

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A SPECIAL MEETING
DECEMBER 1, 2010**

BE IT REMEMBERED that the Eddy County Board of Commissioners held a special meeting at the Eddy County Fairgrounds, Artesia on December 1, 2010 at 7:00 p.m. Volpato called the meeting to order. Sartin led the Pledge of Allegiance and gave the invocation.

Present:

JACK VOLPATO	CHAIRMAN, DISTRICT 4
TONY HERNANDEZ	VICE-CHAIRMAN, DISTRICT 1
LEWIS DERRICK	COMMISSIONER, DISTRICT 2
GUY LUTMAN	COMMISSIONER, DISTRICT 3
ROXANNE LARA	COMMISSIONER, DISTRICT 5
ALLEN SARTIN	COUNTY MANAGER
DARLENE ROSPRIM	COUNTY CLERK
GAY WEST	ADMINISTRATIVE ASSISTANT
MIKE JAXSON	KSVP RADIO

Absent:

TERRI RICHARDS	TREASURER
KAREN ROBINSON	ASSESSOR
CHARLENE WRIGHT	PROBATE JUDGE
ERNEST MENDOZA	SHERIFF

AGENDA:

2. **RECEIVE PUBLIC INPUT FROM PROPERTY OWNERS WHO WILL BE AFFECTED BY THE CITY OF ARTESIA'S PROPOSED ANNEXATIONS OF ANNEXATION PLAT PARCELS 03 & 04:** Sartin explained the County only had an interest in parcels 03 and 04 because of county roads. Volpato asked for comments from property owners that would be affected. West read names from the sign in list attached as Exhibit 2. Comments were taken from the following:

Ken Jackson, 201 N. York – Jackson was concerned about the cost to him if annexed. He had been quoted the price of \$8K for hookup of sewer lines. He also questioned where the sewer lines would run as some of the lines ran across other properties. Jackson stated he would consider a land swap to stay in the county.

Tommy Munson, 200 York – Munson also owned 2806 W. Main and 106 York. He was unsure of the benefits from living in the City. He did not believe they could provide the amenities promised. Munson was also concerned about the cost of sewer hookup.

Elizabeth Cunningham, 106 York – Cunningham stated her concern with her mobile home not being up to city code and the inability to have horses on her property of annexed.

Rosemary Bagsby, 312 York - Bagsby had owned property for 26 years and was satisfied with things as they were. She also stated money was an issue.

Donnie Bagsby, 312 York – Bagsby stated his water lines ran across 5 properties and was told the cost for a water meter would be \$5K and \$10K for sewer hookup. He was given this information from the City water department. He was concerned about having access to his property when they put in the sewer. This concern was voiced by several property owners.

Darrel Finney, 2707 West Ave - Finney was very satisfied living in the county and would not welcome a change.

Emmogene Wolfe, 204, 206, 208 York – Wolfe stated she moved into the county because she didn't wish to live in the city. She also stated roads were maintained by the county and the city roads were in bad shape. She also noted of a couple who was given a 6 month notice by the code enforcement of the city, which was enforced in 30 days. She felt this was unfair and stated she would move to another state if her property was annexed.

Douglas Apperson, 304 York – Apperson was the owner of 6 properties in the proposed annexation. He stated the city planned to put sidewalks and curbing in at their expense per the Mayor. Apperson was also concerned about the increase in taxes. He was concerned about the grandfather clause, and wanted those conditions in writing. Apperson did praise the city's ambulance response time; however, he had a problem with their billing process for those services.

Rick Apperson, 304 York – Apperson was joint owner with Douglas Apperson. He enjoyed living in the county and the services provided.

Rick Cotham, 2706 West Ave, Cotham was owner of seven properties under R & D Cotham Properties. He strongly opposed the annexation. He was concerned about increased taxes and little in return for that increase. Cotham appreciated county services. He stated a questionnaire was mailed to the residents approximately 2 years ago, asking if they wanted to be annexed, and felt there was an overwhelming answer of no.

Jim McCampbell, 406 York, renting 405 York – McCampbell expressed his approval of county services and living. He stated there was sense community amongst the residents. He questioned how far out you needed to not be annexed.

Alice Garcia, 2722 W. Main – Garcia complained of the city's reaction time to problems. She did not see where law enforcement would be an issue since all parties would be housed at the Safety Complex.

Volpato stated a decision would be made at the December 7 meeting and asked if the Commissioners had any questions for the public. Derrick asked if any of the property owners had signed paperwork when they received their city water, stating they would not oppose annexation should it arise. Cotham stated he was approached on only one of his properties and did not sign the document. No other property owners had been asked to sign such documentation. Lutman asked Tina Torres, a representative of the City of Artesia, to clarify the cost of a water meter hookup. She stated the cost would be anywhere from \$300 to \$500 per meter. Derrick asked Torres if a plan had been developed showing the layout of infrastructure. She stated they had Smith Engineering do a preliminary study; however, should the annexation be approved, another study would be done. Lutman asked Torres if the grandfathering guarantees were in writing. She stated septic tanks, cess pools and animals would be included in the grandfathering of the property. Lutman questioned whether city water lines crossed over

county property. Lara stated she felt this was an important issue and she appreciated the involvement of the community and appreciated their comments. McCampbell appreciated the Commissioners action taken at the November 3 meeting regarding the annexations. Hernandez assured the residents he had heard their concerns and would try to make the best decision for them as well as the City. Lutman stated buyer beware if you did not want to be annexed, don't buy property contiguous to the city.

Buddy DeLong, suggested the County be sure they had all the facts before making their decision. He stated he currently had an ongoing situation with the city barricading Airport Road.

After no further comments, Lutman moved to adjourn the meeting at 7:55 p.m., seconded by Derrick. Voting yes: Volpato, Derrick, Lutman, Hernandez and Lara. Passed 5-0.

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
DECEMBER 7, 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 December 7, 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
TONY HERNANDEZ	VICE-CHAIRMAN, DISTRICT 1
LEWIS DERRICK	COMMISSIONER, DISTRICT 2
GUY LUTMAN	COMMISSIONER, DISTRICT 3
ROXANNE LARA	COMMISSIONER, DISTRICT 5
CAS TABOR	COUNTY ATTORNEY
ALLEN SARTIN	COUNTY MANAGER
DARLENE ROSPRIM	COUNTY CLERK
RONDA NELSON	DEPUTY CLERK
LARRY AUGSBURY	FINANCE DIRECTOR
DEBBIE PENALUNA	ASSISTANT FINANCE DIRECTOR
GAY WEST	ADMINISTRATIVE ASSISTANT
TERRI RICHARDS	TREASURER
KAREN ROBINSON	COUNTY ASSESSOR
FRANK WELDON	ROAD SUPERINTENDENT
ROBERT STEWART	WARDEN
CAROL HENNINGTON	INORMATION SYSTEMS SUPERVISOR
KENNEY RAYROUX	HUMAN RESOURCES DIRECTOR
YVONNE BASABILVAZO	PLANNER
MARIA MALDONADO-MERJIL	SHERIFF'S ASSISTANT
JEFF ZUNIGA	LIEUTENANT
LINDA MARTINEZ	INDIGENT CLAIMS ADMINISTRATOR
TINA PARRISH	PURCHASING ADMINISTRATOR
STEVE MCCROSKEY	CODE ENFORCEMENT
STELLA DAVIS	CARLSBAD CURRENT ARGUS
TYLER GREEN	ARTESIA DAILY PRESS
WOODS HOUGHTON	COUNTY EXTENSION AGENT
JIM GRANTNER	PLANNING & ZONING

Absent:

CHARLENE WRIGHT	PROBATE JUDGE
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TIMED AGENDA:

8:30 A.M.

1. **PUBLIC HEARING – CLOSURE OF CDBG #07-C-NR-I-07-G-25, MALAGA WATER SYSTEM IMPROVEMENTS – KENNEY RAYROUX:** Basabilvazo stated the public meeting was mandatory to close out the existing \$609K Malaga Water System Improvements Grant. She summarized past projects that had been completed: Artesia Head Start, Riverside Water System Improvement, Happy Valley Water System Improvement, Artesia Meal Site Addition and Morningside Home Rehab, among others. Volpato asked for public comments and there were none. Hernandez moved, seconded by Volpato to close CDBG #07-C-NR-I-07-G-25. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0.

2. **UPDATES FROM COMMUNITY SERVICE GROUPS:**
 - a. **CARLSBAD HONOR GUARD – COMMANDER JOHNNY DURAN:** Johnny Duran, Commander of the Veteran Color Guard, thanked the Commission for their support. He stated the Guard performed services at funerals of veterans in Carlsbad, Eddy County and occasionally in Hobbs and Texas. The Color Guard also represented veterans at various parades.

 - b. **EDDY COUNTY EXTENSION OFFICE – WOODS HOUGHTON:** Woods Houghton, County Extension Agent, presented a report of Extension programs and updated the Commission on services provided by his office. He noted educational programs had been presented to the general public, farmers and ranchers in Eddy County concerning the Trichomoniasis outbreak, cut worm infestation and other anomalies of concern that have impacted Eddy County and its economic development.

TRAILING AGENDA:

- 10.d. **R-10-83: ARTESIA ANNEXATION, COMMISSION REVIEW – ALLEN SARTIN:** The Commission discussed at length the information gleaned since the public meeting concerning the annexation of parcels 03 & 04. A decision needed to be made by December 9, the deadline from the State. Lara suggested the Commission approve the resolution with stipulations added to address the residents' concerns of animals, utility rates, and water wells. Sartin noted all the residents were within the City three-mile ETZ and code violations were enforced by the City of Artesia. Hernandez felt the majority of citizens present at the public meeting had voiced that they were against being annexed into the city. Lara moved, seconded by Volpato to approve R-10-83, to be amended with stipulations stated. Voting yes: Lara, Volpato. Voting no: Lutman, Hernandez and Derrick. Failed 2-3.

1. **APPROVE:**

- a. **COMMISSION MEETING MINUTES FOR NOVEMBER 3, 2010:** Volpato moved, seconded by Lutman to approve the Commission Meeting Minutes for November 3, 2010. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0.

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

c. EXPENDITURE APPROVAL LIST FOR DECEMBER 7, 2010 CHECK RUN: Sartin passed out an additional expenditure to add to the approval list. The payment to a contractor was due within 10 days. Volpato moved, seconded by Derrick to approve the Expenditure Approval List for December 7, 2010 Check Run. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0. The Expenditure Approval List for December 7, 2010 Check Run was recorded as Exhibit 1.c.

2. ELECT CHAIRMAN AND VICE-CHAIRMAN FOR 2011 EDDY COUNTY BOARD OF COMMISSIONERS – ALLEN R. SARTIN: Volpato moved, seconded by Lutman to elect Tony Hernandez as Chair of the Commission beginning 2011. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0. Lutman moved, seconded by Derrick to elect Roxanne Lara as Vice-Chair of the Commission beginning 2011. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0.

3. ADMINISTRATIVE DIRECTION – PAYCHECK DISTRIBUTION – ALLEN R. SARTIN: Following discussion on paycheck distribution, Lutman moved to keep the paycheck distribution at a set time, as it currently existed. Motion failed for lack of a second. Derrick moved, seconded by Lara, to have paychecks distributed when they were ready. Voting yes: Lara, Volpato, Hernandez and Derrick. Voting no: Lutman. Passed 4-1.

Break: 10:15 a.m. to 10:30 a.m.

4. REQUEST FOR ASSISTANCE, HOPE, FALL/WINTER CLEAN-UP – ALLEN R. SARTIN: Weldon stated the trash collected during the bi-annual event was hauled by the County to the Artesia Transfer Station. Lutman moved, seconded by Derrick to approve the request for assistance. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0.

5. APPROVE OPENING OF ORDINANCE 15, EDDY COUNTY PLANNING COMMISSION FOR REVISION – KENNEY RAYROUX: Lara moved, seconded by Volpato to approve the opening of Ordinance 15 for discussion and possible revision. Voting yes: Lara, Lutman, Volpato, Hernandez, and Derrick. Passed 5-0.

6. APPROVE ACCEPTANCE OF RESTRICTED MONIES - KENNEY RAYROUX: Rayroux stated Jerry Rackley offered a donation of \$30K to the County with the stipulation that it be used for the metal building foundation and any residual funds going for use on the building itself. If there was any further funding left unspent, it would go to the Shooting Range only. Derrick moved, seconded by Lutman to accept Mr. Rackley's generous donation. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0. Volpato suggested sending Mr. Rackley a note thanking him for the donation.

7. CODE ENFORCEMENT PROPERTY UPDATE – 4025 HARMON LANE – KENNEY RAYROUX: McCroskey stated a 90-day extension had been granted to the homeowner. He stated the property owner had made significant progress on improving the property and cleaning up the debris. He would continue to monitor the property.

8. CODE ENFORCEMENT PROPERTY UPDATE – 402/404 LUM – KENNEY RAYROUX: The property owner had been given a six-month extension but didn't complete the work by June. In July, the property owner obtained building permits for the property

from the City of Carlsbad and began re-roofing both houses. The City Building Inspector would monitor building code compliance at the property.

9. **REVENUE REPORT – LARRY AUGSBURY:** Sartin noted the County now had six months where gross receipts exceeded the same period in the prior year. He noted a strong rebound of oil and gas receipts in November, allowing eight consecutive months above the same period in the prior year. Volpato noted gross receipts were up 30 percent this last report. The Revenue Report was recorded as Exhibit 9.

10. **RESOLUTIONS:**

a. **R-10-82: DISPOSE, REMOVE OR REVISE ITEMS IN THE EDDY COUNTY CAPITAL OUTLAY INVENTORY – LARRY AUGSBURY:** Augsbury stated the first four items were to be transferred to other governmental agencies and would be removed from the inventory. The remaining vehicle was totaled. Derrick moved, seconded by Lutman to approve R-10-82. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0. R-10-82 was recorded as Exhibit 10.a.

b. **R-10-80: 2011 HOLIDAY SCHEDULE – ALLEN R. SARTIN:** Volpato moved, seconded by Lutman to approve R-10-80. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0. R-10-80 was recorded as Exhibit 10.b.

c. **R-10-81: OPEN MEETINGS ACT FOR 2011 – ALLEN R. SARTIN:** Volpato moved, seconded by Lara, to approve the Open Meetings Act for 2011. Sartin noted two exceptions for the normal meeting schedule were meeting dates January 18 and February 1. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0. R-10-81 was recorded as Exhibit 10.c.

e. **R-10-87: 2011 COMMITTEE, BOARD AND COMMISSION APPOINTMENTS AND DESIGNATIONS – ALLEN R. SARTIN:** Sartin stated a revised list would be brought for adoption at the next meeting.

f. **R-10-88: CODE ENFORCEMENT RESOLUTION – KENNEY RAYROUX:** The resolution would rescind R-10-71 for 202 Wagon Wheel. McCroskey stated the resolution was for cleanup of the same property with the proper address added. Volpato moved, seconded by Derrick, to approve R-10-88 with the stipulation that McCroskey verify ownership of the mobile home on the property. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0. R-10-88 was recorded as Exhibit 10.f.

11. **AGREEMENTS:**

a. **A-10-145: CONTRACT FOR COMPUTER ROOM ENGINEERING AND GENERATOR – ALLEN R. SARTIN:** Volpato moved, seconded by Lara, to approve A-10-145. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0. A-10-145 was recorded as Exhibit 11.a.

12. **TRAVEL REQUEST CONSENT AGENDA:**

PRIOR:

a. MICHAEL INGRAM & SHAWN FUNK ATTENDED DETENTION AFFILIATE MEETING IN RUIDOSO, NM:

b. MICHAEL INGRAM, FRANK FRIZELL & ANTHONY GONZALEZ ATTENDED ASP BATON TRAINING IN GRAND PRAIRIE, TX:

c. MELISSA AZZINARO ATTENDED FALL FLEX & VOLUNTARY BENEFIT ENROLLMENT TRAINING IN ROSWELL, NM:

d. PHYLLIS LUNA ATTENDED MONTHLY RE-OCCURRING COUNSELING & THERAPY PRACTICE BOARD MEETING IN ALBUQUERQUE, NM:

FUTURE:

e. NONE:

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

13. LEGISLATIVE ISSUES: None.

14. EMERGENCY BUSINESS: None.

15. PUBLIC COMMENTS/ANNOUNCEMENTS: None.

16. COUNTY MANAGER COMMENTS/ANNOUNCEMENTS: None.

17. ELECTED OFFICIALS COMMENTS/ANNOUNCEMENTS: None.

18. COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS: Volpato encouraged the Commission to participate in the groundbreaking of the SunEdison project in Jal on the 15th. Lutman suggested the County acknowledge Cody Ross in some form. Lara observed great things happening with economic development in Eddy County. Lutman expressed kudos for the Law Enforcement Complex in Artesia.

19. PROJECT UPDATES:

a. HAPPY VALLEY TRASH REMOVAL – ALLEN R. SARTIN: The Solid Waste Committee had met and had collected information. Sartin presented the findings of the committee and their recommendations. Following discussion and consideration of possible solutions to the problem, Volpato suggested keeping option 3 on the back burner until ECDC staffing was up. Sartin stated the Committee as a body recommended further analysis of Option 5, household pick up. Sartin noted a bid with the stipulations could be issued contingent upon a franchise ordinance being approved. Volpato suggested a meeting with the citizens of Happy Valley and obtaining their input. Derrick suggested obtaining cost estimates on Options 4 and 5 in order to present information to the residents. Lutman felt the bulk of the trash dumped in Happy Valley was from City residents. He suggested land in the area owned by a government agency would be a possible location for the site. The Summary Review was recorded as Exhibit 19.a.

b. PRELIMINARY COST ESTIMATE – SHERIFF’S FACILITY – ALLEN R. SARTIN: Sartin estimated the cost for the facility was around \$219 per square foot. Estimated cost of the general size needed for a new Sheriff’s Office was between \$2.5M and \$3M. At this point, the Sheriff was reviewing the estimate, possible location and comparing

the plan with other facilities in neighboring counties. A needs assessment and 25 year plan was a possible next step for the Sheriff's Office.

20. **CLOSED MEETING:** At 11:40 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 p.m. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0.
21. **RE-OPEN:** At 1:56 p.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: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0.
22. **ADJOURN:** At 1:57 p.m., Volpato moved, seconded by Lutman to adjourn the meeting. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0.

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
DECEMBER 21, 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 December 21, 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
TONY HERNANDEZ	VICE-CHAIRMAN, DISTRICT 1
LEWIS DERRICK	COMMISSIONER, DISTRICT 2
GUY LUTMAN	COMMISSIONER, DISTRICT 3
ROXANNE LARA	COMMISSIONER, DISTRICT 5
CAS TABOR	COUNTY ATTORNEY
ALLEN SARTIN	COUNTY MANAGER
DARLENE ROSPRIM	COUNTY CLERK
ROBIN VANNATTA	CHIEF DEPUTY CLERK
ERNEST MENDOZA	SHERIFF
KENT WALLER	CHIEF DEPUTY SHERIFF
MARIA MERJIL-MALDONADO	SHERIFF'S ADMINISTRATIVE ASSISTANT
KAREN ROBINSON	COUNTY ASSESSOR
DIANE DESOTO	CHIEF DEPUTY ASSESSOR
ANNA GALINDO	CHIEF DEPUTY TREASURER
LARRY AUGSBURY	FINANCIAL DIRECTOR
GAY WEST	ADMINISTRATIVE ASSISTANT
ROBERT STEWART	WARDEN
FRANK WELDON	ROAD SUPERINTENDENT
SHARON DODSON	IT ASSISTANT
KENNEY RAYROUX	HUMAN RESOURCES DIRECTOR
LINDA MARTINEZ	INDIGENT CLAIMS ADMINISTRATOR
YOLANDA SING	INDIGENT CLAIMS ASSISTANT
TINA PARRISH	PURCHASING ADMINISTRATOR
STEVE MCCROSKEY	CODE ENFORCEMENT
DANNY STAFFORD	M & O SUPERVISOR
GEORGIA GOAD	RURAL ADDRESSING
STELLA DAVIS	CARLSBAD CURRENT ARGUS
TYLER GREEN	ARTESIA DAILY PRESS

Absent:

TERRI RICHARDS	TREASURER
CHARLENE WRIGHT	PROBATE JUDGE

TIMED AGENDA:

8:30 A.M.

Sartin recognized Ruben Castro and Kelly Calicoat as outstanding DWI Enforcement Officers.

1. **SERVICE AWARDS:** Volpato presented service awards to Pete Marquez and Ila Martinez for ten years of service to Eddy County.
2. **PROCLAMATION – CODY ROSS:** Sartin read the proclamation which declared December 21, 2010 Cody Ross Day.

TRAILING AGENDA:

1. & 2. **RECESS EDDY COUNTY COMMISSION MEETING & CONVENE AS INDIGENT HOSPITAL CLAIMS BOARD:** At 8:34 a.m., Derrick moved, seconded by Hernandez to recess the regular meeting and convene as the Indigent Hospital Claims Board. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.
3. **INDIGENT HOSPITAL CLAIMS BOARD:** Indigent Board Meeting.
4. **ADJOURN INDIGENT HOSPITAL CLAIMS BOARD/RECONVENE EDDY COUNTY COMMISSION MEETING:** At 8:37 a.m., Derrick moved, seconded by Lara to adjourn the Indigent Hospital Claims Board and reconvene in regular session. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.
5. **APPROVE/DISAPPROVE TWO (2) INDIGENT BURIALS – LINDA P. MARTINEZ:** Lutman moved, seconded by Hernandez to approve two Indigent Burials in the amount of \$600 each. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.
6. **APPROVE/DISAPPROVE QUITCLAIM, RELEASE & TRANSFER ALL RIGHTS & INTERESTS OF CEMETERY PLOT TO EDDY COUNTY – LINDA P. MARTINEZ:** Martinez explained an individual had been cremated, and friends of the deceased wished to donate a plot to bury the remains. Tabor explained the county was responsible for maintaining the remains and must own the plot where they were buried. Ownership of the plot would be transferred to the County and dedicated solely for the burial of the specified individual. Derrick moved, seconded by Lara to approve the Quitclaim. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.
7. **DETERMINATION OF SOLE COMMUNITY PROVIDER FUNDING FOR FISCAL YEAR 11/12 – LINDA P. MARTINEZ:** Martinez stated the breakdown for funding was based on the first four months of the fiscal year. Martinez reported gross receipts for the first four months had increased 17%. Hernandez questioned what would happen if revenues did not hold up. Sartin explained if revenues did not come in as expected, the Board would have to re-evaluate funding. Volpato questioned how much more the County's commitment would be this year. Sartin stated last year's commitment was \$2.8 million and this year's was \$2.9 million. Volpato moved, seconded by Derrick to approve R-10-86. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. R-10-86 was recorded as Exhibit 7.

8. **APPROVE:**

d. **SPECIAL COMMISSION MEETING MINUTES FOR DECEMBER 1, 2010:** Hernandez moved, seconded by Derrick to approve the Special Commission Minutes for December 1, 2010. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.

e. **COMMISSION MEETING MINUTES FOR DECEMBER 7, 2010:** Derrick moved, seconded by Lara to approve the Commission Minutes for December 7, 2010. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.

f. **EXPENDITURE APPROVAL LIST FOR DECEMBER 21, 2010 CHECK RUN:** Derrick moved, seconded by Volpato to approve the Expenditure Approval List for December 21, 2010 Check Run. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. The Expenditure Approval List for December 21, 2010 Check Run was recorded as Exhibit 8.c.

g. **PURCHASE CARD EXPENDITURE APPROVAL LIST FOR NOVEMBER, 2010:** Lutman moved, seconded by Hernandez to approve the Purchase Card Expenditure Approval List for November, 2010. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. The Purchase Card Expenditure Approval List for November, 2010 was recorded as Exhibit 8.d.

9. **APPROVE/DISAPPROVE PUBLIC CELEBRATION PERMITS FOR COTTONWOOD WINERY, LLC – ALLEN R. SARTIN:** Taylor explained the event was a fund raiser for the Artesia Community Theater and would include dinner and a play. Derrick moved, seconded by Lutman to approve the permits. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. The permits were recorded as Exhibit 9.

10. **42ND ST. WATER CONNECTION – ALLEN R. SARTIN:** Sartin reported a connection fee waiver was issued to a resident whose service was disrupted during construction.

11. **STAFFING CHANGE PROPOSAL – ALLEN R. SARTIN:** Sartin stated Human Resources was struggling to provide service to county departments. Two proposals were included for the Boards' review. Sartin reported revenues were up \$4 million over budget and would cover the additional cost. Hernandez pointed out juvenile detention would require more personnel and money would have to be found to cover those costs as well. Volpato thought it would be financially prudent to address the request at budget time. Waller pointed out that in the past this type of request was usually brought to the table at budget time. After discussion, the Board agreed to bring the item back in April closer to budget.

12. **2010 SALARY SURVEY – KENNEY RAYROUX:** Rayroux reviewed the survey and fielded questions from the Board. He recommended the changes be implemented in February if approved. Lutman suggested the item be tabled until April when firm revenue numbers were available. Hernandez expressed concern about falling behind and having to catch up on salaries. He pointed out the increases were not in the current budget but the employees needed and deserved the increases. Lara stated raises were not given last year and if they were not addressed we would be three years behind. She expressed concern about competition for quality work force with private industry. Derrick apologized to employees, but felt the item should be tabled and addressed at budget. He pointed out the proposal

would increase the budget \$700K. Lutman moved, seconded by Derrick to table the item until budget. Voting yes: Lutman, Volpato and Derrick. Voting no: Hernandez and Lara. Passed 3-2.

13. TREASURER'S FINANCIAL REPORTS FOR JULY, AUGUST, OCTOBER & NOVEMBER, 2010 – TERRI RICHARDS: Sartin stated the item was an FYI for the Board.

14. RESOLUTIONS:

a. R-10-85: WORKING CAPITAL LOAN TO ECCCA – ALLEN R. SARTIN: Volpato moved, seconded by Derrick to approve R-10-85. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. R-10-85 was recorded as Exhibit 14.a.

b. R-10-87: 2011 COMMITTEE BOARD & COMMISSION APPOINTMENTS & DESIGNATIONS – ALLEN R. SARTIN: Derrick moved, seconded by Lutman to approve R-10-87. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. R-10-87 was recorded as Exhibit 14.b.

c. R-10-89: CODE ENFORCEMENT – 2507 UNION STREET – KENNEY RAYROUX: McCroskey reported he personally served notice to the owner. No progress had been made to clean up the property. Lutman moved, seconded by Lara to approve R-10-89. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. R-10-89 was recorded as Exhibits 14.c.

15. TRAVEL REQUEST CONSENT AGENDA:

PRIOR:

f. MICHAEL INGRAM ATTENDED JAIL ADMINISTRATION TRAINING IN ABQ. NM:

FUTURE

b. None:

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

16. EMERGENCY BUSINESS: None.

17. PUBLIC COMMENTS/ANNOUNCEMENTS: None.

18. COUNTY MANAGER COMMENTS/ANNOUNCEMENTS: None.

19. ELECTED OFFICIALS COMMENTS/ANNOUNCEMENTS: Sheriff Mendoza wished everyone a Merry Christmas. He reported a deputy had recently certified through the Academy and was out on patrol.

20. COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS: Lara reported attending the SunEdison ground breaking in Jal last week. There would be four sites in Lea County and one in Eddy County. Volpato spoke at the event and did a fine job representing Eddy County. Lara stated they attended a meeting of the Eddy/Lea Energy Alliance to discuss the trips Lea County had made to Washington and what issues needed to be pushed by the Counties in the spring. Lara announced The Blue Ribbon Commission would be in Carlsbad in January to discuss nuclear energy in our area of the State. Lara suggested the NMAC resolutions needed to be reviewed. She offered to help and possibly carry a resolution of legislative priorities for Eddy County to Santa Fe.

Lutman commended Arnwine and Brader for their work on the recent fire. He stated it was important for the County to keep on top of the weed problem in order to prevent fires.

Lutman asked if the carpet situation in the Sheriff's Office had been resolved. Sartin reported the insurance adjuster had not been in. The Sheriff reported the carpet was peeling up and the smell was bad. Lutman suggested leaning on the adjustor in order to expedite the process. Sartin would try to get a report for the Board. Lutman wished everyone a Merry Christmas.

Hernandez thanked all the Elected Officials, Department Heads and Employees for their commitment and service to Eddy County. He wished everyone a Merry Christmas and a Happy New Year. He requested a letter be sent to employees from the Board to express their gratitude.

Derrick explained the PVC pipe in question on the p-card report was only \$15. He wished everyone a Merry Christmas and a prosperous New Year.

Volpato stated the Blue Ribbon Commission would be in Carlsbad the 26th and 27th of January; he invited everyone to the public meetings. He reported the waste stream at WIPP would run out in 2015. This would be his last meeting as Chairman. He enjoyed serving and wished everyone a Merry Christmas.

21. PROJECT UPDATES: None.

22. CLOSED MEETING: At 10:02 a.m., Lutman 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 1:00 p.m. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.

23. RE-OPEN: At 11:40 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: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.

Volpato moved, seconded by Lutman to approve change order #9 for the Eddy County Administration Complex. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.

24. ADJOURN: At 11:42 a.m., Lutman moved, seconded by Derrick to adjourn the meeting. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.