

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
JANUARY 4, 2011**

BE IT REMEMBERED that the Eddy County Board of Commissioners held a regular meeting in Room 211 of the Eddy County Administration Complex on January 4, 2011 at 8:30 a.m. Hernandez called the meeting to order. Sartin led the Pledge of Allegiance and gave the invocation.

Present:

TONY HERNANDEZ	CHAIRMAN, DISTRICT 1
ROXANNE LARA	VICE-CHAIRMAN, DISTRICT 5
LEWIS DERRICK	COMMISSIONER, DISTRICT 2
GUY LUTMAN	COMMISSIONER, DISTRICT 3
JACK VOLPATO	COMMISSIONER DISTRICT 4
CAS TABOR	COUNTY ATTORNEY
ALLEN SARTIN	COUNTY MANAGER
DARLENE ROSPRIM	COUNTY CLERK
RONDA NELSON	DEPUTY CLERK
ERNEST MENDOZA	SHERIFF
KENT WALLER	CHIEF DEPUTY SHERIFF
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
ROBERT BRADER	FIRE DIRECTOR
DANNY STAFFORD	M&O SUPERVISOR
CAROL HENNINGTON	INORMATION SYSTEMS SUPERVISOR
KENNEY RAYROUX	HUMAN RESOURCES DIRECTOR
YVONNE BASABILVAZO	COUNTY PLANNER
MARIA MERJIL MALDONADO	SHERIFF'S ASSISTANT
LINDA MARTINEZ	INDIGENT CLAIMS ADMINISTRATOR
STELLA DAVIS	CARLSBAD CURRENT ARGUS
TYLER GREEN	ARTESIA DAILY PRESS
MIKE JAXSON	KSVP RADIO

Absent:

JOHN CARAWAY	PROBATE JUDGE
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TIMED AGENDA:

8:30 A.M.

1. **SERVICE AWARDS:** Service Awards were presented to Maria Maldonado-Merjil and Dwight Kent Waller for 10 years, and to Diane DeSoto for 15 year service to Eddy County.

Sheriff Mendoza presented a plaque from the office of Governor Richardson awarded to the Eddy County Sheriff's Office. The ECSO was selected to receive the Governor's Superblitz Performance Award for 2010. Maldonado-Merjil read aloud the letter accompanying the award that acknowledged the DWI activities of ECSO and awarded an equipment grant of \$10K to the department. Additionally, one officer would be allowed to attend the National Lifesaver Conference. Hernandez congratulated Mendoza and the ECSO on receiving the honor.

2. **BID AWARDS:**

- a. **B-10-17; FUEL-DIESEL & GASOLINE – FRANK WELDON:** Weldon recommended the bid be awarded to United Fuel and Energy as low bidder. Derrick moved, seconded by Lutman to approve B-10-17. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0. Bid minutes and Invitation to Bid were recorded as Timed Agenda Exhibit 2.a.

- b. **B-10-18; HOT MIXED COLD LAY ASPHALT CONCRETE, PLANT MIX BITUMINOUS PAVING MIX, PLANT MIX BITUMINOUS PAVING – FRANK WELDON:** Weldon recommended the bid be awarded to Constructors, Inc., as sole bidder. Lutman moved, seconded by Lara, to approve B-10-18. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0. Bid minutes and Invitation to Bid were recorded as Timed Agenda Exhibit 2.b.

- c. **B-10-19; ASPHALT AGGREGATES, FLEXIBLE BASE AGGREGATES, CRUSHED DOLOMITE & MASONRY SAND – FRANK WELDON:** Weldon recommended all the bids be accepted and the vendor be determined on a case-by-case basis by availability of product and the location of the job. He stated they were all reasonably close. Volpato moved, seconded by Derrick, to approve B-10-19. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0. Bid minutes and Invitation to Bid were recorded as Timed Agenda Exhibit 2.c.

TRAILING AGENDA:

1. APPROVE:

a. COMMISSION MEETING MINUTES FOR DECEMBER 21, 2010: Sartin requested one correction be made to the minutes: Page 32, Item 11 should read “one million” and not “four million.” Lara moved, seconded by Derrick, to approve the Commission Meeting Minutes for December 21, 2010, as corrected. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0.

b. EXPENDITURE APPROVAL LIST FOR JANUARY 4, 2011 CHECK RUN: Derrick moved, seconded by Lara to approve the Expenditure Approval List for January 4, 2011 Check Run. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0. The Expenditure Approval List for January 4, 2011 Check Run was recorded as Exhibit 1.b.

2. OMITTED ASSESSMENTS FOR PERSONAL PROPERTY – KAREN ROBINSON: Robinson presented copies of County Property Summaries showing rendered amounts and omitted amounts of pipeline assessments for tax years 2007 through 2010. The omitted value of the last four years was \$106M, with a taxable value of \$35M. Lea Partners had been billed and would pay the taxes by January 20, 2011. She felt the issue would immediately go into a protest phase. She stated Lea Partners, Inc. had purchased the property four years prior from Southern Union Gas and subsequently came forward with the omitted information. Sartin stated all the taxes were collected and put into a protest suspense fund in the Treasurer’s Office until the issue was resolved with the State.

3. RESOLUTIONS:

a. R-11-05: DISPOSE, REMOVE OR REVISE ITEMS IN THE EDDY COUNTY CAPITAL OUTLAY INVENTORY – LARRY AUGSBURY: Augsbury stated the aircraft hangar valued at \$3,791 would be removed from County books. The hangar would be transferred to the City of Carlsbad. Derrick moved, seconded by Lutman, to approve R-11-05. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0. R-11-05 was recorded as Exhibit 3.a.

b. R-11-07: SECOND QUARTER BUDGET CHANGES 2010-2011 – LARRY AUGSBURY: Augsbury distributed the summary worksheets for the second quarter budget adjustments. Derrick moved, seconded by Hernandez, to approve R-11-07. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0. R-11-07 was recorded as Exhibit 3.b.

c. R-11-01; USE OF FACSIMILIE SIGNATURE STAMP AND AUTHORIZATION FOR COUNTY MANAGER TO SIGN ON BEHALF OF THE COMMISSION CHAIRMAN – ALLEN R. SARTIN:

Lutman moved, seconded by Volpato to approve R-11-01. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0. R-11-01 was recorded as Exhibit 3.c.

d. R-11-06; SETTING FEES FOR VARIOUS DOCUMENTS – ALLEN R. SARTIN: Lutman moved, seconded by Volpato, to approve R-11-06. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0. R-11-06 was recorded as Exhibit 3.d.

e. R-11-08; APPROVE BUDGET METHODOLOGY – ALLEN R. SARTIN: Lutman moved, seconded by Volpato, to approve R-11-08. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0. R-11-08 was recorded as Exhibit 3.e.

4. TRAVEL REQUEST CONSENT AGENDA:

PRIOR:

a. None.

FUTURE:

b. None.

- 5. LEGISLATIVE ISSUES:** Basabilvazo presented grant requests that would be presented to the State Legislators for consideration by the 2011 Legislature. She felt with very limited monies available this year, the best possibility for funds would be to request Severance Tax Bonds for infrastructure projects. She would submit for consideration for finishing Phase 4 of the Malaga Water Improvement Project. A secondary consideration would be funding for 900 Otis Water Users new radio-read water meters, software and hardware. The amount requested would be \$230K. These two items were the least costly items on the ICIP she felt would be considered due to lack of State funds. Lara inquired of the funding status for McDonald Bridge. Basabilvazo stated she would prepare the McDonald Bridge request for submittal to the Legislators at the meeting tomorrow. Volpato inquired of the five projects previously agreed upon. Basabilvazo stated those ICIP items would be perused by the Legislators. She felt if Severance Tax monies were available, it would be given for infrastructure only. Based on previous experience she felt there would be no Capital Outlay monies. Basabilvazo stated there would be Colonia Initiative monies this year but in future years, the funds would be a grant/loan combination.

Sartin passed to the Commissioners copies of the NMAC 2011 Legislative priorities.

6. **EMERGENCY BUSINESS:** None.

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

8. **COUNTY MANAGER COMMENTS/ANNOUNCEMENTS:**

a. Next Meeting – Wednesday, February 2, 2011.

b. Impending Street Work – Storm drain construction had commenced on Tansill and would proceed to Greene Street in the future limiting access to the County buildings.

c. NMAC Winter Conference, January 18, 2011.

9. **ELECTED OFFICIALS COMMENTS/ANNOUNCEMENTS:** None.

10. **COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS:** Derrick urged monitoring the right-of-way fees issue before the Legislature. Lara reminded everyone of a public hearing at Living Desert State Park on Wednesday at 6:00 p.m. The Living Desert Draft Management Plan would be presented. Lutman asked for support from the new State Administration with regard to scrutinizing the work of State inspectors in the area.

11. **PROJECT UPDATES:** Craig Ogden updated the Commission on the history and progress of the Malaga Water Users project. He stated the work on Duarte Road was nearly finished. Ogden stated he was satisfied with the current contractor out of Roswell, as opposed to the past contractor out of Arizona. He noted that the lowest bid on jobs was not always the best option.

12. **CLOSED MEETING:** At 9:38 a.m., Hernandez 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. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0.

- 13. RE-OPEN:** At 12:33 p.m., Hernandez 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, Volpato, Derrick, Lara and Lutman. Passed 5-0.

Hernandez moved, seconded by Lutman to direct the Warden to close the Juvenile Detention Center at the beginning of the first payroll cycle in February until the new construction was complete. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0.

- 14. ADJOURN:** At 12:35 p.m., Derrick moved, seconded by Lutman to adjourn the meeting. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0.

JANUARY 18, 2011 MEETING CANCELLED