

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
FEBRUARY 2, 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 February 2, 2010 at 8:30 a.m. Hernandez called the meeting to order. Sartin led the Pledge of Allegiance and gave the invocation.

Present:

LEWIS DERRICK	COMMISSIONER, DISTRICT 2
GUY LUTMAN	COMMISSIONER, DISTRICT 3
TONY HERNANDEZ	VICE-CHAIRMAN, DISTRICT 1
CAS TABOR	COUNTY ATTORNEY
DARLENE ROSRPIM	COUNTY CLERK
ROBIN VAN NATTA	CHIEF DEPUTY COUNTY CLERK
KAREN ROBINSON	ASSESSOR
ANNA GALINDO	CHIEF DEPUTY TREASURER
ERNEST MENDOZA	SHERIFF
KENT WALLER	CHIEF DEPUTY SHERIFF
DEBBIE PENALUNA	FINANCE DIRECTOR
SHAWN FUNK	WARDEN
CAROL HENNINGTON	IT DIRECTOR
TINA PARRISH	PURCHASING ADMINISTRATOR
LINDA MARTINEZ	INDIGENT ADMINISTRATOR
YOLANDA SING	INDIGENT 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
STELLA DAVIS	CARLSBAD CURRENT ARGUS
JESSICA LEE	ARTESIA DAILY PRESS

Absent:

JACK VOLPATO	CHAIRMAN, DISTRICT 4
ROXANNE LARA	COMMISSIONER, DISTRICT 5
CHARLENE WRIGHT	PROBATE JUDGE

TIMED AGENDA:

8:30 A.M.

Hernandez announced Commissioners Lara and Volpato were in Santa Fe meeting with Legislators.

1. **SAFETY AWARD - KENNEY RAYROUX:** Beckie Melvin, County Safety Officer, explained the County had participated in the NMAC Risk Assessment Program (RAP) to lower claims. Melvin explained the County had set a goal to reduce insurance claims by 50%. She reported that goal had been exceeded, and presented the Commission with the largest reduction award for the State of New Mexico. Hernandez thanked Eddy County employees and Melvin for their hard work on the safety program.
2. **UPDATES FROM PURCHASE SERVICE AGREEMENTS:**
 - a. **EDDY COUNTY POSSE ASSN - CHARLES ORTEGO:** Ortego, President of the Eddy County Sheriff's Posse, outlined the programs and events the Posse contributed to during the last year. Ortego stated the goal of the Posse was to teach the "Western Way of Life". He pointed out the arena and facility were available and used daily by residents free of charge. Ortego stated the Eddy County Sheriff's Posse was the largest in the State. Lutman and Hernandez thanked Ortego and all the volunteers involved in the Posse.
 - b. **PAWS & CLAWS - JACK BRANNON:** Tina Torres, a representative of Paws & Claws, reported spending \$4,620 which had spayed or neutered 26 canines and 16 felines. Torres thanked the Commission for their support of the program. She reported the City of Artesia was committed to building a new shelter.
 - c. **CARLSBAD COMMUNITY KITCHEN - TERI ABLE:** Able reported the kitchen was a big part of the community. The organization was in the position to feed all of Carlsbad for two weeks if a disaster occurred, and could feed up to 400 people within 3 hours. The staff raised \$60K last year in-house to help with meals and overhead. The program would start the year with \$20K in the budget. Able reported serving 125 meals a day at the kitchen. She invited everyone for a meal and thanked the County for their contribution to the program.

TRAILING AGENDA:

1. & 2. **RECESS EDDY COUNTY COMMISSION MEETING & CONVENE AS INDIGENT HOSPITAL CLAIMS BOARD:** At 8:55 a.m., Derrick moved, seconded by Lutman to recess the regular meeting and convene as the Indigent Hospital Claims Board. Voting yes: Hernandez, Derrick and Lutman. Passed 3-0.
3. **INDIGENT HOSPITAL CLAIMS BOARD:** Indigent Board Meeting.
4. **RECONVENE EDDY COUNTY COMMISSION MEETING:** At 9:00 a.m., Hernandez moved, seconded by Derrick to adjourn the Indigent Hospital Claims Board and reconvene the regular meeting. Voting yes: Hernandez, Derrick and Lutman. Passed 3-0.

5. **APPROVE:**

a. **COUNTY COMMISSION MEETING MINUTES FOR JANUARY 5, 2010:** Derrick moved, seconded by Hernandez to approve the County Commission Minutes for January 5, 2010. Voting yes: Hernandez and Derrick. Passed 2-0. Lutman abstained.

b. **EXPENDITURE APPROVAL LIST FOR FEBRUARY 2, 2010 CHECK RUN:** Derrick moved, seconded by Lutman to approve the Expenditure Approval List for February 2, 2010 Check Run. Voting yes: Hernandez, Derrick and Lutman. Passed 3-0. The Expenditure Approval List for February 2, 2010 check run was recorded as Exhibit 5.b.

c. **PURCHASE CARD EXPENDITURE APPROVAL LIST FOR DECEMBER, 2009:** Derrick moved, seconded by Hernandez to approve the Purchase Card Expenditure Approval List for December, 2009. Voting yes: Hernandez, Derrick and Lutman. Passed 3-0. The Purchase Card Expenditure Approval List for December, 2009 was recorded as Exhibit 5.c.

Lutman reported the County had received a substantial rebate for use of the P-card. Parrish reported the amount received was \$31,726.56 for a total of \$112K since the program started. Lutman commended Parrish for her work on the Purchase Card Program.

6. **TREASURER'S FINANCIAL REPORT FOR DECEMBER, 2009 - TERRI RICHARDS:** Sartin explained the item was FYI for the Board. Derrick requested an update on investments. Galindo would pass the request on to Richards for the next meeting.

7. **REVENUE REPORT - DEBBIE PENALUNA:** Penaluna reported GRT were a little low and oil and gas was down from budgeted revenue. Sartin stated oil and gas had experienced an increase which was attributed to the equipment payment received. The Revenue Report was recorded as Exhibit 7.

8. **CODE ENFORCEMENT APPEAL PROCEDURES - ALLEN R. SARTIN:** Sartin stated the item was FYI for the board's review. The procedures would be on the next agenda for action from the full board.

9. **APPEAL, CODE ENFORCEMENT ACTION R-10-12, 5708 REMINGTON - ALLEN R. SARTIN:** Billy Teague, owner of the property, explained cleanup was in progress and requested additional time to complete the project. Sartin pointed out the pictures included in the packet were from November. Teague stated progress had been made since the pictures were taken. Lutman expressed concern about oil barrels on the property. He pointed out the case had been opened for two years and felt the appeal should be denied. Derrick stated the report reflected significant progress as of December, 2009. Derrick expressed concern about the farm equipment on the property being antique and cautioned the County on its removal. Lutman moved, to deny the appeal, Derrick seconded the motion provided the antique vehicles would be left. Lutman amended the motion to include the language from Derrick. Derrick seconded the amendment. Lutman suggested the property be fenced in order to comply with the County Ordinance. McCroskey stated when the resolution was served he suggested the owner fence the vehicles in order to comply. Voting yes: Hernandez, Derrick and Lutman. Passed 3-0.

- 10. APPROVE/DISAPPROVE DWI GRANT APPLICATION & R-10-17; AUTHORIZING THE COUNTY TO SUBMIT AN APPLICATION TO DFA/LGD TO PARTICIPATE IN THE LOCAL DWI GRANT & DISTRIBUTION PROGRAM & A-10-12; MOU FOR COMPLIANCE & ASSURANCES OF SERVICE - CINDY SHARIF:** Sharif reported DFA estimated the distribution at \$374,011.92, and the competitive grant amount requested was \$191,200. She stated the goal was to fund all existing programs and to develop a program for adult offenders. Hernandez stated the DWI program was recognized all over the State and commended Sharif and staff for their hard work. Derrick moved, seconded by Hernandez to approve R-10-17. Voting yes: Hernandez, Derrick and Lutman. Passed 3-0. R-10-17 was recorded as Exhibit 10.a.

Derrick moved, seconded by Hernandez to approve A-10-12. Voting yes: Hernandez, Derrick and Lutman. Passed 3-0. A-10-12 was recorded as Exhibit 10.b.

- 11. OPPOSE NM SENATE BILL 117 - JOEL ARNWINE:** Arnwine, President of the Emergency Management Affiliate, explained the association was actively opposing SB117. He reported HB95 a companion bill to SB117 was tabled last week at the request of the sponsor. The bill was basically designed to move Homeland Security into the Department of Public Safety in order to streamline and save money. Arnwine requested the Commission pass a resolution in opposition. Sartin suggested due to the time constraint a letter be sent reflecting the wishes of the Board. Lutman congratulated Arnwine on his new position as President. Lutman moved, seconded by Hernandez to approve a letter in opposition of SB117. Voting yes: Hernandez, Derrick and Lutman. Passed 3-0.

Robinson offered to hand carry the letter to NMAC.

- 12. FISHERMANS LANE BRIDGE PIPELINE - FRANK WELDON:** Weldon explained in order to better facilitate the project, a pipeline under the bridge could be moved. The company agreed if the County would pay for the move. Weldon stated the bridge could be installed without moving the pipeline. Hernandez pointed out the estimate to move the pipeline was \$47K, which was almost as much as the bridge. Weldon explained if the pipeline was not moved, it would be located under the bridge after construction. Derrick questioned the County's liability in placing a bridge over the pipeline. Weldon explained the bridge would not touch the pipeline, and did not anticipate the project would be a safety issue. The Board directed Weldon to continue construction without moving the pipeline.

13. RESOLUTIONS:

a. R-10-15: APPROVAL OF THE EMERGENCY OPERATIONS PLAN - JOEL ARNWINE: Arnwine explained the plan had been rewritten. Seminars and exercises had been conducted to test the plan over the last year. The plan would be adopted by the Commission, each Municipality, and Village in the County. Derrick moved, seconded by Hernandez to approve R-10-15. Voting yes: Hernandez, Derrick and Lutman. Passed 3-0. R-10-15 was recorded as Exhibit 13.a.

b. R-10-18: 2010 COMMITTEE, BOARD, & COMMISSION APPOINTMENTS & DESIGNATIONS - ALLEN SARTIN: Sartin explained Marion Jenkins had resigned from the Lodger's Tax Advisory Board. He nominated Joe D. Jenkins as a replacement. Lutman moved, seconded by Derrick to approve R-10-18. Voting yes: Hernandez, Derrick and Lutman. Passed 3-0. R-10-18 was recorded as Exhibit 13.b.

c. R-10-16: RESPONSE, GREENHOUSE EMISSIONS CAPS PETITION – ALLEN R. SARTIN: Sartin stated if the regulation was enacted, it was possible business would move out of state in order to avoid compliance. He recommended a resolution to oppose the petition. Lutman stated NMAC had adopted a similar resolution. Derrick reported South Eastern Economic Development also opposed the petition. Lutman moved, seconded by Derrick to approve R-10-16. Voting yes: Hernandez, Derrick and Lutman. Passed 3-0. R-10-16 was recorded as Exhibit 13.c.

14. ENTRY OF APPEARANCE, GREENHOUSE EMISSIONS CAPS - ALLEN R. SARTIN: Sartin recommended an Entry of Appearance in the case in order to be kept informed. Derrick moved, seconded by Lutman to make an Entry of Appearance. Voting yes: Hernandez, Derrick and Lutman. Passed 3-0.

15. AGREEMENTS:

a. A-10-11: ENGAGEMENT LETTER FOR AUDIT SERVICES - DEBBIE PENALUNA: Derrick moved, seconded by Hernandez to approve A-10-11. Voting yes: Hernandez, Derrick and Lutman. Passed 3-0. A-10-11 was recorded as Exhibit 15.a

b. A-10-13: PARKING LOT USE AGREEMENT - ALLEN R. SARTIN: Derrick moved, seconded by Lutman to approve A-10-13. Voting yes: Hernandez, Derrick and Lutman. Passed 3-0. A-10-13 was recorded as Exhibit 15.b

c. A-10-14: CONTRACT FOR TRACKING SERVICES WITH PAULINE MORALES - CINDY SHARIF: Hernandez moved, seconded by Lutman to approve A-10-14. Voting yes: Hernandez, Derrick and Lutman. Passed 3-0. A-10-14 was recorded as Exhibit 15.c.

d. e. & f. A-10-15 - A-10-17: VOTING MACHINE AGREEMENTS –ARTESIA, CARLSBAD & LOVING MUNICIPAL ELECTION – DARLENE ROSPRIM: Derrick moved, seconded by Lutman to approve A-10-15 – A-10-17. Voting yes: Hernandez, Derrick and Lutman. Passed 3-0. A-10-15 – A-10-17 were recorded as Exhibits 15. d., e., and f., respectively.

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

a. ECSO CHIEF DEPUTY ATTENDED SHERIFF’S ASSOCIATION MEETING/LEDAC/NMAC IN ABO. NM:

b. ANIMAL CONTROL OFFICER ATTENDED NM ANIMAL CONTROL ANNUAL TRAINING CONFERENCE IN HOBBS, NM:

c. JOEL ARNWINE ATTENDED STRIKE TEAM/TASK FORCE LEADER TRAINING IN RUIDOSO, NM :

d. ALLEN SARTIN ATTENDED LEGISLATIVE SESSION IN SANTA FE, NM:

FUTURE:

e. ROBERT FERNANDEZ, RICHARD PEREZ & FRANK WELDON TO ATTEND WESTERN EMULSIONS TECHNOLOGY WORKSHOP IN RUIDOSO, NM:

f. KAREN ROBINSON TO ATTEND REVSTAB & TAX POLICY COMMITTEE MEETING, NMAC EXECUTIVE BOARD MEETING & NMAC BOARD MEETING IN SANTA FE, NM :

g. DEBBIE PENALUNA TO ATTEND GRANTS ADMINISTRATION TRAINING-JAG GRANTS IN SANTA FE, NM:

h. PHYLLIS LUNA TO ATTEND TRAINING/CONFERENCE IN SANTA FE, NM:

i. JOEL ARNWINE TO ATTEND NATIONAL EMERGENCY MANAGEMENT ASSN. MID-YEAR CONFERENCE IN WASHINGTON, DC:

j. DEBORAH HOFER, DEBBIE LUGINBYHL, PHYLLIS LUNA & CYNTHIA SHARIF TO ATTEND FACILITATOR TRAINING ON COPING WITH WORK & FAMILY STRESS IN HOBBS, NM:

k. ECSO SERGEANT PATROL & ECSO SERGEANT COURT SECURITY TO ATTEND TASER INSTRUCTOR COURSE IN ABQ. NM:

l. ALLEN SARTIN & KENNEY RAYROUX TO ATTEND SETTLEMENT CONFERENCE IN LAS CRUCES, NM ON 2/8/2010:

m. ALLEN SARTIN & KENNEY RAYROUX TO ATTEND SETTLEMENT CONFERENCE IN LAS CRUCES, NM ON 2/11/2010:

Derrick moved, seconded by Hernandez to approve the travel requests. Voting yes: Hernandez, Derrick and Lutman. Passed 3-0.

17. DISCUSS PROPOSED GRAFFITI ORDINANCE - KENNEY RAYROUX: Sartin explained the suggested changes had been incorporated. Derrick suggested the item be postponed until the full board was present. He asked Mendoza for input. Mendoza expressed concern about entering private property without the permission of the property owner.

18. EMERGENCY BUSINESS: None.

19. PUBLIC COMMENTS/ANNOUNCEMENTS: Judy Parker, a resident of 10 Walker Road, stated she had the property surveyed in 2006 and again in 2008. Tabor and Massey toured the property along with Parker's attorney, at which time Parker was advised by her attorney to fence the property. The County has since had the property re-surveyed which changed the property line and made the fence illegal. Parker asked for an explanation on why the property was re-surveyed and requested the County vacate Walker Road. She reported a neighbor had accused her of blocking access to the road, Parker presented pictures to the contrary. Parker had received a letter from the County demanding the fence be moved within 30 days. Tabor stated if she had conflicting information then it should be presented to the County. Parker stated a meeting was held with Sartin where the conflicting surveys were presented. Both the County's and the Parker's survey were conducted by Mr.

Pyeatt. Parker respectfully requested the road be vacated. She stated the road was not maintained by the county and never had been. Sartin stated the problem according to the survey was the fence is in the right-of-way, and the County had a legal obligation to keep it clear. Parker presented two surveys to the contrary, and stated the fence was built according to those surveys. Sartin explained when the dispute over the fence was presented, the County had the additional survey done which indicated the fence was in the right-of-way. Derrick questioned if there was sufficient right-of-way between the two fences. Weldon reported there was 30 feet from fence to fence. Sartin stated if the fence was left then the road would need to be moved to the south. Derrick suggested the right-of-way easement be adjusted to coincide with the location of the road. Sartin stated the neighbor, Mr. Schenck, had reported the fence impeded his passage through the road. Sartin stated anyone who traveled down the road would have to cross the center line due to the placement of the fence. He expressed concern about the liability in the event of an accident. Sartin stated the only options were to relocate the road or the fence. Sartin suggested the Board investigate the issue and then make a decision. Derrick agreed the issue should be investigated before a decision was made. Hernandez stated a third option was to vacate the road. Tabor stated the county had vacated the road and after complaints from Mr. Schenck took the road back on inventory. Hernandez requested a response from the surveyor as to why there were two different drawings. Lutman requested a history of maintenance performed by the road department.

20. **COUNTY MANAGER COMMENTS/ANNOUNCEMENTS:** Sartin announced a Warden had been hired for the detention center. Robert Stewart had many years experience and would start on February 22, 2010. Sartin thanked Mendoza for sitting in on the interview process. Hernandez thanked Funk for his work as Acting Warden.
21. **ELECTED OFFICIALS COMMENTS/ANNOUNCEMENTS:** Rosprim reminded everyone about the school bond election for the Carlsbad and Artesia School Districts, and encouraged them to vote.
22. **COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS:** Derrick reported at the Southeast Economic Development meeting a group from Texas called the Pecos River Resolution Corp. requested to do a study on the Pecos River. Derrick stated a Board meeting would be held and the company invited to state their position and get educated on what had been done in the past.

Lutman reviewed the NMAC Legislative priorities, and stated the conference was very informative.

23. **PROJECT UPDATES:** Sartin reported the Senate Finance Committee had introduced a bill which would eliminate grants for a number of projects. Eddy County projects due to be cut or voided included, three out of five grants for the Rehab Center, two of the three grants for the Shooting Range, \$371K of the grant for the joint project with the City of Carlsbad for roll-off containers, and \$229K of money allocated for the Otis water project. Once final determination was made by the State, the projects would be brought back before the Board for a decision on how to proceed. Sartin indicated the GRT hold harmless would be taken back by the State Legislature. He also anticipated a cut in the funding to house state prisoners.

a. **QUARTERLY PROJECT REPORTS:**

i. **DEVELOP ARTESIA SHOOTING RANGE - ALLEN R. SARTIN:** Sartin reported the property acquisition should close within the next 30 days.

ii. **FRANK WELDON:**

1. **LOOP ROADS:** Weldon hoped to have proposed corridors and costs to the Board by March. Sartin stated the project was not on the list to be cut.

2. **FISHERMANS LANE BRIDGE:** Weldon stated the design and purchase of the bridge was complete. After today's direction the project construction would move forward.

3. **TRANSFER STATIONS:** Weldon stated the studies conducted did not advocate the construction of a transfer station. The county money was left in the fund to provide for roll-off containers. He stated legislative funds were in jeopardy of being cut, and until definite answers were received the project was on hold.

iii. **DEBBIE PENALUNA - FINANCIAL SOFTWARE REPLACEMENT:** Penaluna stated the goal was to have an RFP ready by summer.

iv. **CAROL HENNINGTON - UPGRADE COMPUTER NETWORK:** Hennington stated after a meeting with Sartin and Stafford it was decided to contract a consultant to deal with environmental factors. Melvin had trained staff on the use of a CO2 fire extinguisher and server cabinets had been ordered to help with the noise. Sartin was in the process of negotiating the contract with the network consultant.

v. **DANNY STAFFORD:**

1. **NORTH EDDY COUNTY PUBLIC SAFETY COMPLEX:** Stafford reported the project should be completed by January, 2011. Sartin reported there was \$250K in the fund for furniture and fixtures when the Sheriff's department moved into the building.

2. **NEW CLERK'S OFFICE:** Stafford reported a few remaining issues with the contractor. Payment would be withheld until the project was complete.

3. **EDDY COUNTY COURTHOUSE COURTROOM #3 REMODEL:** Stafford reported the project was complete. Sartin stated the Judge had called and expressed a difference of opinion. Stafford explained according to the job specifications the job was complete. The department had ordered chairs that would not fit, and the Judge wanted to redefine the job. Sartin stated an official request had not yet been made.

4. **JAIL EXPANSION:** Stafford explained the project was in the planning stage and would go out to bid next month. Sartin stated the Board had allocated an additional \$3 million dollars to the project in August. He was looking for ways to fund the allocation and would present options to the

Board at a later date. Lutman expressed concern about parking. Stafford reported negotiations were in progress with the City to develop parking in the area. Lutman suggested the street be closed and made into parking. Sartin would approach the City on the subject of closing the road.

5. ARTESIA HEALTH OFFICE LANDSCAPE: Stafford reported the project was in the design phase and would begin on the 15th of February, 2010.

6. ADMINISTRATION OFFICE REMODEL: Stafford reported the project was in the design phase and would be ready for bid next month.

7. SHERIFF'S POSSE FACILITIES IMPROVEMENTS: Stafford stated 745 new seats had been installed and the project was complete.

vi. **KENNEY RAYROUX-REPORTS WILL BE DISTRIBUTED AT THE MEETING:** Sartin stated items number 5 and 6 should be deleted from the list.

1. DRUG REHAB CENTER: Project on hold pending legislative funding.

2. CDBG COLONIAS MALAGA WATER: Project had been put out for bid.

3. ARTESIA MEAL SITE & WALKING TRAIL: Sartin stated a large portion of legislative funding would be lost.

4. MORNINGSIDE INFRASTRUCTURE: No report.

5. DEVELOP ARTESIA SHOOTING RANGE: Reported on separately.

6. SUNSET GARDENS CEMETERY: No longer a County project.

7. CARC VANS: Sartin reported the project was complete and had been reimbursed by the State.

8. ARTESIA HORSE COUNCIL: Sartin reported the project was complete however reimbursement had not been received from the State.

9. CONSOLIDATED DISPATCH: Sartin explained the grant would go to the Communications Authority and was still in place and should be reimbursed.

24. CLOSED MEETING: At 11:35 a.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 1:00 p.m. Voting yes: Hernandez, Derrick and Lutman. Passed 3-0.

25. RE-OPEN: At 1:31 p.m., Derrick moved, seconded by Lutman 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 and Lutman. Passed 3-0.

Lutman moved, seconded by Hernandez to designate Derrick to represent the County at the property acquisition closing with the Interstate Stream Commission related to the Shooting Range land purchase. Sartin clarified that was in conjunction with A-09-45 the Agreement of Purchase and Sale already entered into by the County. Voting yes: Hernandez, Derrick and Lutman. Passed 3-0.

- 26. ADJOURN:** At 1:32 p.m. Derrick moved, seconded by Lutman to adjourn the meeting. Voting yes: Hernandez, Derrick and Lutman. Passed 3-0.

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
FEBRUARY 16, 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 February 16, 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	COMMISSIONER, DISTRICT 2
GUY LUTMAN	COMMISSIONER, DISTRICT 3
TONY HERNANDEZ	VICE-CHAIRMAN, DISTRICT 1
ROXANNE LARA	COMMISSIONER, DISTRICT 5
CAS TABOR	COUNTY ATTORNEY
DARLENE ROSPRIM	COUNTY CLERK
ROBIN VAN NATTA	CHIEF DEPUTY COUNTY CLERK
KAREN ROBINSON	ASSESSOR
ANNA GALINDO	CHIEF DEPUTY TREASURER
ERNEST MENDOZA	SHERIFF
KENT WALLER	CHIEF DEPUTY SHERIFF
KENNEY RAYROUX	HR DIRECTOR
DEBBIE PENALUNA	FINANCE DIRECTOR
SHAWN FUNK	WARDEN
CAROL HENNINGTON	IT DIRECTOR
TINA PARRISH	PURCHASING ADMINISTRATOR
GEORGIA GOAD	RURAL ADDRESSING
FRANK WELDON	ROAD SUPERINTENDENT
DANNY STAFFORD	M&O SUPERVISOR
ROBERT BRADER	FIRE DIRECTOR
STEVE MCCROSKEY	CODE ENFORCEMENT
LINDA P. MARTINEZ	INDIGENT CLAIMS ADMINISTRATOR
YOLANDA SING	INDIGENT CLAIMS ASSISTANT
JIM GRANTNER	CARLSBAD CITY COUNCIL
STELLA DAVIS	CARLSBAD CURRENT ARGUS
JESSICA LEE	ARTESIA DAILY PRESS

Absent:

CHARLENE WRIGHT	PROBATE JUDGE
TERRI RICHARDS	TREASURER

TIMED AGENDA:
8:30 A.M.

3. **SERVICE AWARDS:** Service awards were presented to Lewis Derrick, Guy Lutman, Lexi Kessler, and Dina Runnels for 5 years, Loretta Granger for 10 years, Tina Parrish for 15 years, Judy Pressett and Ernest Chaves, Jr. for 20 years of service to Eddy County.
4. **PRESENTATION ADVISING OF AUTHORIZATION BY EDDY COUNTY FLOOD COMMISSIONER FOR VEGETATIVE & MECHANICAL WORK TO BE PERFORMED IN EAGLE DRAW DURING THE YEAR 2010-LOUISE TRACY:** Tracy reported \$59,953.98 had been assessed and \$36K had been collected for the year 2010. At the end of January the balance was \$686,138. Tracy authorized \$175K for use in the upcoming year. For the next budget she recommended an estimated \$75K in revenue and \$75K in expenditures, which would leave the Eagle Draw bank account with \$585K. Tracy reviewed the work plan and fielded questions from the Board. Lara moved, seconded Derrick by to approve the work plan as presented. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0. The 2010 Work Plan for Eagle Draw was recorded as Exhibit 2.

TRAILING AGENDA:

1. & 2. **RECESS EDDY COUNTY COMMISSION MEETING & CONVENE AS INDIGENT HOSPITAL CLAIMS BOARD:** At 8:51 a.m., Hernandez moved, seconded by Lutman to recess the regular meeting and convene as the Indigent Hospital Claims Board. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.
3. **INDIGENT HOSPITAL CLAIMS BOARD:** Indigent Board Meeting.
4. **RECONVENE EDDY COUNTY COMMISSION MEETING:** At 8:55 a.m., Derrick moved, seconded Lutman by to adjourn the Indigent Hospital Claims Board and reconvene the regular meeting. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.
5. **APPROVE:**
 - d. **COUNTY COMMISSION MEETING MINUTES FOR FEBRUARY 2, 2010:** Lutman moved, seconded by Hernandez to approve the County Commission Minutes for February 2, 2010. Voting yes: Derrick, Lutman and Hernandez. Passed 3-0. Lara and Volpato abstained.
 - e. **EXPENDITURE APPROVAL LIST FOR CHECK RUN, FEBRUARY 16, 2010:** Derrick moved, seconded by Lara to approve the Expenditure Approval List for Check Run, February 16, 2010. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0. The Expenditure Approval List for Check Run, February 16, 2010 was recorded as Exhibit 5.b.

Sartin reported the Purchase Card report had been delayed due to technical difficulties. The report would be distributed and the emergency purchasing procedure used in order to complete the process.
6. **TREASURER'S FINANCIAL REPORT FOR JANUARY, 2010 - TERRI RICHARDS:** Sartin explained the item was FYI for the Board. Sartin passed out a report on investments prepared by Richards.

7. **DECEMBER 31, 2009 MID-YEAR SUMMARY - DEBBIE PENALUNA:** Penaluna stated the report would be presented to the Board every six months. She reviewed each department, identified problems and explained how the issue would be resolved. Penaluna reported half of budgeted revenues had been received, and department spending was at 44%. She commended departments for keeping spending to a minimum. The Mid-Year Summary was attached as Exhibit 7.
8. **APPROVAL OF THE QUAIL RUN SUBDIVISION UNIT 2, ARTESIA, NM - KENNEY RAYROUX:** Goad reported the subdivision met all county requirements. The Planning and Zoning Board recommended the subdivision be approved. Lutman moved, seconded by Volpato to approve Quail Run Subdivision Unit 2. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.
9. **CODE ENFORCEMENT APPEAL PROCEDURES - ALLEN R. SARTIN:** Sartin stated the protocol would be used for all code enforcement appeals. Volpato explained NMAC had recommended counties adopt procedures so every case was handled in the same manner. Volpato developed the procedure and had it reviewed by counsel. Lutman moved, seconded by Lara to approve the appeal procedures. Volpato pointed out the word “act” should be “acts”; Sartin stated the correction would be made. Derrick questioned if the procedures would be sent with the complaint letters. Sartin suggested the procedures be handed out when an appeal was filed. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0. The appeal procedures were recorded as Exhibit 9.

14. **RESOLUTIONS:**

d. **R-10-22: CODE ENFORCEMENT-12 HUMMINGBIRD ROAD - KENNEY RAYROUX:** McCroskey stated the case had been open since 2003 with little or no progress in the last seven years. He reported the owner had been contacted in person; however had refused the certified notification. Lara pointed out contact had been made with the owner every month in 2009. Lutman moved, seconded by Volpato to approve R-10-22. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0. R-10-22 was recorded as Exhibit 10.a.

b., c. & d. **R-10-19 – R-10-21 & A-10-19 – A-10-21: AMENDMENTS TO COOPERATIVE AGREEMENT (A-09-92), CAPITAL ARTERIAL PROJECT AGREEMENT (A-09-91) & SCHOOL BUS ROUTE AGREEMENT (A-09-90) - FRANK WELDON:** Weldon explained the amendment was to lower the payment received from the State. He explained the scope of work would change to match the funding received. Derrick moved, seconded by Lara to approve R-10-19 – R-10-21, and A-10-19 – A-10-21. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0. R-10-19 – R-10-21 and A-10-19 – A-10-21 were recorded as Exhibits 10.b., c. and d. respectively.

e. **R-10-23: SECOND QUARTER BUDGET ADJUSTMENTS - DEBBIE PENALUNA:** Penaluna reviewed the budget adjustments and fielded questions from the Board. She explained the majority of the expense changes were to finalize the move of the fire departments. Derrick moved, seconded by Hernandez to approve R-10-23. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0. R-10-23 was recorded as Exhibit 10.e.

11. AGREEMENTS:

a. A-10-18: REAUTHORIZATION OF GRANT AGREEMENT WITH DFA/LGD FOR RECONSTRUCTION OF A WATER DISTRIBUTION SYSTEM IN MALAGA - KENNEY RAYROUX: Rayroux explained \$191K had been reauthorized for the project. Hernandez moved, seconded by Lutman to approve A-10-18. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0. A-10-18 was recorded as Exhibit 11.a

b. A-10-22: MAINTENANCE/SERVICE AGREEMENT COMMUNICATIONS INFRASTRUCTURE - JOEL ARNWINE: Brader reported the money for the expense would come out of the 60% fire excise fund. Hernandez asked that the fire chiefs be reminded of the agreement to take the money out of their budgets. Lara moved, seconded by Lutman to approve A-10-22. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0. A-10-22 was recorded as Exhibit 11.b

c. A-10-23: MOU BETWEEN U.S. DEPT. OF ENERGY & EDDY COUNTY SHERIFF'S OFFICE FOR LAW ENFORCEMENT SERVICES - ERNEST MENDOZA: Derrick moved, seconded by Hernandez to approve A-10-23. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0. A-10-23 was recorded as Exhibit 11.c.

d. A-10-24: MUTUAL ASSISTANCE AGREEMENT BETWEEN ROSWELL CORRECTIONAL CENTER & EDDY COUNTY SHERIFF'S OFFICE FOR LAW ENFORCEMENT SERVICES - ERNEST MENDOZA: Lutman moved, seconded by Volpato to approve A-10-24. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0. A-10-24 was recorded as Exhibit 11.d.

12. TRAVEL REQUEST CONSENT AGENDA:

PRIOR:

e. JOEL ARNWINE ATTENDED LEGISLATURE COMMITTEE MEETING OF REF. HB95 IN SANTA FE, NM:

FUTURE:

f. SHERIFF & CHIEF DEPUTY TO ATTEND WESTERN STATES SHERIFF'S ASSOCIATION CONFERENCE IN LAS VEGAS, NV:

g. LIEUTENANT & THREE (3) DEPUTIES TO ATTEND BUCKLE UP NM CONFERENCE IN ABQ. NM:

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

13. DISCUSS PROPOSED GRAFFITI ORDINANCE - KENNEY RAYROUX: Rayroux stated the proposed ordinance was a result of recommended changes. He reviewed the document and fielded questions from the Board. He stated Sec. 5 Paragraph 2 had been recommended for removal by counsel and would be revised. Derrick reported the ordinance was developed to allow the municipalities authority to cover graffiti in the county and

questioned if the document should be reviewed by those entities. Tabor stated the ordinance would be sent to the cities for review. Mendoza expressed concern over Sec. 7 Item 1.b. which allowed the County to enter property without permission of the owner. Tabor explained due diligence would be practiced before anyone entered private property. Derrick stated it was important not to make the property owner the criminal in these cases. Derrick suggested the graffiti cleanup be incorporated into the code enforcement ordinance and contract with the municipalities to clean up graffiti. Sartin stated it would be easier to deal with the cities if a separate ordinance was in place. Hernandez expressed concern that budget could become an issue if the County was responsible for clean up. The Board reviewed the document and made suggestions for changes. Sartin stated the changes would be made and submitted to the cities for review and brought back to the Board for final determination.

14. **LEGISLATIVE ISSUES:** None.
15. **EMERGENCY BUSINESS:** None.
16. **PUBLIC COMMENTS/ANNOUNCEMENTS:** None.
17. **COUNTY MANAGER COMMENTS/ANNOUNCEMENTS:** None.
18. **ELECTED OFFICIALS COMMENTS/ANNOUNCEMENTS:** None.
19. **COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS:** Lara thanked the Commission for the opportunity to attend the Bat Brigade meeting. Lara reported that Carlsbad's Graduation Summit would be used as a model for the State and would receive funds from the Department of Education.

Volpato reported the brine well issue had put the county on the radar for Loop Road funding to develop alternate travel in case the well collapsed.

Former Commissioner Whitlock was instrumental in getting funding of \$200K returned to the City for Sunset Gardens.

Derrick stated the environmental emissions issue was in court and suggested the County might want to take a position on it within the next month.

20. **PROJECT UPDATES:**
21. **CLOSED MEETING:** At 10:47 a.m., Derrick moved, seconded by Volpato 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 2:00 p.m. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.
22. **RE-OPEN:** At 1:40 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: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.
23. **ADJOURN:** At 1:41 p.m. Volpato moved, seconded by Lutman to adjourn the meeting. Voting yes: Derrick, Lara, Lutman, Volpato and Hernandez. Passed 5-0.