHATTERED LIVES PROGRAM IN HOBBS, NM:**

**e. KAREN ROBINSON AND DIANE DESOTO TO ATTEND ASSESSOR SPRING CONFERENCE IN LAS CRUCES, NM:**

**f. SHERIFF TO ATTEND MEXICAN DRUG CARTEL TRAINING IN ABQ, NM :**

**g. DEBBIE LUGINBYHL TO ATTEND ALCOHOL MEDIA LITERACY OUTCOME EVALUATION WORKSHOP IN ABQ, NM:**

**h. ALLEN SARTIN TO ATTEND NM BOSSLIFT EVENT IN CLOVIS, NM:**

**i. MICHAEL INGRAM, TIM MCCARTY, DINA RUNNELS & SHARON MARSHALL TO ATTEND TRAINING FOR CERT TEAM ON PRISON RIOT CONTROL & CERTIFICATIONS IN GLENDALE, WV:**

**j. ANIMAL CONTROL OFFICER TO ATTEND CHEMICAL IMMOBILI-ZATION OF ANIMALS IN ABQ, NM:**

**k. TWO (2) ECSO RECORDS CLERKS & ECSO RECORDS SUPERVISOR TO ATTEND UNIFORM CRIME REPORTING TRAINING IN ABQ, NM:**

**l. TONY HERNANDEZ TO ATTEND NACO ANNUAL CONFERENCE IN RENO, NV:**

Derrick moved, seconded by Lara to approve the travel requests. Volpato, Derrick, Lara and Lutman. Hernandez abstained. Passed 4-0.

10. **LEGISLATIVE ISSUES:** None.
11. **EMERGENCY BUSINESS:** None.
12. **PUBLIC COMMENTS/ANNOUNCEMENTS:** None.
13. **COUNTY MANAGER COMMENTS/ANNOUNCEMENTS:** Sartin reported he would be in Washington State for the next three days to finalize the sale of his house.
14. **ELECTED OFFICIALS COMMENTS/ANNOUNCEMENTS:** None.
15. **COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS:** Lara thanked the Commission for the opportunity to attend the Global New Energy Summit in Santa Fe. The sessions were very informative and well attended.
16. **PROJECT UPDATES:** None.
17. **PRESENTATION OF PROPOSED 2010/2011 BUDGET-ALLEN R. SARTIN:** Sartin stated the intent today was to present the document to the Board for review. After today's meeting the document would be sent to department heads. Sartin stated the recommended budget was a legal budget; however the Board would need to review it and make changes. He outlined the proposed budget which followed R-10-09. The approved resolution included no step increases for employees, limited personnel increases and a zero increase to the non-personnel budget. He commended departments for their cooperation in keeping costs down. Sartin requested the Board review the budget, and at the next meeting a work session would be held where recommendations and changes would be made.
18. **CLOSED MEETING:** At 10:46 a.m., Volpato moved, seconded by Lutman to recess the meeting and to hold a closed meeting, in accordance with NMSA 10-15-1H (2), (7) and (8) to discuss personnel, pending litigation, and real property to reconvene at 1:30 p.m. Voting yes: Volpato, Hernandez, Derrick, Lara and Lutman. Passed 5-0.
19. **RE-OPEN:** At 2:04 p.m., Derrick moved, seconded by Volpato to reconvene in open session and to certify that only the items listed in the motion to close the meeting were discussed in accordance with NMSA 10-15-1H (2), (7) and (8). Voting yes: Volpato, Hernandez, Derrick, Lara and Lutman. Passed 5-0.

Volpato moved, seconded by Lutman to make an emergency purchase of air packs for the

Joel Fire Department. The purchase would cost approximately \$100K to be paid for out of their state fire fund. Voting yes: Volpato, Hernandez, Derrick, Lara and Lutman. Passed 5-0.

20. **ADJOURN:** At 2:07 p.m. Lutman moved, seconded by Derrick to adjourn the meeting. Voting yes: Volpato, Hernandez, Derrick, Lara and Lutman. Passed 5-0.

**EDDY COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
**CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**COUNTY CLERK**

**DATE:** \_\_\_\_\_

**EDDY COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A REGULAR MEETING  
APRIL 20, 2010**

**BE IT REMEMBERED** that the Eddy County Board of Commissioners held a regular meeting in Room 211 of the Eddy County Administration Complex on April 20, 2010 at 8:30 a.m. Volpato called the meeting to order. Sartin led the Pledge of Allegiance and gave the invocation.

**Present:**

JACK VOLPATO	CHAIRMAN, DISTRICT 4
LEWIS DERRICK	VICE-CHAIRMAN, DISTRICT 2
GUY LUTMAN	COMMISSIONER, DISTRICT 3
TONY HERNANDEZ	COMMISSIONER, DISTRICT 1
ROXANNE LARA	COMMISSIONER, DISTRICT 5
ALLEN SARTIN	COUNTY MANAGER
CAS TABOR	COUNTY ATTORNEY
DARLENE ROSRPIM	COUNTY CLERK
ROBIN VAN NATTA	CHIEF DEPUTY COUNTY CLERK
KAREN ROBINSON	ASSESSOR
TERRI RICHARDS	TREASURER
ERNEST MENDOZA	SHERIFF
MARIA MALDONADO-MERJIL	SHERIFF'S ADMINISTRATIVE ASSISTANT
KENNEY RAYROUX	HR DIRECTOR
GAY WEST	ADMINISTRATIVE ASSISTANT
ROBERT STEWART	WARDEN
CAROL HENNINGTON	IT DIRECTOR
TINA PARRISH	PURCHASING ADMINISTRATOR
FRANK WELDON	ROAD SUPERINTENDENT
DANNY STAFFORD	M&O SUPERVISOR
ROBERT BRADER	FIRE DIRECTOR
JOEL ARNWINE	EMERGENCY MANAGER
GEORGIA GOAD	RURAL ADDRESSING COORDINATOR
STEVE MCCROSKEY	CODE ENFORCEMENT
LINDA P. MARTINEZ	INDIGENT CLAIMS ADMINISTRATOR
YOLANDA SING	INDIGENT CLAIMS ASSISTANT
JIM GRANTNER	LANDFILL COMMITTEE
STELLA DAVIS	CARLSBAD CURRENT ARGUS
JESSICA LEE	ARTESIA DAILY PRESS

**Absent:**

CHARLENE WRIGHT	PROBATE JUDGE
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**TIMED AGENDA:**

**8:30 A.M.**

3. **SERVICE AWARDS:** Service awards were presented to Rhonda Hatch, Judy Jensen, and Ray Romero for 5 years, Louis Garcia for 10 years, and Kenneth McAnally for 15 years of service to Eddy County.

**TRAILING AGENDA:**

1. & 2. **RECESS EDDY COUNTY COMMISSION MEETING & CONVENE AS INDIGENT HOSPITAL CLAIMS BOARD:** At 8:33 a.m., Lutman moved, seconded by Derrick to recess the regular meeting and convene as the Indigent Hospital Claims Board. Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0.
3. **INDIGENT HOSPITAL CLAIMS BOARD:** Indigent Board Meeting.
4. **RECONVENE EDDY COUNTY COMMISSION MEETING:** At 8:38 a.m., Derrick moved, seconded by Hernandez to adjourn the Indigent Hospital Claims Board and reconvene the regular meeting. Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0.
5. **APPROVE:**
  - c. **COUNTY COMMISSION MEETING MINUTES FOR APRIL 6, 2010:** Lara moved, seconded by Derrick to approve the County Commission Minutes for April 6, 2010. Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0.
  - d. **EXPENDITURE APPROVAL LIST FOR FOR APRIL 20, 2010 CHECK RUN:** Hernandez moved, seconded by Lutman to approve the Expenditure Approval List for April 20, 2010 Check Run. Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0. The Expenditure Approval List for April 20, 2010 check run was recorded as Exhibit 5.b.
  - e. **PURCHASE CARD EXPENDITURE APPROVAL LIST FOR MARCH, 2010:** Derrick moved, seconded by Volpato to approve the Purchase Card Expenditure Approval List for March, 2010 Check Run. Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0. The Purchase Card Expenditure Approval List for March, 2010 was recorded as Exhibit 5.c.
6. **APPROVE/DISAPPROVE PUBLIC CELEBRATION PERMIT FOR COTTONWOOD WINERY, LLC - ALLEN R. SARTIN:** Dale Taylor, with Cottonwood Winery, reported the last event for Habitat for Humanity raised over \$11K. Taylor thanked the Board for their support. Lutman moved, seconded by Lara to approve the permit. Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0.
7. **TREASURER'S FINANCIAL REPORTS FOR FEBRUARY & MARCH, 2010 -TERRI RICHARDS:** Sartin stated the report was an FYI item for the Board. The Financial Reports for February & March, 2010 were recorded as Exhibit 7.

8. **AUTHORIZE CHAIRMAN TO SIGN STATE FIRE FUND APPLICATIONS - ROBERT BRADER:** Brader reported the application was due by April 30, 2010. He stated the amount of funding was based on what the County received last year. The anticipated amount for next year was \$1.4 million. Lara moved, seconded by Derrick to authorize the Chairman to sign the application. Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0.
9. **CONFIRMATION OF CHIEF & ASSISTANT CHIEF FOR JOEL VOLUNTEER FIRE DEPARTMENT - ROBERT BRADER:** Brader reported the current Chief had stepped down. The department held an election where Robin Williams was elected Chief and Kendra Mayes, Assistant Chief. Brader stated the Secretary/Treasurer stepped down after the election. Heather Williams was appointed by the department to fill the remainder of the term. It was at the discretion of the Commission if Williams would finish the term or if they would like to appoint someone else to the position. Ray Spencer stated the only complaint was Joel Fire Department did not have complete control of the election. It was conducted by the County and another Fire Chief. According to the by-laws a person must have five years of service in order to hold a position in the department. Williams met that requirement; however the Chief Elect did not. Sartin suggested the item be tabled pending closed meeting discussion. Derrick moved, seconded by Lutman to table the item pending closed meeting discussion. Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0.
10. **OPEN FLOOD PLAIN ORDINANCE FOR REVISION - KENNEY RAYROUX:** Rayroux stated the Commission would need to open the Ordinance for revision and schedule at least one public hearing. He passed out a proposed revision for review by the Board. Volpato requested copies of the maps for review. Goad reported this was needed because it was required by FEMA. She explained all maps would be provided in a digital format; however paper maps were available in the GIS department. Volpato moved, seconded by Lutman to propose revisions to the Flood Plain Ordinance. Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0.
11. **RESOLUTIONS:**
- e. **R-10-30: FRANCE STREET VACATION - KENNEY RAYROUX:** Goad reported the Planning and Zoning Committee recommended vacation of the road. She had not received any objections from other owners in the area. Rayroux stated the home owners had placed structures which blocked progress on the road, virtually making it useless. Derrick moved, seconded by Hernandez to approve R-10-30. Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0. R-10-30 was recorded on April 22, 2010, in Book 811 Page 103 ECR.
- f. **R-10-31: MALAGA SUBDIVISION VACATION BLOCK 18 & 63 - KENNEY RAYROUX:** Goad stated the vacation was requested by the majority land owner. The vacation would allow the property owner to join enough land for future development. Goad reported no opposition from area home owners. Tabor stated when the County was granted easements for alleyways the mineral rights came with the land. When the land was vacated the mineral rights would go back to the land owner. Goad explained that the road and alley were platted but did not exist. Derrick moved, seconded by Hernandez to approve R-10-31.

Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0. R-10-31 was recorded on April 22, 2010, in Book 811 Page 106 ECR.

**g. R-10-32: CODE ENFORCEMENT - 60 E. JACKSON ROAD - KENNEY RAYROUX:** McCroskey stated a citation had been issued and the owner had been fined \$373 by the Magistrate Judge. The junk remained on the property and McCroskey requested the additional resolution in order to cite the owner a second time. Lara moved, seconded by Volpato to approve R-10-32. Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0. R-10-32 was recorded as Exhibit 11.c.

**d. R-10-33: DISPOSE, REMOVE OR REVISE ITEMS IN THE EDDY COUNTY CAPITAL OUTLAY INVENTORY - ALLEN R. SARTIN:** Hernandez moved, seconded by Lutman to approve R-10-33. Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0. R-10-33 was recorded as Exhibit 11.d.

## **12. AGREEMENTS:**

**a. A-10-37: OIL & GAS LEASE, MEWBOURNE OIL COMPANY - ALLEN R. SARTIN:** Sartin explained Tabor and Derrick had reviewed the item and made necessary changes. Derrick pointed out on paragraph 7 the distance from a residence should be changed to 300 feet. Derrick moved, seconded by Lutman to approve A-10-37 with the amendment in paragraph 7. Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0. A-10-37 was recorded on April 22, 2010, in Book 811 Page 98 ECR.

**b. A-10-40: VETERAN'S MEMORIAL AGREEMENT - ALLEN R. SARTIN:** Lara moved, seconded by Lutman to approve A-10-40. Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0. A-10-40 was recorded as Exhibit 12.b

**c. A-10-43: APPROVAL OF CONSTRUCTION AGREEMENT BETWEEN EDDY COUNTY & AG SERVICES CONSTRUCTION, INC. FOR CONSTRUCTION OF MALAGA WATER SYSTEM IMPROVEMENTS PHASES I & II - KENNEY RAYROUX:** Basabilvazo stated construction would begin on April 26, 2010 if the agreement was approved. Sartin explained Eddy County was named as the owner until completion of the project. Hernandez moved, seconded by Derrick to approve A-10-43. Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0. A-10-43 was recorded as Exhibit 12.c.

**d. A-10-44: APPROVAL OF GRANT AGREEMENT A-10-18 AMENDMENT NO. 1 COLONIA INITIATIVE GRANT FOR MALAGA WATER SYSTEM IMPROVEMENTS - KENNEY RAYROUX:** Derrick moved, seconded by Volpato to approve A-10-44. Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0. A-10-44 was recorded as Exhibit 12.d.

**e. A-10-46: GRANT AGREEMENT AMENDMENT NO. 1 BETWEEN EDDY COUNTY & DFA LOCAL GOVERNMENT DIVISION FOR AMENDING THE REAUTHORIZATION OF GENERAL FUND APPROPRIATION FOR THE CONSOLIDATED DISPATCH CENTER GRANT AGREEMENT NO. 02998 TO REFLECT AN ADDITIONAL \$29,307.26 THAT WAS NOT REAUTHORIZED - KENNEY RAYROUX:** Lutman moved, seconded by Derrick to approve A-10-46. Voting

yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0. A-10-46 was recorded as Exhibit 12.e. Hernandez thanked Basabilvazo for her hard work and dedication to the projects of Eddy County.

**f. A-10-45: EQUIPMENT SERVICE CONTRACT - NEW COPIER-DARLENE ROSPRIM:** Derrick moved, seconded by Lara to approve A-10-45. Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0. A-10-45 was recorded as Exhibit 12.f.

**13. TRAVEL REQUEST CONSENT AGENDA:**  
**PRIOR:**

**e. MELISSA AZZINARO ATTENDED UNEMPLOYMENT COMPENSATION SEMINAR & TRAINING IN SANTA FE, NM:**

**FUTURE:**

**f. JASON FLOREZ TO ATTEND GLOBAL KNOWLEDGE TRAINING CENTER IN IRVING, TX:**

**g. JIMMY CHILDRESS, KELLY COX & RAY ROMERO TO ATTEND VECTOR CONTROL TRAINING IN ABQ. NM :**

**h. RICHARD PEREZ, RAY ROMERO & FRANK WELDON TO ATTEND PAVEMENT PRESERVATION WORKSHOP IN RUIDOSO, NM:**

**i. LINDA MARTINEZ & YOLANDA SING TO ATTEND NMAC HEALTH CARE AFFILIATE WORKSHOP IN LAS CRUCES, NM:**

**j. ALL DEPARTMENTS TO ATTEND THE 74<sup>TH</sup> NMAC ANNUAL CONFERENCE & COUNTY COLLEGE IN FARMINGTON, NM:**

**k. ALLEN SARTIN & KENNEY RAYROUX TO ATTEND A SETTLEMENT CONFERENCE IN ABQ. NM:**

Derrick moved, seconded by Volpato to approve the travel requests. Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0.

**14. EMERGENCY BUSINESS:** None.

**15. PUBLIC COMMENTS/ANNOUNCEMENTS:** None.

**16. COUNTY MANAGER COMMENTS/ANNOUNCEMENTS:** None.

**17. ELECTED OFFICIALS COMMENTS/ANNOUNCEMENTS:** Robinson reported she would be unable to make the NMAC Board of Directors meeting in Tucumcari on May 7, 2010. She asked if anyone would like to act as proxy at the meeting. Volpato and Derrick would check schedules and get back to Robinson.

- 18. COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS:** Lutman reported 18 participants from the region attended meetings in Washington DC. A wide range of subjects were covered and they were able to meet with all five New Mexico Representatives to Congress. He encouraged the County to continue to attend these meetings in order to keep our concerns at the forefront.

Volpato reported he had received an e-mail concerning an injunction against EID which would help with the cap and trade issue.

**19. PROJECT UPDATES:**

**a. UPGRADE COMPUTER NETWORK - CAROL HENNINGTON:** Hennington reported the CO2 fire extinguisher had been installed and network cabinets had been received. Sartin negotiated and obtained approval for the network consultant contract. The consultant had been in to install software and set up computers to monitor network traffic. Weekly meetings were being held with the vendor in order to monitor progress.

**b. REPLACE FINANCIAL MANAGEMENT SOFTWARE - DEBORAH PENALUNA:** Sartin reported the project was on schedule. Four major vendors had been identified for the project. The specs should be ready by the end of May and the project put out to bid by June.

**c. NORTH EDDY COUNTY PUBLIC SAFETY COMPLEX - DANNY STAFFORD:** Stafford reported the project was on schedule with an estimated completion date of November, 2010.

**d. NEW CLERK'S OFFICE - DANNY STAFFORD:** Stafford stated the project was complete. Hernandez questioned the installation of automatic doors. Stafford stated the doors should be in before elections.

**e. JAIL EXPANSION - DANNY STAFFORD:** Stafford reported the design phase was complete. The project should go out for bid by May 20<sup>th</sup>, 2010, and construction would begin within 60 days. Lutman questioned the availability of parking. Stafford stated parking would be included in the bid.

**f. ARTESIA HEALTH OFFICE LANDSCAPE - DANNY STAFFORD:** Stafford stated all the plants were in and the project was close to completion.

**g. ADMINISTRATION OFFICE REMODEL - DANNY STAFFORD:** Stafford reported the preliminary drawings should be in next week. The first phase of the project would include the Assessor remodel and the relocation of other county departments.

**h. DRUG REHAB CENTER - KENNEY RAYROUX:** Rayroux stated the project had been on hold after the State reduced grant funding. He reported there was around \$1.1 million of state funding left for the project. Sartin suggested the capital projects be addressed in the budget review.

**i. CDBG COLONIAS MALAGA WATER - KENNEY RAYROUX:** Basabilvazo reported the grant was for \$500K and would expire at the end of June. The contract had been awarded and the funds would be expended by July.

- m. COLONIAS INITIATIVE MALAGA WATER - KENNEY RAYROUX:** Basabilvazo stated this project was the only project which received new funding this year. The grant awarded was in the amount of \$245K to replace water lines.
- n. COLONIAS INITIATIVE MALAGA WATER - KENNEY RAYROUX:** The grant was for \$191K which the Board approved the extension on today and would be used in conjunction with the \$500K CDGB grant.
- j. ARTESIA MEAL SITE & WALKING TRAIL - KENNEY RAYROUX:** Basabilvazo stated the project went out for bid last week. Funding had been reduced to \$76,572. As a result the project was scaled down and prioritized. The walking trail would be done first along with replacement lighting. Benches and irrigation was also included in the bid. She anticipated 3 months to completion.
- k. MORNINGSIDE INFRASTRUCTURE - KENNEY RAYROUX:** Basabilvazo stated the project was as complete as funding would allow. She reported the line item had \$3,942.70 left, and suggested the funds be used to purchase extra meters in order to close the grant out.
- l. DEVELOP ARTESIA SHOOTING RANGE - KENNEY RAYROUX:** Sartin reported the land had been acquired; however two of the three grants had been lost. Basabilvazo reported the severance bond would be sold next week and an agreement in place to spend the \$50K grant.
- o. CONSOLIDATED DISPATCH - KENNEY RAYROUX:** Basabilvazo reported the project was complete. There was \$117K left in the line item which had been encumbered.
- p. LOOP ROAD PROJECT - FRANK WELDON:** Weldon stated the Board had been updated on the project at the last meeting. Basabilvazo reported all funding had been retained for this project.
- q. FISHERMAN'S LANE BRIDGE - FRANK WELDON:** Weldon reported the bridge was set. Basabilvazo was expecting \$50K reimbursement from the State.
- 20. BUDGET WORK SESSION - ALLEN R. SARTIN:** Sartin reviewed small and large capital requests, and the proposed operating budget. He asked the Board to review the proposal and make changes or suggestions.
- 21. CLOSED MEETING:** At 11: 52 a.m., Hernandez moved, seconded by Derrick to recess the meeting and to hold a closed meeting, in accordance with NMSA 10-15-1H (2), (7) and (8) to discuss personnel, pending litigation, and real property to reconvene at 1:30 p.m. Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0.
- 22. RE-OPEN:** At 3:23 p.m., Volpato moved, seconded by Lara to reconvene in open session and to certify that only the items listed in the motion to close the meeting were discussed in accordance with NMSA 10-15-1H (2), (7) and (8). Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0.

Derrick moved, seconded by Hernandez to confirm the results of the Joel Volunteer Fire

Department election. Volpato explained according to the bylaws of the department the county had no grounds to reject the results of the election. Volpato directed the county manager to investigate the allegations brought up in closed session. Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0.

23. **ADJOURN:** At 3:27 p.m. Lara moved, seconded by Derrick to adjourn the meeting. Sartin asked for direction concerning a special meeting to continue budget. Lara withdrew her motion, Derrick withdrew the second. Volpato directed Sartin to set up a special meeting to continue the budget workshop on Tuesday, April 27<sup>th</sup>, 2010 at 8:30 a.m. Derrick moved, seconded by Lara to adjourn the meeting. Voting yes: Hernandez, Derrick, Lara, Lutman and Volpato. Passed 5-0.

**EDDY COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
**CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**COUNTY CLERK**

**DATE:** \_\_\_\_\_

**EDDY COUNTY BOARD OF COMMISSIONERS**  
**SPECIAL MEETING**  
**April 27, 2010**

**BE IT REMEMBERED** that the Eddy County Board of Commissioners held a special meeting in Room 211 of the Eddy County Administration Complex on April 27, 2010 at 8:30 a.m.

**Present:**

JACK VOLPATO	COUNTY COMMISSION, CHAIRMAN DIST. 4
TONY HERNANDEZ	COUNTY COMMISSION, VICE- CHAIRMAN DIST. 1
LEWIS DERRICK	COUNTY COMMISSION, DIST. 2
ROXANNE LARA	COUNTY COMMISSIONER, DIST. 5
GUY LUTMAN	COUNTY COMMISSIONER, DIST. 3
DARLENE ROSPRIM	COUNTY CLERK
ROBIN VANNATTA	CHIEF DEPUTY CLERK
ALLEN SARTIN	COUNTY MANAGER
CAS TABOR	COUNTY ATTORNEY
KAREN ROBINSON	ASSESSOR
TERRI RICHARDS	TREASURER
KENT WALLER	CHIEF DEPUTY SHERIFF
MARIA MERJIL-MALDONADO	SHERIFF'S ADMINISTRATIVE ASSISTANT
ROBERT STEWART	WARDEN
SHAWN FUNK	ASSISTANT WARDEN
CAROL HENNINGTON	IT DIRECTOR
GAY WEST	ADMINISTRATIVE ASSISTANT
KENNEY RAYROUX	H R DIRECTOR
DANNY STAFFORD	M&O SUPERVISOR
CANDACE AUTRY	HEALTH SERVICE COORDINATOR
FRANK WELDON	ROAD SUPERINTENDENT
CYNTHIA SHARIF	DWI COORDINATOR
LINDA MARTINEZ	INDIGENT ADMINISTRATOR
JESSICA LEE	ARTESIA DAILY PRESS

**Absent:**

ERNEST MENDOZA	SHERIFF
CHARLENE WRIGHT	PROBATE JUDGE

1. **OPEN MEETING & INVOCATION:** At 8:30 a.m. Volpato called the meeting to order. Sartin led the pledge and gave the invocation.
2. **BUDGET WORK SESSION:** Sartin passed out a summary sheet which outlined fuel costs for Detention, Road and the Sheriff's Department. He recommended an increase of \$90K be put in the contingency fund and allocated to departments as needed.

Sartin presented and reviewed estimated cost of operations for the jail expansion. The jail would not open in the next budget year. He anticipated completion of the project in July of 2011. Stewart reported the expansion would add 70 new beds; which could be filled at \$80 a day. Sartin stated the bed rental was not included in the budget.

Hernandez questioned the additional personnel. Stewart explained the adult detention sergeant covered at the juvenile facility. Once the new facility was built and operations moved across the street that would not be possible. The estimated cost included four sergeants, one for every shift.

### **PERSONNEL REQUESTS:**

1. **HEALTH SERVICES COORDINATOR:** Sartin reported the State had removed all funding for the Health Council. Autry introduced Debbie Hofer, the new Chairperson of the Council starting in July. Autry explained an emergency meeting of the Health Council was held to discuss funding. The State had indicated the funding had been pulled for the upcoming contract only and could be reinstated the following year. The Council requested the county provide for a part-time or quarter time coordinator. The council would remain a functioning and working body with or without a coordinator. The council would continue to seek funding in order to continue the priority projects. Volpato explained without State funding the work of the coordinator would be reduced. He anticipated a part-time coordinator would help the council continue with their projects. Lara questioned the level of service that would be provided to residents. Autry explained the level of service to county residents would be reduced. Autry reported she would not continue as coordinator after the first of July. Hofer stated she had been working closely with Autry and would be ready to take on more responsibility come July.

2. **ASSESSOR:** Sartin explained the request for an appraiser would not add an employee to the department. Robinson explained the chief appraiser was retiring and would be replaced with a regular appraiser; which would ultimately reduce her personnel budget.

3. **SHERIFF:** Waller and Merjil-Maldonado, presented the request for an additional position in the Sheriff's Department. Waller explained the courier position was important in order to keep paper work moving and protect the county from law suits. Paper work such as warrants, temporary restraining orders and criminal complaints had to be transported to the Consolidated Dispatch so they could be entered into the records management system and available to officers on the street. Waller stated with the DA not prosecuting cases, the officer's work load had increased.

4. **GENERAL SERVICES/ASSISTANT MANAGER:** Sartin stated in order to alleviate the problems in the HR Department, he proposed creating a general services department. The proposal moved Rayroux to director of that department and hired a new HR Director to focus solely on human resource issues. Sartin stated Rayroux is quite competent; however he is split among many different tasks and was unable to focus properly on the HR department.

5. **FINANCE:** Sartin stated Penaluna requested a fiscal tech in order to help with payroll and fixed assets. Sartin did not rate the position as high priority.

6. **LANDFILL:** Sartin explained a supervisor was not present on all shifts. It was important to have a supervisor present at all times to minimize the county's risk. He explained the funding would come out of the landfill fund which had adequate resources for these positions. Weldon clarified he was also requesting an additional FTE Operator.

7. **HIDTA:** The commander position was moving from one grant budget to another and was fully funded.

8. **DWI:** Sharif requested reclassification for Phyllis Luna. Sharif explained Luna was a Certified Addiction Counselor. Her work hours were irregular and it would better facilitate the work load to make it a salaried position instead of hourly. There would be no change in rate of pay.

**COMMUNICATIONS AUTHORITY:** Sartin passed out the proposed budget for the Communications Authority. The budget reflected a significant increase. Mayor Burch indicated he would like to see some cuts made. Sartin stated the new budget would increase the County portion by \$138K. Sartin explained the maintenance for the new technology being implemented had started to kick in along with the costs to make the Authority an independent entity. He recommended that portion of the budget remain intact. He suggested the request for a full time clerical position be denied. A system to monitor remotely was not necessary and should be removed. The request to reclassify the supervisor should also be denied. He requested an analysis of work load in order to justify new positions and reclassifications in the future. The suggested changes would bring the budget down from \$1,323,067 to \$1,250,000.

Sartin stated the presentation was concluded and asked for direction on how the Board wished to proceed. Volpato suggested taking the list and addressing each request individually.

1. **HEALTH SERVICES COORDINATOR:** Sartin explained the request was not included in the proposed budget and would be funded out of the general fund. Derrick stated with future increases to the budget, he had a problem adding positions. He cautioned the Board to be conservative and consider all the variables before adding to the budget. Lutman expressed concern about committing funds to the position and suggested a contractor be considered. Volpato explained if the position was not funded many programs would be eliminated. Lutman moved, seconded by Derrick to approve the position at 20 hours per pay period. Hernandez and Lara would like to see the half time position approved. The hours would double with \$4K extra cost to the county. Rayroux explained the difference in the half-time and quarter-time position would be in the amount of PERA paid out, not necessarily the amount of hours worked. If the employee worked less than 20 hours, there would be no PERA paid out. If the person worked 21 hours PERA would kick in and cost an extra \$4K. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.

2. **ASSESSOR:** Derrick moved, seconded by Lara to approve the position. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.

3. **SHERIFF'S OFFICE COURIER:** Lara stated she had a real problem with adding a \$48K position to transfer paper. Lara supported the Sheriff's Department but not the position. She indicated if the DA's office would do their job and prosecute cases the Sheriff would not have officers tied up in court. Derrick moved, seconded by Lara to not fund the position. Hernandez stated if the DA's office started doing their job the department would still be short handed. Lutman requested a contractor be considered in order to keep costs down. Derrick stated the county needed to be careful not to get in over their heads and have to raise taxes. Voting yes: Derrick and Lara. Voting no: Lutman, Volpato and Hernandez. Motion failed to deny the position 3-2.

**4. GENERAL SERVICES DEPARTMENT & HUMAN RESOURCES SPLIT:** Volpato stated the split was needed; however with budget constraints it would be more appropriate in the future. Derrick moved, seconded by Lara to deny the request. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.

**5. FISCAL TECH:** Derrick moved, seconded by Hernandez not to approve the position. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.

**6. LANDFILL SUPERVISOR AND FTE OPERATOR:** Volpato moved, seconded by Lutman to approve the positions. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.

**7. HIDTA:** Sartin explained the motion would cover items 7 and 9 in the proposed budget. Hernandez moved, seconded by Derrick to approve the request. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.

**8. DWI:** Sartin explained the motion would cover items 8 and 10 in the proposed budget. Lara moved, seconded by Volpato to approve the re-classification. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.

**SMALL CAPITAL:** Sartin asked if the Board would like to make any changes in the small capital budget. He reported the proposed budget was \$62,855. Volpato moved, seconded by Lutman to approve the small capital budget. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.

**LARGE CAPITAL:** Derrick moved, seconded by Volpato to approve the large capital budget. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.

**NON-PERSONNEL EXPENSE BUDGET:** Sartin reported \$100K would be added to the contingency fund. Hernandez moved, seconded by Volpato to approve the proposed budget with the amendment of \$100K to the contingency fund. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.

**COMMUNICATIONS AUTHORITY:** Derrick moved, seconded by Lara to approve the recommendation for the Communications Authority budget of \$1,250,000 by the County Manager. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.

**3. EMERGENCY BUSINESS:**

**a. TRAVEL REQUEST DARLENE ROSPRIM AND ROBIN VANNATTA TO SANTA FE, NM:** Lara moved, seconded by Volpato to approve the request. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.

**b. EMERGENCY PURCHASE FOR FARM WASTE:** Sartin explained farm waste was not included in the \$12,500 approved for household hazardous waste. Volpato

moved, seconded by Derrick to approve up to \$10,000 for farm waste. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.

c. **A-10-51: CONTRACT FOR AUCTIONEER:** Derrick moved, seconded by Lara to approve A-10-51. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0. A-10-51 was recorded as Exhibit 3.c.

d. **A-10-47 – A-10-50: CDWI GRANT APPLICATIONS & MEMORANDUMS OF AGREEMENTS:** Lutman moved, seconded by Volpato to approve the CDWI Grant Application and A-10-47 – A-10-50. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0. The CDWI Grant Application and A-10-47 through A-10-50 were recorded as Exhibit 3.d.

4. **CLOSED MEETING:** At 10:45 a.m., Volpato moved, seconded by Derrick to recess the meeting and to hold a closed meeting, in accordance with NMSA 10-15-1H (2), (7) and (8) to discuss personnel, pending litigation, and real property to reconvene at 11:00 a.m. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.
5. **RE-OPEN:** At 11:23 a.m., Volpato moved, seconded by Derrick to reconvene in open session and to certify that only the items listed in the motion to close the meeting were discussed in accordance with NMSA 10-15-1H (2), (7) and (8). Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.

Volpato moved, seconded by Hernandez to add the step increases back into the budget. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.

6. **COMMENTS:** None.

7. **ADJOURN MEETING:** At 11:25 a.m. Volpato moved, seconded by Lutman to adjourn the meeting. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.

EDDY COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
CHAIRMAN

ATTEST:

\_\_\_\_\_  
COUNTY CLERK

DATE: \_\_\_\_\_

