

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
December 15, 2009**

BE IT REMEMBERED that the Eddy County Board of Commissioners held a regular meeting in Room 211 of the Eddy County Administration Complex on December 15, 2009 at 8:30 a.m. Derrick called the meeting to order. Sartin led the Pledge of Allegiance and gave the invocation.

Present:

LEWIS DERRICK	CHAIRMAN, DISTRICT 2
GUY LUTMAN	COMMISSIONER DISTRICT 3
ROXANNE LARA	COMMISSIONER DISTRICT 5
TONY HERNANDEZ	COMMISSIONER DISTRICT 1
JACK VOLPATO	VICE-CHAIRMAN, DISTRICT 4
CAS TABOR	COUNTY ATTORNEY
DARLENE ROSRPIM	COUNTY CLERK
ROBIN VAN NATTA	CHIEF DEPUTY CLERK
TERRI RICHARDS	TREASURER
ERNEST MENDOZA	SHERIFF
KENT WALLER	CHIEF DEPUTY SHERIFF
ALLEN SARTIN	COUNTY MANAGER
DEBBIE PENALUNA	FINANCE DIRECTOR
CAROL HENNINGTON	IT DIRECTOR
MARIA MERJIL-MALDONADO	SHERIFF'S ADMINISTRATIVE ASSISTANT
GAY WEST	ADMINISTRATIVE ASSISTANT
FRANK WELDON	ROAD SUPERINTENDENT
DANNY STAFFORD	M&O SUPERVISOR
ROBERT BRADER	FIRE DIRECTOR
JOEL ARNWINE	EMERGENCY MANAGEMENT COORDINATOR
STEVE MCCROSKEY	CODE ENFORCEMENT
PHIL BURCH	MAYOR ARTESIA
DAVID EDMONDSON	HIDTA COMMANDER
WARREN HARDIN	GIS
JIM GRANTNER	CARLSBAD CITY COUNCIL
CANDACE AUTRY	COMMUNITY HEALTH SERVICES COORDINATOR
LINDA P. MARTINEZ	INDIGENT ADMINISTRATOR
YOLANDA SING	INDIGENT ASSISTANT
JIM GRANTNER	LANDFILL COMMITTEE
STELLA DAVIS	CARLSBAD CURRENT ARGUS
JESSICA LEE	ARTESIA DAILY PRESS

Absent:

KAREN ROBINSON	ASSESSOR
CHARLENE WRIGHT	PROBATE JUDGE

TIMED AGENDA:

8:30 A.M.

1. **SERVICE AWARDS:** Service awards were presented to Justin Ingram for 10 years, Melissa Azzinaro, Carolyn Stroble and Trey Thompson for 5 years of service to Eddy County.

2. **ANNUAL REPORT TO COMMISSION BY EDDY COUNTY FLOOD COMMISSIONER – LOUISE TRACY:** Tracy reported a very busy year for the Flood Commission. She attributed much of the success to the hired consultant, Don Allam. He had a basic understanding of what was needed at Eagle Draw and was able to execute a plan of action. Tracy reported total expenditures were \$ 102,094.34 with an ending cash balance of \$676,027.40. She felt a half million dollars should always be kept in the account for emergencies. Tracy passed out a packet of pictures, and outlined the work done on Eagle Draw over the last year. She thanked the Commission for their time and attention. Hernandez thanked Tracy for a job well done. He questioned if signage was in place to keep people out of the draw when water was present. Tracy stated the police would place barricades when water was present. An early warning system and an evacuation plan were in the works for the next year. Tracy hoped to finish ongoing projects in the next year and had plans to work with the Extension Agent on vegetation issues. The goal was to develop an outline of what was needed to maintain area arroyos and gullies for future Commissioners.

3. **UPDATES FROM PURCHASE SERVICE AGREEMENTS:**
 - a. **CARLSBAD CHAMBER OF COMMERCE – ROBERT DEFER:** Defer introduced George Dunagan and Martha Drapala, who presented a report on the retirement program at the Chamber. The Commission was provided with a packet outlining the program. Drapala reported the database had grown to 18K names, with 110 purchasing homes in the area. Dunagan stated the names in the database were a huge resource for future development. He stated the housing market was slow but continued to make progress. Lara commended the people at the Chamber for an outstanding job and questioned the availability of funding to continue the program. Dunagan reported a renewed three year commitment for funding from private contributors, in addition to continued funding from the County and the City of Carlsbad. Dunagan also recognized Janell Whitlock and her hard work with the Chamber.

 - b. **EDDY COUNTY EXTENSION & 4-H – WOODS HOUGHTON, CHARLY FISHER, AMY KELLEY:** Fisher passed out a report outlining the Extension Program's progress for the last year. Fisher stated the Strong Women/ Strong Bone and the Diabetic Cooking programs had been a huge success. Youth development and 4-H sewing labs would continue next year along with food preservation courses. Kelley stated the 4-H program was in full swing with an estimated 100 kids who would complete the course. Kelley stated most of the year was spent in preparation for area fairs. Fisher invited the Commission to upcoming events at the Extension Office.

 - c. **ARTESIA HORSE COUNCIL – TRAMPAS SPENCE:** Spence listed the events held at the facility over the past year. He stated 24 trailer hook-ups had been added to the property, various electrical and water upgrades had also been completed. Future projects included new livestock pens, a balcony and walk way addition to the announcer's stand, and an addition to the outdoor arena were planned. Spence thanked the Commission for their support. The report was recorded as Exhibit 3.c.

d. ARTESIA DEPARTMENT OF DEVELOPMENT – HAYLEY KLEIN:

Klein stated the Vocational Training Center Phase IV expansion was complete. The project added class rooms, meeting rooms and office space. NMSU was active in expanding their programs at the Center with a focus on digital media, nursing and adult basic education. The Truck Driving Academy was still active and had experienced growing class numbers. A big effort was put into FLETC this year and growth was expected in the next year. A publication called The Advocate was distributed in an effort to bridge the gap between the community and FLETC residents. Klein suggested the Commission tour the FLETC program to better understand its impact on the area. Klein reported the web site had been redone to better market the DOD and its programs. Artesia hosted the Gus Macker Basketball Tournament and the Ballons and Blue Grass Festival, and planned to repeat the events next year. Housing was still an issue in Artesia. The DOD was working with three developers in order to help expand the market in the area. Mainstreet and census participation were also on next year's agenda. Lutman complemented the DOD and the success they had experienced over the last year.

e. SOUTHEAST NM COMMUNITY ACTION – CARYLE GOSS:

Goss passed out a spread sheet outlining the services provided by SENMCA. Alissa Davis stated the program was behind in units provided. Davis reported the program had been preparing for budget cuts and as a result services had suffered. Goss stated the rising cost of food was a constant issue for the program. She reported coordination with Roadrunner Food Bank and Harvest Ministries had helped to keep food costs down. Goss thanked the Commission for the use of trustees to unload large trucks of food. An increased interest in transportation had also been experienced. Meals were delivered all over the County from Malaga to Hope. Davis reported the ground breaking for the adult day care would be held Friday at 9:30 a.m. in Carlsbad. She stated SENMCA had received CSBG funds for short term training programs in Eddy County. The stipulation was the training had to be short term and provide participants with quick employment opportunities. The funds would provide training for an energy technician, CDL with hazmat, police officer training and CNA training. The classes were two months long and would provide participants with a certification in their chosen field.

4. BID AWARDS:

a. B-09-06: FUEL – DIESEL & GAS – FRANK WELDON:

Weldon recommended bid items 1-4 be awarded to Brewer Oil and item 5 to Wakefield Oil. Hernandez moved, seconded by Lutman to award B-09-06 as recommended. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0. The bid minutes and invitation to bid were recorded as Timed Agenda Exhibit 4.a.

b. B-09-07: MIXES – HOT, OVERLAY, ETC. – FRANK WELDON:

Weldon recommended the bid be awarded to Constructors Inc. as sole bidder. Hernandez moved, seconded by Volpato to award B-09-07 as recommended. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0. The bid minutes and invitation to bid were recorded as Timed Agenda Exhibit 4.b.

c. **B-09-08: AGGREGATES – FRANK WELDON:** Weldon recommended the bid be awarded to Constructors, Inc. for all items and American Aggregates for items 2, 6 and 7 with the vendor to be determined by haulage from specific locations. Lara moved, seconded by Lutman to award B-09-08 as recommended. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0. The bid minutes and invitation to bid were recorded as Timed Agenda Exhibit 4.c.

TRAILING AGENDA:

1. & 2. **RECESS EDDY COUNTY COMMISSION MEETING & CONVENE AS INDIGENT HOSPITAL CLAIMS BOARD:** At 9:48 a.m., Volpato moved, seconded by Lutman to recess the regular meeting and convene as the Indigent Hospital Claims Board. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0.
3. **INDIGENT HOSPITAL CLAIMS BOARD:** Indigent Board Meeting.
4. **RECONVENE EDDY COUNTY COMMISSION MEETING:** At 9:53 a.m., Volpato moved, seconded by Lutman to adjourn the Indigent Hospital Claims Board and reconvene the regular meeting. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0.

5. **APPROVE:**

a. **COMMISSION MEETING MINUTES FOR NOVEMBER 17, 2009:** Derrick moved, seconded by Volpato to approve the County Commission Minutes for November 17, 2009. Voting yes: Derrick, Hernandez, Volpato, and Lutman. Lara abstained. Passed 4-0.

b. **EXPENDITURE APPROVAL LIST FOR DECEMBER 1, 2009 CHECK RUN:** Volpato moved, seconded by Derrick to approve the Expenditure Approval List for December 1, 2009 Check Run. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0. The Expenditure Approval List for December 1, 2009 check run was recorded as Exhibit 5.b.

c. **EXPENDITURE APPROVAL LIST FOR DECEMBER 15, 2009 CHECK RUN:** Volpato moved, seconded by Derrick to approve the Expenditure Approval List for December 15, 2009 Check Run. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0. The Expenditure Approval List for December 15, 2009 check run was recorded as Exhibit 5.c.

d. **PURCHASE CARD EXPENDITURE APPROVAL LIST FOR NOVEMBER, 2009:** Hernandez moved, seconded by Volpato to approve the Purchase Card Expenditure Approval List for November, 2009. Voting yes: Hernandez, Volpato, Lara and Lutman. Voting no: Derrick. Passed 4-1. Derrick explained he did not receive the list in time to review it and was uncomfortable voting yes without time to consider the contents. The Purchase Card Expenditure Approval List for November, 2009 was recorded as Exhibit 5.d.

6. **MONTHLY REVENUE REPORT – DEBBIE PENALUNA:** Penaluna stated GRT were down 8%. Oil and gas revenues were down 45% compared to last year which amounted to a \$1.6 million budget shortfall. Derrick reported regulations out of Santa Fe had slowed drilling. He predicted tough times for next year's budget.

Artesia's Mayor Burch updated the Commission on joint projects. He reported the consolidated dispatch was near completion. Burch stated connectivity issues which delayed the project had been resolved. The Public Safety Complex foundation would be poured next week. Burch stated the City truly enjoyed the relationship with the County and wished everyone a Happy Holiday Season.

7. **REQUEST FROM PRESBYTERIAN MEDICAL SERVICES FOR ADDITIONAL INDIGENT FUNDING – LINDA MARTINEZ:** Sartin stated he had reviewed the request with Martinez and did not feel the County was financially able to approve the \$150K request. Sharon Weston, with PMS thanked the Commission and understood the budget constraints the County was under. PMS appreciated the indigent funds received and would continue to be good stewards of that funding. Weston reviewed services provided and reported an increase in uninsured patients with the current economic situation. Hernandez thanked PMS and suggested the County consider the request if any money was left in the indigent fund. Hernandez moved, seconded by Volpato to consider PMS for any indigent money left in the budget at the end of the year. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0.

8. **ACCEPT DONATION FROM CITY OF ARTESIA FIRE DEPARTMENT TO THE COTTONWOOD VFD – ROBERT BRADER:** Brader explained the City of Artesia had

purchased a new ambulance and approved donation of the replaced truck to the Cottonwood Fire Station. Cottonwood had an old ambulance which was out of service. Lutman moved, seconded by Volpato to accept the donation. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0.

9. **APPEAL, CODE ENFORCEMENT ACTION R-09-72, 109 S. ABNER – ALLEN R. SARTIN:** Monica Hernandez, niece of the owner, had been working to clean the property. Hernandez stated someone was interested in the mobile home and requested an extension to complete the removal. Hernandez explained the home had been vandalized since the property had been vacated. McCroskey stated the shed had been torn down and the debris needed to be removed. Lutman pointed out the case had been open since 2005. Volpato suggested a 30 day extension to clean the yard and board up the mobile home. Commissioner Hernandez felt there was ample time set out by the resolution for the family to clean the property. Hernandez moved, seconded by Lutman to deny the appeal. Volpato clarified if the owner complied with the cleanup, the citation could be dismissed. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0.
10. **REVIEW OF LIST OF EDDY COUNTY BOARD & COMMITTEE DESIGNATIONS & APPOINTMENTS FOR 2010 – ALLEN R. SARTIN:** Sartin requested the Commission review the list and make changes. The list would be revised and presented at the first meeting in January for approval.
11. **REVIEW DATES OF COMMISSION MEETINGS FOR 2010 – ALLEN R. SARTIN:** Sartin presented a list of proposed meeting dates. Rosprim reminded the Commission of the need to have a meeting to open the canvass after a major election. She suggested the first meetings in June and November be held on Wednesday to avoid two meetings in one week. Sartin stated the list would be revised and presented at the first meeting in January for approval.
12. **BRINE WELL, ATTORNEY SUPPORT – ALLEN R. SARTIN:** Volpato stated the request for outside council was to mitigate the County's liability. Tabor stated additional assistance was requested to further protect the County in case of legal action if the well were to collapse. Volpato explained the money would be paid to the City who would then engage the attorney. Lara questioned if the City would contribute the same funding as requested of the County. Volpato reported the City and the County would contribute \$15K each. Derrick stated he had a problem funding an attorney if the outcome was to sue a private business. He would like to have the proposed services of the attorney in writing before funds were approved. Volpato stated the real reason was to limit the County's liability before any action was taken to alleviate the problem. The County could opt out of the agreement at anytime. He felt it was very important to protect the County's liability in order to move forward with monitoring and remediation. Derrick wondered where the State was on this project. Volpato indicated the State was not willing to participate and in the meantime County residents were at risk. Lara expressed concern that the attorneys would be representing the City of Carlsbad, and if the County needed anything, additional counsel would be required. Volpato explained the City was the lead on the project. Lutman expressed concern about the State placing the burden on the County and the possibility of additional funding required. Lutman questioned if the City had approved their portion of the funding. Councilman Grantner stated the issue would be acted upon at the next City Council meeting. Hernandez would like more information before funds were approved. Volpato suggested approval contingent upon participation by the City and a stipulation

forbidding legal action against I & W. Tabor stated the issue today was additional counsel to advise the City and the County on action to be taken to protect area residents not to anticipate who would be sued as a result. Sartin suggested the items concerning the brine well be postponed until after the closed meeting. He stated items scheduled for closed session might help answer some of the concerns of the Board.

13. **BRINE WELL, ADDITIONAL WELL MONITORING SUPPORT – ALLEN R. SARTIN:** Postponed until after closed session.
14. **BRINE WELL, CHARACTERIZATION – ALLEN R. SARTIN:** Postponed until after closed session.
15. **SUPPORT, RENAMING NM 128 – ALLEN R. SARTIN:** Sartin stated the proposal was to rename the highway to the Carroll Leavell Highway. Hernandez stated Senator Leavell had done a tremendous job representing southeast New Mexico. Hernandez moved, seconded by Lara to support the request. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0.

16. **RESOLUTIONS:**

a. **R-09-73: CODE ENFORCEMENT RESOLUTION – STEVE MCCROSKEY:** McCroskey requested the resolution be tabled in an effort to allow residents time to complete the cleanup. The people living on the property were making progress and had expressed intent to complete the project. Derrick moved, seconded by Volpato, to table R-09-73 until further review by McCroskey. Lutman suggested the motion be amended to review the property after 30 days. Hernandez stated the case had been open for five years which was sufficient time to comply. Sartin explained the next meeting after the 30 day requirement was February 2, 2010 which would be about 6 weeks. Derrick amended the motion to table R-09-73 until the February 2, 2010 meeting, Volpato seconded. Lutman questioned the criteria for progress. McCroskey stated he would like to see progress inside and outside of the house. He would like the resident to obtain a building permit and have the structure inspected. Lutman stated if the person did not have a valid permit the Commission could not endorse illegal construction. Derrick withdrew the motion, Volpato withdrew the second. Derrick moved, seconded by Hernandez to approve R-09-73. Derrick suggested if a property showed progress that McCroskey not bring it before the Board. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0. R-09-73 was recorded as Exhibit 16.a.

b. **R-09-74: DETERMINATION OF SOLE COMMUNITY PROVIDER FUNDING FISCAL YEAR 10/11 – LINDA P. MARTINEZ:** Martinez stated numbers had been put together in anticipation of next year's gross receipts. Sartin stated the proposal had been developed using a history as well as projected available funding. Sartin reviewed the proposal and stated each hospital had met with him to review the recommendation. Volpato questioned why funds were allocated to Eastern New Mexico and suggested the funding be used for area hospitals. Sartin suggested \$1K be allocated to ENM and the balance be distributed to area hospitals. Martinez recommended the remainder be left in the 406 fund and spent as needed. Pat Dunbar, with CMC thanked the Commission for past and future support. In 2009, the hospital served 476 indigent individuals and anticipated an increase in 2010. Shelley Choate, with Artesia General Hospital thanked the County for their support. Choate reviewed some of the budget cuts the hospital was facing in the next year. She stated any funding the county could provide would be appreciated. Derrick stated with the current

economic situation he was in favor of following the recommendation. Volpato stated it was a hard decision to cut services when they were needed most. Lara would like to see the recommendation with the changes to funding for ENM. Volpato clarified \$1K would be allocated to ENM and the remainder would be placed in Fund 406 to be distributed when needed. Derrick moved, seconded by Lutman, to approve R-09-74 with the amendment to ENM funding. Sartin stated a modified resolution would be provided reflecting the change. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0. R-09-74 was recorded as Exhibit 16.b.

c. **R-10-01: 2010 HOLIDAY SCHEDULE – ALLEN R. SARTIN:** Volpato moved, seconded by Derrick to approve R-10-01. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0. R-10-01 was recorded as Exhibit 16.c.

17. AGREEMENTS:

a. **A-09-147: NM TRAFFIC SAFETY PROJECT – SELECTIVE TRAFFIC ENFORCEMENT PROJECT (STEP) – SHERIFF ERNEST MENDOZA:** Lutman moved, seconded by Lara, to approve A-09-147. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0. A-09-147 was recorded as Exhibit 17.a.

Mendoza reviewed the traffic safety report for October, 2008 through October, 2009. Mendoza reported total overtime hours worked were 2,805, 24 DWI arrests, 18 drug related arrests and 69 other arrests. Mendoza stated speeding citations totaled 1,710, with seat belt violations at 406, insurance citations 293 and other citations 478.

b. **A-09-149: 2009 RECOVERY GRANT: SUB-GRANT EXTENSION & ADDITIONAL AWARD – DAVID EDMONDSON:** Lara moved, seconded by Volpato to approve A-09-149. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0. A-09-149 was recorded as Exhibit 17.b.

c. **A-09-150: JPA WITH NM ENERGY, MINERALS & NATURAL RESOURCES DEPARTMENT FOR WILDLAND PROTECTION & SUPPRESSION – JOEL ARNWINE:** Volpato moved, seconded by Derrick to approve A-09-150. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0. A-09-150 was recorded as Exhibit 17.c.

d. **A-09-151: IEM EXERCISE CONTRACT MODIFICATION #4 – JOEL ARNWINE:** Hernandez moved, seconded by Volpato to approve A-09-151. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0. A-09-151 was recorded as Exhibit 17.d.

e. **A-09-152: 2009 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE (JAG) PROGRAM SUB-GRANT AGREEMENT (NMDPS GRANT #DPSJAG09REGVI) – CHIEF DEPUTY D. KENT WALLER:** Derrick moved, seconded by Volpato to approve A-09-152. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0. A-09-152 was recorded as Exhibit 17.e.

f. **A-09-153: PICTOMETRY CONTRACT – WARREN HARDIN:** Hardin explained the last pictures were taken in 2005 and 2006. It was the responsibility of the cooperative GIS department to provide up-to-date data. The up-to-date data would provide helpful information to many County departments. Hardin explained the vendor had been determined

to be a sole source for the product. John Matyjasic, a representative of Pictometry International, stated the work would take 3 to 4 weeks. Lutman expressed concern about residents' privacy with the digital photography. Hardin explained owners such as WIPP and FLETC would be contacted with the option to have their property removed from the project. Waller reported aerial photography had been an invaluable tool when solving cases. Hardin explained the City of Carlsbad had decided to spend \$50K extra to get pictures at a six inch resolution. Matyjasic explained the maintenance fee of \$3,100 would be charged to keep software updated. Volpato moved, seconded by Lara to approve A-09-153. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0. A-09-153 was recorded as Exhibit 17.f.

18. DISCUSS PROPOSED GRAFFITI ORDINANCE – KENNEY RAYROUX: Sartin stated the ordinance was a draft and had been reviewed by council. Derrick requested the Sheriff and the Commission review the draft for comment at the next meeting.

19. TRAVEL REQUEST CONSENT AGENDA:
PRIOR:

a. KAREN ROBINSON ATTENDED REVENUE STABILIZATION & TAX POLICY COMMITTEE MEETING IN SANTA FE, NM:

FUTURE:

b. ALL DEPARTMENTS TO ATTEND NMAC MID-WINTER CONFERENCE IN SANTA FE, NM:

c. GUY LUTMAN & JACK VOLPATO TO ATTEND NACO LEGISLATIVE CONFERENCE IN WASHINGTON, D.C.:

d. JOEL ARNWINE TO ATTEND E-133 OPERATIONS-BASED EXERCISE DESIGN & EVALUATION IN EMMITSBURG, MD:

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

20. EMERGENCY BUSINESS:

a. A-09-148: MEMORANDUM OF AGREEMENT BETWEEN THE NM DEPT OF HEALTH & EDDY COUNTY – CANDACE AUTRY: Sartin stated the contract was an emergency and was moved through with the consent of the Commission and the signature of the Chairman. Tabor asked for a motion and a vote from the Commission to put the action of record. Volpato moved, seconded by Derrick to ratify A-09-148. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0. A-09-148 was recorded as Exhibit 20.a.

b. REQUEST FOR ADDITIONAL FUNDS TO PURCHASE COMPUTERS TO MEET REQUIREMENTS FOR NEW RMS SOFTWARE SYSTEM: Mendoza explained it was necessary to upgrade the computer systems in order to be compatible with the Records Management Software purchased by the Communications Authority and maintain the best performance possible. He estimated it would be necessary to replace 18 computers in the department. Merjil explained the current computers would be slowed considerably with the new RMS software. Lutman stated it was important to keep the department up to date. Lutman moved, seconded by Volpato to approve the agreement

request. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0. A-09-154 was recorded as Exhibit 20.b.

- 21. PUBLIC COMMENTS/ANNOUNCEMENTS:** Weldon wished everyone a Merry Christmas.

Buddy Delong requested information concerning the cable the City of Artesia had put on Airport Road which blocked access for several property owners. Sartin reported he had just become aware of the situation and was in the process of investigating the issue.

- 22. COUNTY MANAGER COMMENTS/ANNOUNCEMENTS:** Sartin requested Derrick comment on the award he received. Derrick reported he had been honored with the Bud Eppers Memorial Award at the New Mexico Cattle Growers meeting.

Grantner clarified earlier information; the City of Carlsbad had approved the \$15K for additional counsel on the brine well issue.

- 23. ELECTED OFFICIALS COMMENTS/ANNOUNCEMENTS:** Sheriff Mendoza wished everyone a Merry Christmas. He reported Carolyn Smith had graduated from the academy. Mendoza reported the department had been awarded a plaque for participation in the National Night Out Event.

- 24. COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS:** Lutman thanked Derrick for his work as Chairman this past year. He reported the water line project in Artesia had resulted in several fire hydrants being installed which improved the ISO rating for area VFD. He also wished everyone a Merry Christmas.
Lara reported a Graduation Summit had been set for May 8, 2010. The schools had invited community participation for the event. The Carlsbad Schools were one of the few to hold a Summit. She reminded everyone of the ground breaking for the Adult Day Care would be held at 9:30 on Friday morning at the Cascades.

Hernandez thanked the Chairman for the hard work and the letter of appreciation to departments. He wished everyone a safe and Happy Holiday.

Volpato echoed the holiday sentiments and thanked Derrick for his work as Chairman.

Derrick thanked everyone for their cooperation and hard work over the past year. He wished everyone a Merry Christmas and safe travel over the holidays.

- 25. PROJECT UPDATES:** None.

- 26. CLOSED MEETING:** At 1:18, p.m. Derrick 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 before 5:00 p.m. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0.

- 27. RE-OPEN:** At 4:12 p.m., Derrick 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: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0.

12. **BRINE WELL, ATTORNEY SUPPORT – ALLEN R. SARTIN:** Volpato moved, seconded by Lara to approve the \$15K funding to the City for legal counsel. Hernandez questioned if the item could be postponed. Volpato stated the City needed a decision. Lutman expressed concern and would like more clarification concerning fees and exactly what the \$15K would entail. Derrick would lend his initial support and see what happened with the decision. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0.
13. **BRINE WELL, ADDITIONAL WELL MONITORING SUPPORT – ALLEN R. SARTIN:** Volpato moved, seconded by Lara to provide \$35K to OCD for further monitoring of the brine well, with the expectation of reimbursement. Derrick clarified the funds for the attorney and the monitoring support would be taken out of the contingency fund. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0.
14. **BRINE WELL, CHARACTERIZATION – ALLEN R. SARTIN:** Sartin stated a motion was needed to lend support to the work being done by the committee in order to seek federal funding. Volpato moved, seconded by Derrick to approve the motion as stated by Sartin. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0.

Sartin asked for direction from the Board as to who would be the decision maker during the initial period if the well were to collapse and to set dollar limits. Volpato moved, seconded by Lutman to designate Sartin to be in charge from the County perspective in the event of a collapse. Sartin would designate and allocate county resources up to \$100K until such time when an emergency meeting could be held. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0.

Lutman suggested meeting with area Legislators concerning the brine well. Sartin reported a breakfast would be held at the Stevens Thursday at 7:00 a.m. Sartin, Lara and Volpato planned to attend the breakfast. Derrick suggested they voice the concerns of the County at the breakfast.

28. **ADJOURN:** At 4:26 p.m. Derrick moved, seconded by Lara, to adjourn the meeting. Voting yes: Derrick, Hernandez, Volpato, Lara and Lutman. Passed 5-0.

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MINUTES OF A SPECIAL MEETING
December 21, 2009**

BE IT REMEMBERED that the Eddy County Board of Commissioners held a special meeting in Room 211 of the Eddy County Administration Complex on December 21, 2009 at 8:30 a.m. Derrick called the meeting to order.

Present:

LEWIS DERRICK	CHAIRMAN, DISTRICT 2
JACK VOLPATO	VICE-CHAIRMAN, DISTRICT 4
ROXANNE LARA	COMMISSIONER DISTRICT 5
TONY HERNANDEZ	COMMISSIONER DISTRICT 1
GUY LUTMAN	COMMISSIONER DISTRICT 3
ALLEN SARTIN	COUNTY MANAGER
ROBIN VANNATTA	CHIEF DEPUTY CLERK
CAS TABOR	COUNTY ATTORNEY
STELLA DAVIS	CARLSBAD CURRENT ARGUS

Absent:

CHARLENE WRIGHT	PROBATE JUDGE
TERRI RICHARDS	TREASURER
ERNEST MENDOZA	SHERIFF
KAREN ROBINSON	ASSESSOR
DARLENE ROSPRIM	COUNTY CLERK

AGENDA:

1. **OPENING & INVOCATION:** Sartin led the Pledge of Allegiance and gave the invocation.
2. **CLOSED MEETING:** At 8:32 a.m., Derrick moved, seconded by Lara to recess the meeting and to hold a closed meeting, in accordance with NMSA 10-15-1H (8) to discuss threatened or pending litigation. Voting yes: Hernandez, Volpato, Lara, Lutman and Derrick. Passed 5-0.
3. **RE-OPEN MEETING:** At 9:32 a.m., Derrick moved, seconded by Hernandez 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 (8). Voting yes: Hernandez, Volpato, Lara, Lutman and Derrick. Passed 5-0.

Derrick moved, seconded by Lutman to rescind approval of the \$15K to the City of Carlsbad for attorney fees. Voting yes: Hernandez, Lutman and Derrick. Voting no: Volpato and Lara. Passed 3-2.

4. **EMERGENCY BUSINESS:** None.
5. **COMMENTS:** None.
6. **ADJOURN:** At 9:34 a.m., Hernandez moved, seconded by Lutman to adjourn the meeting. Voting yes: Hernandez, Volpato, Lara, Lutman and Derrick. Passed 5-0.