

**EDDY COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A REGULAR MEETING  
JULY 5, 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 July 5, 2011 at 8:30 a.m. Volpato called the meeting to order. Sartin led the Pledge of Allegiance and gave the invocation.

**Present:**

TONY HERNANDEZ	CHAIRMAN, DISTRICT 1
JACK VOLPATO	COMMISSIONER, DISTRICT 4
LEWIS DERRICK	COMMISSIONER, DISTRICT 2
GUY LUTMAN	COMMISSIONER, DISTRICT 3
ROXANNE LARA	VICE-CHAIR, DISTRICT 5
CAS TABOR	COUNTY ATTORNEY
ALLEN SARTIN	COUNTY MANAGER
DARLENE ROSPRIM	COUNTY CLERK
ROBIN VANNNATTA	CHIEFDEPUTY CLERK
KAREN ROBINSON	ASSESSOR
DIANE DESOTO	CHIEF DEPUTY ASSESSOR
ERNEST MENDOZA	SHERIFF
KENT WALLER	CHIEF DEPUTY SHERIFF
DEBBIE PENALUNA	ASSISTANT FINANCE DIRECTOR
GAY WEST	ADMINISTRATIVE ASSISTANT
BECKY GRAHAM	ROAD ADMINISTRATIVE ASSISTANT
ROBERT STEWART	WARDEN
CAROL HENNINGTON	INFORMATION SYSTEMS SUPERVISOR
KENNEY RAYROUX	HUMAN RESOURCES DIRECTOR
JOEL ARNWINE	EMERGENCY MANAGER
ROBERT BRADER	FIRE SERVICE COORDINATOR
DANNY STAFFORD	M & O SUPERVISOR
STEVE MCCROSKEY	CODE ENFORCEMENT
GEORGIA GOAD	RURAL ADDRESSOR
JANELL WHITLOCK	CARLSBAD CITY COUNCIL
JIM GRANTNER	LANDFILL COMMITTEE

**Absent:**

JOHN CARAWAY	PROBATE JUDGE
TERRI RICHARDS	TREASURER

**TIMED AGENDA:**  
**8:30 A.M.**

**1. UPDATES FROM COMMUNITY SERVICE GROUPS:**

**a. EDDY COUNTY FAIR BOARD – TOMMY JONES:** Jones thanked the Board for their past and continued support. He invited everyone to the Fair Parade at 4:00 p.m. on July 25, 2011 to be followed by the Ribbon Cutting Ceremony. Jones expected 140 exhibitors at the fair this year. Hernandez and Lara thanked everyone from the Fair Board for their hard work.

**b. CARLSBAD DEPARTMENT OF DEVELOPMENT – JOHN WATERS & TOM**

**MARTIN:** John Waters and Tom Martin, representing the DOD, thanked the Board for their financial support, and their active participation with the DOD. Martin reported success in retail and industrial development. He stated one of the goals of the DOD was to diversify industry. Martin reported several projects were underway to address the lack of housing in the community. WIPP expansion was also a top priority. Martin stated he would like the Carlsbad DOD to become the Eddy County DOD in order to better promote the entire area. Martin reported the DOD web site had 1.85 million unique hits in the past year. Waters stated the housing issue was a big problem in Carlsbad and had been moved up on the priority list. Waters reported Carlsbad was in the running for several large industries. The unemployment rate in Eddy County was right at 4%, which was one of the lowest in the country. The DOD would continue to support local businesses with educational programs to help them compete and be successful. Carlsbad was in a good position with water resources for expansion and additional infrastructure. Martin reported Xcel Energy was looking into placing small modular reactors in Eddy County. Hernandez thanked the DOD for their pro-active approach and vision for the future of Eddy County.

2. **SW SALT PROJECT – ALLEN R. SARTIN:** Sartin reported the main issue was the request to attach a water pipeline to a county bridge. Martin introduced Morris Worley, an engineer with Southwest Salt. Martin stated Southwest Salt was an organization out of Kansas with a lot of experience in salt production. The project was to pump water out of a well on Harroun Road into evaporation ponds and mine the salt for resale. Well C2713 was not a brine well, but rather a natural flow well that was increasing the salt content in the Pecos River. The State Engineer indicated a desire to have that well pumped in order to reduce the salt content in the river. The project would employ 30 – 40 people from south Eddy County. An agreement had been made with property owners to place the water line on their property to the Dogtown Bridge. The request today was to attach the water line to the bridge in order to transport the water to the evaporation pools. Martin stated the company would monitor the line on a daily basis, and would be responsible for any EPA issue as a result of a break in the line. Insurance would be purchased with the County named as an additional insured. Martin pointed out if a break occurred in the line, there would not be additional pollutants added to the river. Worley explained the pipeline would be low pressure, and constructed with polyethylene pipe. The line with water flowing through it would add approximately 150 pounds to the bridge. The company planned an aggressive maintenance program in order to keep the line safe and operational. Worley suggested the line be placed across the concrete piers under the bridge. He stated check valves would be placed at various points in the line in order to shut the well down in case the river flooded. Lutman questioned why the company did not cross the river with their own water line. Worley explained the existing structure would save money and there were concerns about additional permit requirements from the EPA. Lutman expressed concern about a natural disaster compromising the bridge and how the pipeline would be affected. Arnwine stated brine was not a chemical material and he did not see it causing an emergency situation. Sartin pointed out the EPA had ruled it was a hazardous material that could not be used on road surfaces, and when it was distributed outside of its natural condition there may be EPA requirements. Sartin stated the agreement should require the company to get any and all permits from State and Federal Agencies in order to run the pipeline across the bridge. Martin stated the permits had been obtained in order to operate the project. Lutman questioned if the traffic on the bridge would increase. Worley explained the ponds were

located north of the bridge and the truck traffic would not use the Dogtown Bridge to transport the salt. Lutman questioned what the county's liability would be if the line leaked or if the company went out of business. Sartin suggested a formal permit process to address any concerns. Volpato stated the issue needed to be decided on today and concerns should be addressed in the agreement. Hernandez questioned where the plant would be located. Martin explained the plant would be located on land owned by Southwest Salt. Worley stated the plant would be above the evaporation ponds so any contaminate would flow back down into the ponds. Lara stated she was very comfortable moving forward with the project; however during the permit process, monetary compensation for the line being placed on a county bridge should be included. Lutman questioned if the county had any other instances of lines attached to county bridges. Weldon stated there were several instances in the county where pipelines were attached to county bridges. Weldon stated he would prefer the line be attached to the concrete piers and not the actual bridge. Volpato moved, seconded by Lara to move forward with the permitting process and an agreement. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0.

## **TRAILING AGENDA:**

### **1. APPROVE:**

a. **COMMISSION MEETING MINUTES FOR JUNE 21, 2011:** Volpato moved, seconded by Derrick to approve the Commission Minutes for June 21, 2011. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0.

b. **EXPENDITURE APPROVAL LIST FOR JULY 5, 2011 CHECK RUN:** Sartin noted the Finance Department had provided an amendment on page 4. Penaluna pointed out the Assessor had added 2 vehicles to the list and the total expenditures changed to \$731,086.97. Derrick moved, seconded by Lutman to approve the Expenditure Approval List for July 5, 2011 Check Run as amended. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0. The Expenditure Approval List for July 5, 2011 Check Run was recorded as Exhibit 1.b.

### **2. RESOLUTIONS:**

a. **R-11-42: CONTINUATION OF EMPLOYMENT – KENNEY RAYROUX:** Lutman moved, seconded by Derrick to approve R-11-42. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0. R-11-42 was recorded as Exhibit 2.a.

b. **R-11-43: CODE ENFORCEMENT RESOLUTION – 5702 SOUTH FORK ROAD – KENNEY RAYROUX:** Lara moved, seconded by Lutman to approve R-11-43. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0. R-11-43 was recorded as Exhibit 2.b.

c. **R-11-44: RESOLUTION FOR PARTICIPATION IN WIPP MANAGEMENT RFP – ALLEN R. SARTIN:** Lutman moved, seconded by Volpato to approve R-11-44. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0. R-11-44 was recorded as Exhibit 2.c.

Hernandez moved, seconded by Lutman, to appoint Commissioners Lara and Volpato to the RFP committee outlined in R-11-44. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0.

**3. AGREEMENTS:**

**a. A-11-59: 2008 SHSGP AMENDMENT #1 TO A-09-07 – JOEL ARNWINE:** Lutman moved, seconded by Derrick to approve A-11-59. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0. A-11-59 was recorded as Exhibit 3.a.

**b. A-11-60: EMERGENCY OPERATIONS CENTER AGREEMENT WITH PERMIAN BASIN REGIONAL TRAINING CENTER – JOEL ARNWINE:** Lutman moved, seconded by Lara to approve A-11-60. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0. A-11-60 was recorded as Exhibit 3.b.

**c. A-11-61: 2010/2011 EMPG GRANT EXTENSION #1 TO A-10-116 – JOEL ARNWINE:** Volpato moved, seconded by Hernandez to approve A-11-61. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0. A-11-61 was recorded as Exhibit 3.c.

Arnwine reported the Hondo fire had burned 101,300 acres, and there were 701 personnel allocated to the fire. At present it was 75% contained and the area would need extensive rehabilitation.

**d. A-11-62: APPROVE & SIGN 2010/11 DFA IPA FORM & AUDIT CONTRACT – LARRY AUGSBURY:** Lutman moved, seconded by Lara to approve A-11-62. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0. A-11-62 was recorded as Exhibit 3.d.

**e. A-11-63: RENEWAL OF CONTRACT WITH LEA COUNTY FOR HOUSING OF ADULT & JUVENILE PRISONERS – WARDEN ROBERT STEWART:** Derrick moved, seconded by Lutman to approve A-11-63. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0. A-11-63 was recorded as Exhibit 3.e.

**f. A-11-64: MODIFICATION OF GRANT AGREEMENT WITH U.S. FOREST SERVICE – SHERIFF ERNEST J. MENDOZA:** Volpato moved, seconded by Lutman to approve A-11-64. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0. A-11-64 was recorded as Exhibit 3.f.

**4. PURCHASE OF SERVICES AGREEMENT CONSENT AGENDA:**

**a. PSA-11-16: CITY OF CARLSBAD:**

**b. PSA-11-22: ARTESIA DEPARTMENT OF DEVELOPMENT:**

Lara moved, seconded by Derrick to approve PSA-11-16 and PSA-11-22. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0. PSA-11-16 and PSA-11-22 were recorded as Exhibits 4.a and b. respectively.

**5. TRAVEL REQUEST CONSENT AGENDA:**

**PRIOR:**

a. **NONE:**

**FUTURE:**

b. **SHARON DODSON TO ATTEND TRAINING IN HOUSTON, TX:**

c. **CAROL HENNINGTON TO ATTEND TRAINING IN LAS VEGAS, NV:**

d. **JASON FLOREZ TO ATTEND TRAINING IN DENVER, CO:**

e. **KELLY CALICOAT TO ATTEND CONFERENCE & TRAINING IN RUIDOSO, NM:**

Penaluna stated that the motel expense on item d. exceeded the \$810 maximum for per diem. Volpato moved, seconded by Lutman to approve the travel consent agenda with an adjustment to item d. for motel expenditures. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0.

6. **LEGISLATIVE ISSUES:** None.

7. **EMERGENCY BUSINESS:** Sartin stated Stoller had protested the RFP for engineering services at the landfill. He recommended the award be withdrawn and re-bid. The re-bid criteria would be based on NMSA 13-1-120. Lara moved, seconded by Volpato that the June 21, 2011 award for engineering services at Sandpoint Landfill under B-11-08 to Souder, Miller and Associates be withdrawn due to errors in the RFP process. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0.

8. **PUBLIC COMMENTS/ANNOUNCEMENTS:** Ken Harrington, a resident of King Road, thanked the Board and the Highway Department for their quick response to the concerns of area residents. Harrington reported the cattleguard had been removed and the road had been graded. Harrington asked the Board to consider paving the road. Volpato suggested a review of county roads and development of a comprehensive plan for repairs.

9. **COUNTY MANAGER COMMENTS/ANNOUNCEMENTS:** Sartin reported the Board of Commission would hold a Special Meeting, on July 12, 2011 at 3:00 p.m. for an update from BLM.

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

11. **COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS:** Derrick reported he and Hernandez had attended a meeting in Roswell on the cooperation coordination training with federal agencies. He felt there were a lot of questions to ask the BLM about the listing of the Sand Dune Lizard and the Prairie Chicken on the Endangered Species List. The next step would be to meet with the Fish and Wildlife Department.

Volpato hoped everyone had a safe and enjoyable 4th of July. Brader reported one fire at JC Park in Artesia was attributed to fireworks.

Lutman had the great pleasure of working with former Representative Joe Stell and the BLM to document his nationwide award of Range Land Stewardship. The award would be officially given in September.

Lara reported the Cabinet Secretary for Tourism, Monique Jacobsen, would be in town, and a reception would be held today at 5:00 p.m. at the Trinity Hotel. Lara stated changes that would be detrimental for the tourism industry were coming down the pipe.

12. **PROJECT UPDATES:** Lutman questioned if the air conditioners at the fairgrounds would be installed before the fair. Derrick reported the company had been contacted to expedite delivery of the units.

Lutman stated he had been contacted by the BLM concerning the road closed by the State due to the brine well collapse. Sartin reported the hole had been completely filled in by private sources. He had been in contact with the State Land Office to resolve the issue.

13. **WORK SESSION REVIEW OF PROPOSED CHANGES TO PERSONNEL ORDINANCE; O-08-53 – KENNEY RAYROUX:** Rayroux reviewed proposed changes to the Ordinance and fielded questions from the Board and Department Heads. Changes and corrections would be made and presented to the Board at the next meeting.

14. **CLOSED MEETING:** At 1:40 p.m., Hernandez moved, seconded by Derrick to recess the meeting and to hold a closed meeting in accordance with NMSA 10-15-1H (2), (7) and (8) to discuss personnel, pending litigation, and real property to reconvene in approximately 2 hours. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0.

15. **RE-OPEN:** At 3:04 p.m., Hernandez moved, seconded by Volpato to reconvene in open session and to certify that only the items listed in the motion to close the meeting were discussed in accordance with NMSA 10-15-1H (2), (7) and (8). Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0.

16. **ADJOURN:** At 3:05 p.m., Volpato moved, seconded by Lutman to adjourn the meeting. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0.

**EDDY COUNTY BOARD OF COMMISSIONERS  
SPECIAL MEETING MINUTES  
JULY 12, 2011**

**BE IT REMEMBERED** that the Eddy County Board of Commissioners held a Special Meeting in Room 211 of the Eddy County Administration Complex on July 12, at 2:00 p.m. Hernandez called the meeting to order. Sartin led the Pledge of Allegiance and gave the invocation.

**Present:**

TONY HERNANDEZ	CHAIRMAN, DISTRICT 1
JACK VOLPATO	COMMISSIONER, DISTRICT 4
LEWIS DERRICK	COMMISSIONER, DISTRICT 2
ROXANNE LARA	VICE-CHAIR, DISTRICT 5
ALLEN SARTIN	COUNTY MANAGER
CAS TABOR	COUNTY ATTORNEY
DARLENE ROSPRIM	COUNTY CLERK
ROBIN VANNATTA	CHIEF DEPUTY CLERK
GAY WEST	ADMINISTRATIVE ASSISTANT

**Absent:**

GUY LUTMAN	COMMISSIONER, DISTRICT 3
JOHN CARAWAY	PROBATE JUDGE
KAREN ROBINSON	COUNTY ASSESSOR
TERRI RICHARDS	TREASURER
ERNEST MENDOZA	SHERIFF

\* These minutes are a direct transcription of the presentation and comments made.

**2. DISCUSSION WITH BUREAU OF LAND MANAGEMENT:** Jim Stovall, Field Manager at the Carlsbad BLM office introduced Doug Burger, BLM Pecos District Manager, and George McDonald, BLM Associate Field Manager. Derrick stated he would like an update on what BLM was doing to protect the habitat of the lizard and the prairie chicken, and an explanation of the CCA's. Derrick asked for an update on what BLM was doing under the RMP, and what was done by the Stakeholder's Board a few years ago. He questioned if any extra regulations had been put in place since the RMP for the protection of the habitat. Burger stated the lizard and the chicken had been proposed as warranted for listing in 2000. Fish and Wildlife Service thought both species were warranted; however, other species were higher priorities so the lizard and chicken were pushed down on the list. Burger explained a group called The Working Group, which was comprised of ranchers, oil and gas companies, environmental groups and state agencies developed a document outlining what could or couldn't be done on the habitat area in question, however the group did not have any regulatory authority. BLM felt the document was a good piece of work and started to build a Resource Management Plan. The RMP was a BLM document which spelled out what would be allowed to happen on the land. BLM lands were considered multiple use lands, which provided for multiple compatible activities to proceed on the land. The RMP completed in 2008 lined out primarily for ranchers, and oil and gas what they could do and how to do it. The document only received one protest, which gave credit to the work done. The protest was dismissed and the RMP went into effect. Burger explained a company would be able to go to the RMP to determine what was allowed in a certain area. Burger passed out maps of the area, which were available on the BLM Roswell web site. Lara questioned what geographical area the RMP covered. Burger stated it covered 1.8 million acres outlined in black on the map. Roosevelt, Lea, Chaves and Eddy Counties were included in the designated area. The map indicated a lot of federal minerals which were on private or on state surface land. Burger suggested if the Board had questions of the Fish & Wildlife Service, they invite them to a meeting to answer those questions. Burger stated the local entities were caught by surprise by the latest move to place the species on the endangered list. He passed out the BLM response and questions to the proposed designation. The document clearly stated the BLM does not feel the lizard warranted an endangered listing, and then proceeds to explain why. Wally Murphy, Head of Ecological Services, indicated in a phone conversation yesterday that 2000 comments had been received about the designations. Burger stated a decision in theory would be made about the lizard on December 14, 2011. The proposed rule for listing the prairie chicken would come out in August of 2012. He pointed out the two habitats overlapped, which was good in the fact that anything done to preserve one habitat would benefit the other. A meeting with industry was held in Artesia, and they were well aware and very good at maneuvering and continuing operations in the designated area. Burger passed out a copy of the Candidate Conservation Agreement developed in 2005, which stated participants would agree to do certain things in order to preserve the habitat. The bottom line was if the species was placed on the list your company would in all probability

be allowed to continue operations under the agreement. If a company does not sign up, Burger estimated it would be one to three years of an impact on them for new surface disturbing activities in the designated area. The existing activity would not be impacted, only new activity would be affected. The main reason a company would sign a CCA would be to protect their future prospects on new wells. The company would be required to sign two documents, one for federal and one for state and private lands. Under the state and private agreement called a Candidate Conservation Agreement with Assurances, which by regulations you are guaranteed nothing can touch you if you sign up and follow the plan. The federal side, Fish & Wildlife worked with the BLM to develop this tool. Industry was also involved and they were comfortable with it. As of today BLM, and the Center of Excellence had signed up. Doug Lynn, with the Center of Excellence would oversee project implementation. When a company signed up, they would work with BLM who would show them what to do. The company would list all the leases they wanted to enroll, and then Lynn would take over project implementation. It costs \$2 per acre with a minimum of \$20K, which was suggested by industry. They wanted to front-end load money to help improve the habitat before the list designation was made. Ranchers had enrolled over 1 million acres. Burger passed out a map of acres the ranchers had signed up and they were working with the remaining ranchers to sign up. It cost nothing for them to do so, no monetary cost, just a commitment to follow the plan. Oil and gas companies were being progressive by enrolling acres which were not in the habitat. Burger pointed out an orange section on the northern part of the map which industry agreed that BLM should not lease, this section was critical to chicken and lizard habitat; this was a huge compromise by industry. Burger stated the reason for all the handouts and information in his presentation was he wanted the Board to understand that BLM was highly participatory, they would go to anybody's meeting to explain what they do and why they do it. On the Restore NM project, BLM had over 300 partners just in southeast NM. All the material was available. What you have in your hand today was a certificate of participation. If you were an oil company, and you want to sign up to protect your leases this was the instrument you would sign. Burger and Lynn had both signed up; there would be only four signatures on the document, the oil company, BLM, Fish & Wildlife, and the Center of Excellence. Anything you were expected to do was on page one and two. The document was built for the possibility that the company wanted to sell their leases, then the certificate could be transferred to the new owner. Burger stated the document was bar none the most powerful tool in the nation to protect species, and BLM's plea to everyone was, "Let's give this thing time to work, and it could do amazing things." Just short of 2 million dollars had been contributed by the oil and gas industry to do work. Stovall stated there were some tools in the tool box out there to protect the species. The services administrative process if you didn't sign up was to go through a Sec. 7 Consultation with US Fish & Wildlife Service. Another important piece of this was the CCA/A, it was a powerful tool. Burger stated he was very pleased with what this does for public lands, but companies that sign the CCA/A were agreeing to do on state and private lands exactly what they do on BLM land, this would benefit the species. There is no way to recreate the dunes the lizards live in, so if we could do the right thing and stay out of them it would go a long way to preserve the species. Stovall pointed out on state and private land those companies that don't sign the CCA/A they would have to work with Game & Fish to develop a habitat management plan, which could be very time consuming. The CCA and CCA/A were tools developed to keep things going for industry. The BLM was working with state biologists to get a biological assessment to make sure oil and gas production would continue. Hernandez clarified that the BLM did not wish the lizard to be listed as endangered. Burger stated that was correct. Hernandez asked, "What conservation tools, if you may expand, do you have that helps the lizard survive?" Burger stated the number one thing was if you were going to disturb ground where a dune was located, was to move your disturbance over so you were not inside the dune. Companies were working with the BLM to place their operations outside the dune complex. America needs oil and gas and domestic production, so we try to find ways to minimize the impact on the environment. Stovall stated tours would be available on August 9<sup>th</sup> and 16<sup>th</sup> of habitat restoration. Hernandez questioned if BLM was making an impact with Fish & Wildlife Services. Burger stated the BLM had a very good working relationship with Fish & Wildlife. They believe that the tool they helped create will work given the chance. The BLM looked at the science used to recommend the endangered listing and that was what we went after. The state director of BLM, Linda Randell, so believed that we were doing the right thing. She assigned all ten wildlife biologist interns to the Roswell office, with the intent that they would go out and do inventory and look and see if there were any faults in the science used for the proposed rule. Volpato stated if the listing was to go forward, would Fish & Wildlife be the determining factor on the end point to get the lizard unlisted as the species improved, and would they set those criteria before the listing was made? Burger stated in fairness that answer should come from Fish & Wildlife. A population viability analysis had not been done on the lizard. The two biologists had determined that the species was in decline, not what the number was before the species was safe. Burger had asked Murphy if they did NEPA before a listing, and the answer was no, regulations did not require it for a listing. NEPA would be done at the stage of critical habitat, which could include an economic impact study. The bad news was there is no money for critical habitat designation right now, in some respects we can't get to the economic study without critical habitat. Murphy indicated it was common to list a species and not have critical habitat designated. Again Burger stated Fish & Wildlife would be glad to come down and answer questions about this issue. Derrick stated this was the first step to gather information, and then a letter would be sent to Fish & Wildlife. He would like the bigger guys to come down and answer questions on this issue. Derrick stated he had never seen them give a number of how many it takes to de-list a species. Derrick stated the only reason a species

was de-listed was it shouldn't have been there in the first place, or it wasn't appropriated and shouldn't have been listed in the first place. Volpato stated it was his concern that once it got listed it would be there forever, and there was not going to be a point where we could get it de-listed and move on to other development. Burger stated a population viability analysis would be in everyone's best interest. They were very expensive and hard to do. The wolf was one they had a target population which was met and they were de-listing the species. For most species, it was hard to determine an acceptable number and how much habitat you would need to protect to keep that number healthy. Burger had been asked if the feds would stop funding listings on the Endangered Species Act. Burger stated the better bet would be to sign a CCA or CCA/A in order to protect your industry. Some will embrace the tool; however it was voluntary you can't make companies sign up. Derrick asked after going through this and after the Stakeholders Board was added, what was the agenda of the Fish & Wildlife Service to list the species. If these documents were in front of them and the RMP was available, what was their agenda to list these species? Besides putting people out of business, that was just my opinion. Burger stated he would not speak for Fish & Wildlife, the BLM view was already articulated. Derrick asked for his opinion. Burger stated he would not comment for Fish & Wildlife or bash them in anyway. He worked with these people on a daily basis and they were the ones who would process any permits, so the good working relationship with Fish & Wildlife was to be relished, and quite frankly the local people were stand up people and had taken a lot of hits over this issue. At the meeting where the testimony was given was pretty brutal and he felt bad for the Fish & Wildlife people there. Derrick stated he did not feel bad, and neither did they when they put people out of business. They do not care whether you have a job down here or not. Burger stated the agency was in a tough position and had to implement the laws passed by congress, and we do not want these agencies to operate outside the law. Derrick pointed out with the Northern Spotted Owl, scientists know if you thin the forest the owl will come in. They have admitted to being wrong and still won't do anything to change the designation that was the problem. They won't listen even when better science comes along. If these species get listed they will expand their habitat, it happens every time. I know some of the local people and they may have some common sense, but if you get much higher in the department and there was a real problem. Derrick stated that was just his opinion. Lara thanked Burger for bringing all the material and the update. She was fortunate to be at a meeting where Lynn did a presentation, and where she first learned about the CCA. Lara asked what would be a reason not to sign a CCA. Burger stated when a company asked why they should sign up, he told them that the listing was coming and they were hoping they could show enough science as to why it should not be listed and the CCA should be given time to work and demonstrate the benefit to the species; however at some point if the company had to decide if they were going to sign on or not and roll the dice. The only reason that he had heard for not signing up was the regulations say you can sign up to protect your state and private land, so after discussion the certificate of participation was created. When they get sued by a group that does not want this to succeed the question would be will it be upheld. Every effort had been made to see that it will. The documents were not perfect; however those companies and ranchers who have joined in signing have taken a risk and if you really care about species, this stuff would protect them not the listing. Once a species gets listed people lawyer up, then the money that could help them all goes into attorney fees. Tabor asked if when a company signs up if it were for existing lease acres and as they pick up additional sections were they automatically added or did they have to sign up with a new agreement? Burger stated the document was designed to be amendable however if the species gets listed the certification of participation would be removed and no longer available. Anyone who signs can opt out at any time. Hernandez asked if anyone else would like to comment on the issue. Doug Lynn mentioned that the initial agreement was done by very dedicated people, Mr. Derrick, Mr. French and myself were involved. The agreement was the benchmark for the RMP, the CCA and the CCA/A that came later. One of the things that needed to be clarified was last year the Center of Excellence invested \$500K in goods and services in Eddy County. The Center only employed three people on the conservation side; with the ripple effect, jobs were created with local vendors. They spent \$117K in prairie chicken habitat management work in Roosevelt County, they just finished a 24K acre mesquite spray using candidate conservation money that oil and gas contributed to improve chicken habitat. We have a rancher that had occupied sand dune lizard habitat and a lot of it, the rancher also had a lot of bottom land that was over grown with mesquite, the rancher offered to protect the habitat in exchange for the Center spraying his land so he could run cattle. The great thing about the initial agreement was it was developed by ranchers, oil and gas, environmental groups and industry which came up with all the compromises. Eddy County should be proud to have these people living here, some of who sit on this Commission. If you have any questions please feel free to stop by The Center of Excellence. Rand French, with an oil company previously known as Marbob, stated they were one of the first companies to sign a CCA to keep this whole thing going before the change of presidents. French stated he was a biologist with the BLM for nineteen years so he understood the process of Section 7 Consultation, with Fish & Wildlife, and working for the industry primarily to handle environmental issues. French stated there were a lot of problems with the regulatory process; the Fish & Wildlife Service gets sued on a daily basis. The local offices will work with you, when you reach a higher level it's a different story. He hoped this thing has a chance to succeed. There were a lot of species out there on the brink of a listing. The conservation strategy will help them all. He applauded oil and gas for their participation and the concession not to drill on a large portion of the chicken's and lizard's habitat. What bothered the oil industry was that after they made the effort to compromise, the listing went forward. That was outside the local offices control. In response to the question about

how much population was enough for a species, it is impossible to get a true population on the lizard and it would come down to how much habitat was left. As far as his company was concerned they would be able to survive and continue to work if they avoided the dunes. For the most part, it was how you get your infrastructure in place. These things add to the cost of production, he anticipated that the CCA would be the only savior for future production. The idea that the sand dune listing would put oil and gas out of business was not exactly correct. It will put a hardship on the industry, mostly the smaller businesses that don't have the man power or the expertise. It won't effect current production and in the southeast over 90% of the land was already leased, so there was not a lot of area left to lease. It was getting tougher to get permits approved. In a nut shell, the listing itself would hurt but it won't put you out of business. That is strictly my opinion. The prairie chicken was a whole different problem. The habitat covers five states and will impact several different industries. Derrick stated the oil and gas industry had put in about 2 million dollars for the restoration part. Chaves County was not happy about some of the issues that went into the property on the furthest north end. It was a large concession by the oil industry not to lease those 332 thousand acres. Burger stated the area was 370 thousand acres; 221 thousand acres were currently not leased and would remain so. Out of the 221 thousand acres, 132 thousand were inside the chicken and lizard habitat. Burger stated the bread and butter of oil and gas had already been leased. Derrick stated getting an economic impact study done by Fish & Wildlife without a law suite would be impossible. Would oil and gas consider doing a regulator cost under the scenario of baring power lines and restoration? French stated it would be lengthy and costly for oil companies to do that. He wished they would do critical habitat. The reason being they would have to adjust social and economic impacts, and then they would have to tell the true story about what would happen if this lizard was listed. Then everyone would know how the listing would affect their particular business. Derrick asked under Section 7 Consultation, are they skirting the issue of doing an economic impact? French stated by law they did not have to do an economic impact, lots of species get listed and a study was done years later. Derrick asked if they would have to declare critical habitat if this species was listed. French replied they would at some point. Derrick asked if they would prepare a NEPA document if they do. French stated for economic yes, or at least you could request a socioeconomic impact evaluation. Volpato questioned if you had to be a participating agency in order to request that. French replied, no he didn't think so. Burger explained that NEPA was done for the designation of critical habitat. Because it has an economical evaluation with it, would the county be able to have cooperator status in the NEPA analysis? When the RMP was developed, BLM sent out at least a dozen letters to groups asking them if they wanted cooperator status. This would allow them to sit in on meetings, participate, identify issues, and help develop alternatives. No counties had replied back, however several agencies had. Burger reported that Owen Lofton, with the BLM, would be happy to re-send the request. Sartin asked that the letter be sent to him. Derrick asked French to at least go back and ask the oil and gas association the question if they would at least look at what economic impact they would have under this rule. French stated it would be a lengthy process, you could get a guesstimate. Derrick stated that would be better than what we would get from Fish & Wildlife. French stated an economist would have to be hired for a complete study, but he would ask and see what they said. Derrick stated he wanted to get ahead of the game. Derrick asked after 330 days of drought what would those conditions do to the chicken? French stated the population would decline; their habitat did not leaf out during the critical time. The listing criteria provides for natural causes as a reason for a decline in population. It might not necessarily be industry at fault. Derrick stated for the record there were some things that are out of our control, whether it be cowboys on the range or oil and gas development. Everybody knows we have had some dry springs for the last fifteen or sixteen years, and when the moisture was good in the middle 1980's, there were chickens and industry in the same place. So it might not be industry at fault. The weather has a lot to do with it and we can't control that. If they want to sue somebody they will have to sue someone higher up than a county commissioner because we can't control the weather. Hernandez asked if there were any further questions from the Board of Commissioners. He took this opportunity to thank everyone, Jim we have had a good working relationship with you folks and hope to continue that. Doug thank you for coming, George thank you as well, Doug Lynn and Rand thank you very much. With that said I will entertain a motion for adjournment.

- 3. ADJOURN:** At 3:27 p.m., Derrick moved to adjourn, seconded by Lara. Voting  
yes: Derrick, Lara, Volpato, and Hernandez. Passed: 4-0.

EDDY COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A REGULAR MEETING  
JULY 19, 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 July 19, 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

ROXANNE LARA  
LEWIS DERRICK  
GUY LUTMAN  
JACK VOLPATO  
CAS TABOR  
ALLEN SARTIN  
DARLENE ROSPRIM  
ROBIN VANNATTA  
ERNEST MENDOZA  
KENT WALLER  
TERRI RICHARDS  
KAREN ROBINSON  
LINDA MARTINEZ  
YOLANDA SING  
LARRY AUGSBURY  
GAY WEST  
ROBERT STEWART  
DANNY STAFFORD  
KENNEY RAYROUX  
FRANK WELDON  
STEVE MCCROSKEY  
CAROL HENNINGTON  
JOEL ARNWINE  
CYNTHIA SHARIF  
JIM GRANTNER  
TYLER GRAHAM  
STELLA DAVIS

CHAIRMAN, DISTRICT 1

VICE-CHAIR, DISTRICT 5  
COMMISSIONER, DISTRICT 2  
COMMISSIONER, DISTRICT 3  
COMMISSIONER, DISTRICT 4  
COUNTY ATTORNEY  
COUNTY MANAGER  
COUNTY CLERK  
CHIEF DEPUTY CLERK  
SHERIFF  
CHIEF DEPUTY SHERIFF  
TREASURER  
ASSESSOR  
INDIGENT CLAIMS ADMINISTRATOR  
INDIGENT CLAIMS ASSISTANT  
FINANCE DIRECTOR  
ADMINISTRATIVE ASSISTANT  
WARDEN  
MAINTENANCE SUPERVISOR  
HUMAN RESOURCES DIRECTOR  
ROAD SUPERINTENDENT  
CODE ENFORCEMENT  
IT DIRECTOR  
EMERGENCY MANAGEMENT  
DWI COORDINATOR  
LANDFILL COMMITTEE  
ARTESIA DAILY PRESS  
CARLSBAD CURRENT ARGUS

Absent:

JOHN CARAWAY

PROBATE JUDGE

## **TIMED AGENDA:**

**8:30 A.M.**

1. **SERVICE AWARDS:** Volpato presented a service award to Riley Sterns, Jr. for 10 years of service to Eddy County.
2. **SAFETY AWARD PRESENTATION – KENNEY RAYROUX:** Rayroux presented an Honorable Mention Safety Award from NMAC to Beckie Melvin. The award was given for reducing the cost of worker’s compensation accidents. Eddy County was down to a 36% ratio; which meant for every dollar premium paid, NMAC was only expending 36 cents on our behalf. Melvin stated this could not be accomplished without the hard work of Eddy County employees.
3. **UPDATES FROM COMMUNITY SERVICE GROUPS:**
  - a. **ARTESIA HORSE COUNCIL – TRAMPAS SPENCE:** Spence reviewed the events sponsored by the Council, which included rodeos for all ages, 4-H events and drug awareness programs. Sartin asked about the status of building repair. Spence reported repairs were in progress and should be completed by next week. The report was recorded as Timed Exhibit 3.a.
  - b. **ARTESIA DRUG/CRIME COALITION – NANCY HUSSELMAN:** Husselman stated the Coalition had been very busy. Sara Mitchell, with the Coalition, stated this year they had targeted the Bullying and Social Aggression Programs. The program started with nine kids and ended with 22 participants. County donations helped fund both of these programs. Mitchell stated students were involved in several community projects which would continue when school started. The goal was to hit every school within the first six weeks of school. She stated they were really proud of the kids involved with the program. Husselman reported Safe Hands Backpacks had been placed in all law enforcement vehicles. The backpacks would be given to kids whose parents were picked up. Husselman thanked the Board for their past and continued support. The report outline was recorded as Timed Exhibit 3.b.
4. **PRESENTATION BY SOUTHERN UNION GAS SERVICES – ALLEN R. SARTIN:** Craig Knight, Director of Business Development, introduced Steve McGregor, Vice-President of Tax for Southern Union Corp., and Scott Grisham, with Deloy Tax Consulting. Knight stated Southern Union was committed to build a \$230 million gas gathering processing facility. Knight reported the company had five existing plants and was vested in the area. Southern Union had the option to place the plant in Orla, Texas or seven miles into New Mexico. Each site had its attributes and were both centrally located in the production area. Knight stated the reason they were here today was to request an abatement of county property taxes as an incentive to put the plant in New Mexico. He reported similar discussions were being held with Reeves County Texas. Knight stated the facility would employ 25 – 30 people with the average wage of \$80K. The company would also use contracted services, which would employ at least 10 semi-professionals in the area. The goal was to begin construction in the fourth quarter of this year. Grisham stated the project would qualify for several tax incentives at the State level. He stated the plant would not be exempt from gross receipts tax in New Mexico and property tax abatement would help alleviate some of those costs. The potential for abatement in Texas

was good. Volpato questioned if the county agreed to exempt the GRT, would the company entertain a harmless claim for the schools and the college. Grisham stated that was typically the case. Volpato questioned if the project would be funded completely with IRB's, and would the company buy their own bonds or would they be open to the public. Knight reported the funding was still under discussion; however the company would buy their own bonds. Lutman asked if Texas had responded to the request. Knight stated the meetings were favorable, but a written response had not been given. Lara asked what the estimated life of the plant was. Knight stated the plant would be open for at least 15 – 20 years. Derrick questioned if existing plants in the county could come back and ask for tax abatement and how fair would it be not to offer it to companies already in business? Knight stated the difference was this company had a viable choice of which state to build in. Grisham pointed out statutes restricted exemptions on properties already subject to tax, something on the tax role would not be eligible for abatement. Lara stated the purpose of the Community Development Act was to promote new business. Sartin asked what information Southern Union was looking for as a result of this meeting. Grisham stated they would like to have a commitment letter as to what the Board would be willing to offer the company in tax abatement, the percentages for each year and the term of the commitment. The decision would not be made on incentive offers alone, but they were, however a big piece of the puzzle. Grisham stated they would like to get this information as soon as possible. Hernandez questioned if the abatement would extend to the tentacle pipelines. Knight stated the abatement would cover the pipeline resulting from the plant. Knight thanked the Board and offered contact information if there were additional questions. Hernandez asked for the opinion of the Board. It was the general consensus of the Board to support further efforts to determine incentives the county would be willing to offer. Steve McCutcheon stated the plant would be a positive thing for the community. Hayley Klein, Artesia Chamber of Commerce, agreed the plant would be great for Artesia. Sartin clarified the Board would like him to prepare a commitment letter for this project to include attachment information on property tax impacts, both on the Community Development Act and on IRB's.

**5. JOEL FIRE DEPT. VEHICLE REQUEST – ALLEN R. SARTIN:** Robin Williams, Joel Fire Department Chief, stated the department would like to keep a 1997 Yukon with 107K miles in addition to the new vehicle. Williams stated the Yukon was still in service and could be of use to the department. The Board expressed concern about a high mileage vehicle and the safety issues that could arise and suggested that it would be better to buy a new vehicle. Lara questioned the condition of the vehicle. Williams reported that it was in good condition. Arnwine stated the best option was to buy a new one. Hernandez stated the consensus was for the vehicle to be turned in and get the paper work submitted to purchase a new one. Lara suggested letting the department use the Yukon until a new one could be purchased. If the vehicle was waiting for auction, it made sense to let the department use it for the next 90 days. Sartin requested a mileage cap of 120K or 90 days whichever came first. The Board agreed.

**6. BID AWARDS:**

**a. B-11-09: NEW TIRES, NEW TUBES & TIRE REPAIRS – ALLEN R. SARTIN:** Weldon recommended the bid be awarded to the sole bidder, Forrest Tire Co. Lara moved, seconded by Lutman to award B-11-09 as recommended. Voting yes. Derrick,

Lara, Lutman, Hernandez and Volpato. Passed 5-0. The bid minutes and invitation to bid were recorded as Timed Agenda Exhibit 6.a.

**b. B-11-10: NEW TIRES, NEW TUBES & TIRE REPAIRS – ALLEN R. SARTIN:**

Weldon recommended the bid be awarded to the sole bidder, Forrest Tire Co. Volpato moved, seconded by Lara to award B-11-10 as recommended. Voting yes. Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. The bid minutes and invitation to bid were recorded as Timed Agenda Exhibit 6.b.

**TRAILING AGENDA:**

**1. & 2. RECESS EDDY COUNTY COMMISSION MEETING & CONVENE AS**

**INDIGENT HOSPITAL CLAIMS BOARD:** At 9:50 a.m., Volpato moved, seconded by Derrick to recess the regular commission meeting and to convene as the Indigent Hospital Claims Board. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0.

3. **INDIGENT HOSPITAL CLAIMS BOARD:** See indigent minutes.

4. **RECONVENE EDDY COUNTY COMMISSION MEETING:** At 9:55 a.m., Volpato moved, seconded by Derrick to adjourn the Indigent Hospital Claims Board and reconvene the regular meeting. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0.

5. **APPROVE:**

a. **COMMISSION MEETING MINUTES FOR JULY 5, 2011:** Volpato moved, seconded by Derrick to approve the Commission Meeting Minutes for July 5, 2011. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0.

b. **EXPENDITURE APPROVAL LIST FOR JULY 19, 2011 CHECK RUN:** Volpato moved, seconded by Lara to approve the Expenditure Approval List for July 19, 2011 Check Run. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. The Expenditure Approval List for July 19, 2011 Check Run was recorded as Exhibit 5.b.

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

6. **POTENTIAL PURCHASE OF RIGHT-OF-WAY ON STATE LANDS – ALLEN R.**

**SARTIN:** Sartin stated during the last NMAC meeting, the State Land Commissioner reported he would be reviewing county rights-of-way on state land and compensation due to the State. Sartin estimated the cost to the county would be around \$37K. He questioned if the Board wanted him to proceed on this project and get a concrete price. Volpato asked for a road inventory and if we had established right-of-way on BLM land. Sartin stated a list was developed to get the estimate, and he would forward it to the Board. Tabor stated BLM land was federal which was treated differently and the county had permission to be there, so it was not the same. McCutcheon questioned if the right-of-way would be in perpetuity or term. Sartin reported it would be in perpetuity, a one-time fee. The Board agreed to have Sartin move forward with the project. The worksheet was recorded as Exhibit 6.

**7. DISCUSS SUPPORT FOR CDOD INITIATIVE – ALLEN R. SARTIN:** Sartin stated the project had changed focus since the beginning. He handed out a rough draft of an RFP for the board's review. Volpato stated initially, the CDOD was going to administer the consultant, and all interested parties would contribute. It was brought to their attention, if the county contributed money, the DOD would be taxed at 35%. The proposal was for Eddy County to be the lead agency on the project. The initial cost would be about \$120K, which would be split between the interested parties. He did not expect a vote today but rather guidance on how to proceed. Volpato pointed out this person would keep the concerns of Eddy County on the forefront in Congress. Lara agreed a lobbyist would be an asset. Volpato stated Lea County had 2 lobbyists working for them. Eddy County could be left behind in some areas especially the nuclear arena. Lutman stated he had a real problem with tax dollars being used to pay a lobbyist and was against it. Sartin reported many local governments had lobbyists working for them. The real advantage was they worked with staff that could get things moving. Lutman asked if our local legislators supported this project. Volpato stated they did not have a problem with it. Derrick stated private industry had their own lobbyist and the county should consult them before moving forward. He also suggested the City of Artesia should be consulted. Volpato clarified that the CDOD was not part of the project. Volpato stated the City of Carlsbad had agreed to participate and agreed there should be a discussion with Artesia to get their opinion on the project. Mayor Burch reported he was with a group that went to D.C. and felt they were very effective. His concern about a consultant was they were hired by several different entities, and if you would get your money's worth. Burch encouraged the Board to present this to the City Council to get their input. Hernandez stated he was 100% for continued economic development and felt the item warranted more discussion.

**8. SAGEBRUSH DUNES LIZARD, LETTER TO FWS – ALLEN R. SARTIN:** Derrick stated he had reviewed the letter and would like to get with the manager to review changes and additions if the Board was in agreement. He would like to get it ready and out by the next meeting. Hayley Klein, Artesia Chamber of Commerce, invited everyone to a meeting on August 15, 2011, where a report regarding the science used to support the listing would be disclosed. Hernandez suggested the letter include BLM findings. He questioned if the county had cooperating status on this issue. Sartin stated a letter had been sent and a reply had not been received. Derrick stated coordinating status was required if the species was listed. Lutman suggested a copy of the letter be sent to legislators.

**9. BRIDGE PERMIT, PIPELINE CROSSING – ALLEN R. SARTIN:** Sartin reviewed the proposed permit application. Sartin fielded questions and would make suggested changes for consideration at the next meeting.

**10. TREASURER'S REPORT FOR JUNE, 2011 – TERRI RICHARDS:** The item was for information only. Sartin stated Augsbury had worked with the Treasurer and there was an updated version; he asked for a copy of the revised report. Augsbury stated there were changes made that affected ending balances. Richards stated she would get the revised report out. The Treasurer's Report was recorded as Exhibit 10.

**11. REVENUE REPORT – LARRY A. AUGSBURY:** Augsbury stated this report included all 12 months of the fiscal year. June was the 4<sup>th</sup> highest monthly gross receipts, which was \$260,488 in excess of the budget, and it was the highest June receipts over the last 5 years. June's oil and gas production receipts were the highest of the past year, and the 17<sup>th</sup> consecutive month the receipts exceeded the budget for the previous year. Oil and gas was \$1,898,168 over budget for the year.

**12. DWI PROGRAM REPORT – CYNTHIA SHARIF:** Sharif reported she had been approached by the Smithsonian Museums about our DWI road signs. They were interested in them for a display at the museum. Sharif stated the annual report had been submitted to DFA, which they would pass it out to the legislators. Sharif stated the DWI program operated a budget of \$407K and would be reverting \$822.10 back to the State of New Mexico. Sharif stated all of the grant funds had been spent. She reviewed programs past and future and fielded questions from the Board. The DWI Report was recorded as Exhibit 12.

**13. REPLACEMENT OF PATROL UNIT – SHERIFF MENDOZA:** Mendoza reported a vehicle involved in an accident was totaled by the insurance. The insurance paid \$14K and an additional \$8K was needed to replace the unit. Lutman moved, seconded by Volpato to approve the request. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0.

**14. UPDATE INFORMATION ON SHERIFF’S OFFICE BUILDING COMMITTEE – SHERIFF ERNEST J. MENDOZA:** Mendoza reviewed the buildings inspected by the committee. The committee graded the buildings based on certain criteria. The building that scored the highest was the old Surplus City Building. Lara stated the committee could not look at cost for remodel until a building was decided upon. Lutman stated it was not cost effective to purchase an old building and try to remodel it. Stafford reported remodeling costs were anywhere from \$150 to \$300 a square foot, and new construction was close to the same. Sartin stated as a rule of thumb, if you had to remodel more than 25% of the building it would be better to build from scratch. Grantner stated it was a healthy process to evaluate buildings in the community and the committee had worked very hard on the project. Volpato stated it looked like the next step would be to get a cost analysis between new construction and remodeling. Lutman suggested Stafford could come up with a ball park figure of what the project would cost. Sartin stated the figures Stafford quoted were for office space not a specialized building. Derrick stated it would be better to get a professional to do the analysis. Stafford and Volpato agreed. Sartin clarified the direction was to get an architect to get the cost of remodel versus new construction. Lutman questioned if the committee should go forward and look for land in case the decision was to build a new building. Lara suggested Sartin could get with a realtor to get a list of vacant land and possible costs. Lara thanked Dr. Harris for his generosity and work on this project. Harris requested the Board consider the building across from the courthouse for the project.

**15. RESOLUTIONS:**

**a. R-11-46: REQUEST FOR COMMITMENT TO FUND VINES SYSTEM – ALLEN R. SARTIN:** Lutman moved, seconded by Volpato to approve R-11-46. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. R-11-46 was recorded as Exhibit 15.a.

**b. R-11-45: CODE ENFORCEMENT RESOLUTION – 3008 COLFAX ROAD – KENNEY RAYROUX:** McCroskey had contacted the owner in 2009 and nothing had been done to date. Lutman moved, seconded by Lara to approve R-11-45. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. R-11-45 was recorded as Exhibit 15.b.

**c. R-11-47: ACCIDENT REPORTING – KENNEY RAYROUX:** Derrick moved, seconded by Hernandez to approve R-11-47. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. R-11-47 was recorded as Exhibit 15.c.

**16. AGREEMENTS:**

**a. A-11-66: GRANT AGREEMENT WITH NM DEPARTMENT OF TRANSPORTATION TRAFFIC SAFETY BUREAU FOR CDWI FUNDS – CYNTHIA G. SHARIF:** Volpato moved, seconded by Lara to approve A-11-66. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. A-11-66 was recorded as Exhibit 16.a.

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

**a. KAREN ROBINSON ATTENDED A MEETING IN SANTA FE, NM:**

**FUTURE:**

- b. SHERI GARNER, IMA LEE MELLARD & CHERYL WINFIELD TO ATTEND TRAINING IN HOUSTON, TX:**
- c. . DARLENE ROSPRIM & ROBIN VAN NATTA TO ATTEND AFFILIATE MEETING & TRAINING IN ALBUQUERQUE, NM:**
- d. TERRI RICHARDS & ANNA GALINDO TO ATTEND A CONFERENCE IN BERNALILLO, NM:**
- e. SHERIFF TO ATTEND A CONFERENCE IN ALBUQUERQUE, NM:**
- f. LARRY AUGSBURY & DEBBIE PENALUNA-FUNK TO ATTEND A CONFERENCE IN ALBUQUERQUE, NM:**
- g. ONE (1) SERGEANT & TWO (2) SRO-DEPUTIES TO ATTEND A CONFERENCE & TRAINING IN PHOENIX, AZ:**

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

**18. LEGISLATIVE ISSUES:** None.

**19. EMERGENCY BUSINESS:**

**a. LETTER TO THE NM ENVIRONMENTAL DEPARTMENT CONCERNING THE ARTESIA COMMUNITY CENTER:** Sartin stated the environmental department declared the building was inadequate for food service. NMED would require the Fair Board to pump the septic tanks 3 times a day during the fair. They also asked for a letter of commitment from the County to ensure this would be done. Volpato moved, seconded by Derrick to approve the letter. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0.

**b. A-11-67: GEOLOGICAL CONSULTING SERVICES FOR CR 725:** Hernandez moved, seconded by Lutman to approve A-11-67. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. A-11-67 was recorded as Exhibit 19.b.

**c. HIRE PROJECT MANAGER ON CONTRACT BASIS TO DO ANALYSIS OF COUNTY ROADS:** Sartin stated the person in mind would be hired through a temporary agency. The hourly fee would be about \$60 - \$75. Volpato moved, seconded by Lutman to

approve the temporary contractor. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0.

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

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

**22. ELECTED OFFICIALS COMMENTS/ANNOUNCEMENTS:** Rosprim announced she would be traveling to Albuquerque tomorrow if anyone needed anything taken.

**23. COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS:** a. **B-11-09: NEW TIRES, NEW TUBES & TIRE REPAIRS – ALLEN R. SARTIN:** Weldon recommended the bid be awarded to the sole bidder, Forrest Tire Co. Lara moved, seconded by Lutman to award B-11-09 as recommended. Voting yes. Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. The bid minutes and invitation to bid were recorded as Timed Agenda Exhibit 6.a.

b. **B-11-10: NEW TIRES, NEW TUBES & TIRE REPAIRS – ALLEN R. SARTIN:** Weldon recommended the bid be awarded to the sole bidder, Forrest Tire Co. Volpato moved, seconded by Lara to award B-11-10 as recommended. Voting yes. Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. The bid minutes and invitation to bid were recorded as Timed Agenda Exhibit 6.b.

Lutman stated the trip to Washington D.C. was a success. He reported the State of Utah was working with Otero County on the taking back of federal lands.

**24. PROJECT UPDATES:**

- a. **NORTH EDDY COUNTY SAFETY COMPLEX – DANNY STAFFORD:** Stafford reported the project was complete and the Sheriff's Office had moved in.
- b. **EDDY COUNTY SUBSTANCE ABUSE REHABILITATION CENTER – DANNY STAFFORD:** Stafford reported the project was going good, plumbing and electrical was roughed in, and the slab would be poured by the end of the week.
- c. **ARTESIA OFFICE REMODEL – DANNY STAFFORD:** Stafford reported the needs analysis had been done with the department heads and elected officials.
- d. **ADMINISTRATION OFFICE REMODEL – DANNY STAFFORD:** Stafford reported the project was complete. He was waiting for the final close out documents in order to make the final payment.
- e. **JAIL EXPANSION – DANNY STAFFORD:** Stafford reported the project was going good, and was scheduled for completion September 30, 2011.
- f. **EDDY COUNTY COURTROOM #3 REMODEL – DANNY STAFFORD:** Stafford reported the project was complete.
- g. **UPGRADE COMPUTER NETWORK – CAROL HENNINGTON:** Hennington reported Phases I and II were complete. Phase III was scheduled for install the first of August. The IT staff would start training next week.
- h. **REPLACE FINANCIAL MANAGEMENT SOFTWARE – LARRY A. AUGSBURY:** Augsbury reported there were three proposals submitted. Staff had made a site visit to the top choice and negotiations were currently underway.
- i. **LOOP ROAD CORRIDOR – FRANK WELDON\*:**

- j. NEW CELL DEVELOPMENT – FRANK WELDON\*:**
- k. MORNINGSIDE INFRASTRUCTURE – KENNEY RAYROUX:** Rayroux stated there was \$3600 in residual funds which would go back to the State.
- l. ARTESIA SHOOTING RANGE – KENNEY RAYROUX:** Rayroux and Stafford would get together and get the bid specs done for the slab this week.
- m. MALAGA WATER SYSTEM – KENNEY RAYROUX:** The engineer was continuing studies on Ash Street, there was \$27K remaining on the contract.

\*Updates will be made available at a future date.

**25. REVIEW PROPOSED CHANGES TO PERSONNEL ORDINANCE – KENNEY RAYROUX:** Rayroux reviewed the proposed changes and fielded questions from the Board, Elected Officials and department heads.

**26. CLOSED MEETING:** At 12:00 p.m., Hernandez moved, seconded by Derrick to recess the meeting and to hold a closed meeting in accordance with NMSA 10-15-1H (2), (7) and (8) to discuss personnel, pending litigation, and real property to resume the regular meeting at 1:30 p.m. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0.

**27. RE-OPEN:** At 1:37 p.m., Hernandez 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, Hernandez and Volpato. Passed 5-0.

**28. ADJOURN: At 4:32 p.m.,** Derrick moved, seconded by Lara to adjourn the meeting. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0.