

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
JULY 6, 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 July 6, 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
ROXANNE LARA	COMMISSIONER, DISTRICT 5
TONY HERNANDEZ	VICE-CHAIRMAN, DISTRICT 1
CAS TABOR	COUNTY ATTORNEY
ALLEN SARTIN	COUNTY MANAGER
ROBIN VANNATTA	CHIEF DEPUTY CLERK
RONDA NELSON	DEPUTY CLERK
ERNEST MENDOZA	SHERIFF
KENT WALLER	CHIEF DEPUTY SHERIFF
KAREN ROBINSON	COUNTY ASSESSOR
CAROL HENNINGTON	IT DIRECTOR
ROBERT STEWART	WARDEN
SHAWN FUNK	DEPUTY WARDEN
KENNEY RAYROUX	HUMAN RESOURCES DIRECTOR
LINDA MARTINEZ	INDIGENT CLAIMS ADMINISTRATOR
YOLANDA SING	INDIGENT CLAIMS ASSISTANT
TINA PARRISH	PURCHASING ADMINISTRATOR
FRANK WELDON	ROAD SUPERINTENDENT
JIM GRANTNER	LANDFILL COMMITTEE
YVONNE BASABILVAZO	COUNTY PLANNER
STEVE MCCROSKEY	CODE ENFORCEMENT
DEBBIE HOFER	HEALTH COUNCIL CHAIRPERSON
PHYLLIS LUNA	DWI DEPUTY COORDINATOR
LOUISE TRACY	FLOOD COMMISSIONER
DANNY STAFFORD	M & O SUPERVISOR
PHILLIP BURCH	ARTESIA MAYOR
JIM GRANTER	LANDFILL COMMITTEE
STELLA DAVIS	CARLSBAD CURRENT ARGUS
MIKE JAXSON	KSVP RADIO

Absent:

TERRI RICHARDS	TREASURER
DARLENE ROSPRIM	COUNTY CLERK
CHARLENE WRIGHT	PROBATE JUDGE

TIMED AGENDA:

8:30 A.M.

1. **SERVICE AWARDS:** Lutman presented service awards to Jeri Burns, Beate Denninger and Roger Maxwell for ten years of service to Eddy County.

2. **ACKNOWLEDGMENT OF THE JDC CERTIFICATION BY CYFD - ALLEN R. SARTIN:** Sartin presented Mike Ingram with the certification award and thanked everyone for their hard work. Ingram recognized Officers Carter, Fuentes and Rodriguez of the JDC staff.

3. **UPDATES FROM PURCHASE SERVICE AGREEMENTS:**
 - a. **EDDY COUNTY FAIR BOARD - JOEL BELL:** Bell presented an invitation for the Commission to ride in the Fair Parade on July 26, 2010. He thanked the Board for their support and gave a brief update on preparations for the fair. Bell reported a 99.9% graduation rate for kids that participated in 4-H and FFA programs over the last 20 years. He announced Eddy County had produced more state officers and presidents than any other county. Volpato thanked Bell for his work with 4-H and FFA. Derrick questioned how many would participate in this year's fair. Bell explained the State had new tagging requirements making it difficult for local kids to show animals; however over 300 animals had been tagged for the fair to date. Bell announced after 20 years on the Fair Board, including 12 as President, he would retire at the end of his term.

 - b. **CARLSBAD CHARACTER COUNTS! - JEAN YOUNG:** Young thanked the Board for their support and gave a brief history of the program. She reported the goal for this year was to place Character Counts Banners at every entrance to the City. Mini grants for each school were awarded on a per-student basis to help purchase Character Counts recognition awards. Lutman commended the staff and volunteers of Character Counts.

4. **FUNDING REQUEST, ESPERANZA HOUSE - ALLEN R. SARTIN:** Sartin explained the request for funding had been submitted after the budget was complete. Michael Turner, with Esperanza House, gave a brief overview of the services provided to the City of Artesia since 2007. Turner stated 79% of State funding had been lost over the last two years and the program was looking for alternate funding sources in order to continue to provide service to area residents. He explained the services were provided at the request of the Eddy County Sheriff's Office and the victims were never billed. Sheriff Mendoza stated the services were invaluable when investigating sexual and child abuse cases. Turner requested annual funding of \$20K which would be proportionate to the funding received from the City of Artesia. Turner explained the request was to cover services rendered not a donation. Lara questioned the number of staff available to provide services. Turner explained two onsite staff members were available along with several nurses on call.

Lara questioned if the City of Roswell and Chaves County provided funding for the program. Turner stated that both entities had approved funding. Volpato requested a breakdown of funding sources. Sartin explained the Board would not make a decision today and requested Turner provide a breakdown of funding sources in writing within the next week so the Board could make an informed decision on the request.

5. **UPDATE REGARDING MOU BETWEEN CITY OF ARTESIA & THE EDDY COUNTY FLOOD COMMISSIONER - LOUISE TRACY:** Tracy gave a brief history of the relationship between the City of Artesia and the Flood Commissioner. In 1964 an ordinance was adopted which indicated the City of Artesia would be responsible for the channel within the city limits. Tracy felt it was very important to follow the law and basic accounting practices. In order to expend monies, a purchase order or contract must be in place. After investigation it was determined that the land within the city limits was owned by the City of Artesia. Tracy was unable to find a right-of-way agreement which would allow a contractor to enter City property to perform the work that was needed. The City of Artesia indicated they would not enter into a contract with the Flood Commissioner to maintain the low flow channel at this time; however, they may be interested in 2 or 3 years. Tracy expressed concern about the work which needed to be done within the city limits and the City's unwillingness to enter into an agreement. She requested use of county counsel to help resolve the right-of-way issue and protect the rights of the County or the contractor who would be entering City property. Tracy stated she would request to be placed on the agenda for the Artesia City Council meeting to inform them of recent developments. The Flood Commissioners comments were recorded as Exhibit 5.

6. **BID AWARDS:**

a. **B-10-07: EDDY COUNTY FEMALE & JUVENILE DETENTION CENTERS - DANNY STAFFORD:** Stafford recommended the bid be awarded to Greer Construction. Sartin stated the award should be contingent upon a negotiated contract. Lutman moved, seconded by Hernandez to award B-10-07 to Greer Construction contingent upon a contract. Lara was pleased that a local contractor had been recommended. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. Bid minutes and invitation to bid were recorded as Timed Agenda Exhibit 6.a.

b. **B-10-12: EDDY COUNTY FEMALE & JUVENILE DETENTION CENTERS CELL PACKAGE - DANNY STAFFORD:** Stafford recommended the bid be awarded to Fiber Bond as low bidder contingent upon a negotiated contract. Volpato moved, seconded by Derrick to award B-10-12 as recommended contingent upon a contract. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. Bid minutes and invitation to bid were recorded as Timed Agenda Exhibit 6.b.

c. **B-10-08: USED 3000 GALLON WETSIDETANKER FIRE APPARATUS - ROBERT BRADER:** Brader stated the truck would go to the Queen Fire Department. The department had been saving fire funds in order to make the purchase. He reported written approval was needed from the State for the purchase. Lutman moved, seconded by Lara to award B-10-08 to the sole bidder OSCO Tank & Truck Sales contingent upon approval by the State. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. Bid minutes and invitation to bid were recorded as Timed Agenda Exhibit 6.c.

TRAILING AGENDA:

1. & 2. **RECESS EDDY COUNTY COMMISSION MEETING & CONVENE AS INDIGENT HOSPITAL CLAIMS BOARD:** At 9:42 a.m., Lara moved, seconded by

Derrick to recess the regular meeting and convene as the Indigent Hospital Claims Board. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.

3. **INDIGENT HOSPITAL CLAIMS BOARD:** Indigent Board Meeting.
4. **RECONVENE EDDY COUNTY COMMISSION MEETING:** At 9:46 a.m., Volpato moved, Lara seconded by to adjourn the Indigent Hospital Claims Board and reconvene the regular meeting. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.
5. **APPROVE:**
 - a. **COUNTY COMMISSION MEETING MINUTES FOR SPECIAL JOINT MEETING ON MAY 26, 2010:** Derrick moved, seconded by Volpato to approve the County Commission Minutes for Special Joint Meeting on May 26, 2010. Voting yes: Lutman, Volpato, Derrick and Lara. Passed 4-0. Hernandez abstained.
 - b. **COUNTY COMMISSION MEETING MINUTES FOR JUNE 2, 2010:** Hernandez moved, seconded by Lutman to approve the County Commission Minutes for June 2, 2010. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.
 - c. **COMMISSION MEETING MINUTES FOR SPECIAL MEETING ON JUNE 8, 2010:** Lara moved, seconded by Derrick to approve the County Commission Minutes for Special Meeting on June 8, 2010. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.
 - d. **COMMISSION MEETING MINUTES FOR SPECIAL MEETING ON JUNE 15, 2010:** Derrick moved, seconded by Hernandez to approve the County Commission Minutes for Special Meeting on June 15, 2010. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.
 - e. **COMMISSION MEETING MINUTES FOR SPECIAL MEETING ON JUNE 29, 2010:** Lara moved, seconded by Hernandez to approve the County Commission Minutes for Special Meeting on June 29, 2010. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.
 - f. **EXPENDITURE APPROVAL LIST FOR JUNE 24, 2010 CHECK RUN:** Hernandez moved, seconded by Derrick to approve the Expenditure Approval List for June 24, 2010 Check Run. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. The Expenditure Approval List for June 24, 2010 Check Run was recorded as Exhibit 5.f.
 - g. **EXPENDITURE APPROVAL LIST FOR JULY 6, 2010 CHECK RUN:** Lutman moved, seconded by Lara to approve the Expenditure Approval List for July 6, 2010 Check Run. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. The Expenditure Approval List for July 6, 2010 Check Run was recorded as Exhibit 5.g.
 - h. **PURCHASE CARD EXPENDITURE APPROVAL LIST FOR MAY, 2010:** Lutman asked for clarification on the dumpster pulls in Happy Valley. Lutman moved, seconded by Derrick to approve the Purchase Card Expenditure Approval List for May, 2010 contingent upon Happy Valley clarification. Voting yes: Lutman, Volpato, Hernandez, Derrick and

Lara. Passed 5-0. The Purchase Card Expenditure Approval List for May, 2010 was recorded as Exhibit 5.h.

6. **APPROVE/DISAPPROVE PUBLIC CELEBRATION PERMIT FOR COTTONWOOD WINERY, LLC - ALLEN R. SARTIN:** Dale Taylor reported the event was for the Southwest Recreation Association and would be held on July 24th. Taylor explained SRA was made up of about 250 FLETC Officers. Lara moved, seconded by Derrick to approve the Celebration Permit for Cottonwood Winery. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. The Permit was recorded as Exhibit 6.
7. **APPROVE/DISAPPROVE PUBLIC CELEBRATION PERMIT FOR COTTONWOOD WINERY, LLC - ALLEN R. SARTIN:** Taylor stated bands from Albuquerque and Los Angeles were scheduled to play the event. Lutman moved, seconded by Derrick to approve the Celebration Permit for Cottonwood Winery for the September 4th and 5th event. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. The Permit was recorded as Exhibit 7.
8. **APPEAL, CODE ENFORCEMENT ACTION R-10-40 - ALLEN R. SARTIN:** Sartin reported the property owner was not present, however, he provided the Board with a written statement. Mr. Alvarez indicated work had stopped due to health issues. Sartin stated Mr. Alvarez intended to resume work; however there was no time line as to when the cleanup would be done. McCroskey reported the property was in violation of the county ordinance and indicated no visible progress had been made toward clean up. Volpato questioned if the property was grandfathered in when the ordinance was passed and expressed concern that the owner did not provide a time line for cleanup. Sartin stated the ordinance did not provide for that possibility. Lutman urged the Board to be consistent when dealing with appeals. Lutman moved, seconded by Lara to deny the appeal. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.
9. **PRESENTATION OF THE 2008/09 AUDITED FINANCIAL REPORTS - ALLEN R. SARTIN:** Sartin stated the report had been filed and accepted by the State. The Auditor provided the county with an unqualified opinion. Sartin reviewed the report and fielded questions from the Board. Volpato moved, seconded by Derrick to accept the 2008/09 Audited Financial Report. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. The Financial Report was recorded as Exhibit 9.
10. **AWARD 2009/10 AUDIT - ALLEN R. SARTIN:** Sartin recommended the award be given to Accounting & Consulting Group, LLP as low bidder. Sartin pointed out the firm was local and should be more accessible when issues arose. Lutman moved, seconded by Derrick to award the 2009/2010 Audit to Accounting & Consulting Group, LLP. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.
11. **PRESENTATION OF THE COMPUTER NETWORK ANALYSIS REPORT - ALLEN R. SARTIN:** Sartin stated a full report was available for review. He introduced Al Sandoval with ABBA Technologies, who prepared the background and analysis report. Sartin stated he supported a number of the proposals made by Sandoval and would like to move forward with the next phase of the project. Volpato questioned if the existing facility would house the new system. Sartin explained 5 to 6 new servers would be set up in the IT Department. Volpato asked for an explanation of the Virtual Concept mentioned in the report. Sandoval explained existing servers would be consolidated onto fewer larger servers.

Virtual servers would be created and software would then be added to logically connect applications. If the physical server goes down the software would automatically move operations to another server and continue operations. Sartin stated the first step was to make sure all the data, software and configurations were backed up both locally and off-site in case of a disaster. He explained the operation was similar to old mainframe virtual concepts which would maximize and allocate resources. Sandoval thanked Hennington and the IT Department for their cooperation during the analysis. Lutman moved, seconded by Volpato to adopt ABBA Technologies proposal. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.

12. TREASURER'S FINANCIAL REPORT FOR MAY, 2010 - TERRI RICHARDS:

Sartin stated the report was an FYI item for the Board.

- 13. REVENUE REPORT - DEBORAH PENALUNA:** Sartin reported the GRT was down \$265K. Last month the GRT was in the positive for the first time in 10 months. Oil and Gas revenues were very strong and in over budget.

14. APPOINT A LABOR STANDARDS OFFICE FOR PROJECT #07-C-NR-I-07-G-25 MALAGA WATER SYSTEMS IMPROVEMENTS - KENNEY RAYROUX:

Basabilvazo stated that the CDBG required appointment of a Labor Standards Officer. Lutman moved, seconded by Derrick to appoint Basabilvazo as the Labor Standard Officer. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.

15. AGREEMENTS:

a. A-10-81: MEMORANDUM OF AGREEMENT BETWEEN THE NEW MEXICO DEPARTMENT OF HEALTH & EDDY COUNTY - CANDACE AUTRY: Debbie Hofer, Chairperson of the Health Council, stated the grant would help with the suicide prevention program. She presented the Board with a backpack and literature provided to participants. Volpato moved, seconded by Lara to approve A-10-81. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. A-10-81 was recorded as Exhibit 15.a.

b. A-10-85: USDA AGREEMENT FOR WILDLIFE MANAGEMENT SERVICES - ALLEN R. SARTIN: Derrick moved, seconded by Hernandez to approve A-10-85. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. A-10-85 was recorded as Exhibit 15.b.

c. A-10-89: PURCHASE SERVICE AGREEMENT BETWEEN EDDY COUNTY & PERMIAN BASIN REGIONAL TRAINING CENTER - ROBERT BRADER: Brader introduced Traci Arnwine, the Executive Director of the Permian Basin Training Center. He reported the agreement had been reworked to specify actual services provided. The agreement would be paid for from fire excise funds. Lutman moved, seconded by Hernandez to approve A-10-89. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. A-10-89 was recorded as Exhibit 15.c. Arnwine thanked the Board for their support.

d. A-10-91: MEMORANDUM OF UNDERSTANDING SETTING FORTH EMERGENCY & NON-EMERGENCY MUTUAL AID ASSISTANCE - ROBERT BRADER: Brader explained Care Plus Ambulance would provide facility to facility transfers. The County was the fiscal agent for funds from the State, the agreement would allow the county to release those funds. Lutman moved, seconded by Derrick to approve A-

10-91. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. A-10-91 was recorded as Exhibit 15.d.

e. A-10-92: GRANT AGREEMENT A-10-792 BETWEEN STATE OF NEW MEXICO DFA LOCAL GOVERNMENT DIVISION & EDDY COUNTY TO PLAN, DESIGN & CONSTRUCT A SHOOTING RANGE IN NORTH EDDY COUNTY - KENNEY RAYROUX: Basabilvazo reported the agreement was to re-appropriate State funds. Derrick moved, seconded by Lara to approve A-10-92. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. A-10-92 was recorded as Exhibit 15.e.

f. A-10-93: TRAFFIC SAFETY EDUCATION & ENFORCEMENT PROGRAM-PROJECT #10-EE-05-032 - SHERIFF ERNEST J. MENDOZA: Mendoza reported the grant would be used to purchase new radar equipment and education. Lutman moved, seconded by Derrick to approve A-10-93. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. A-10-93 was recorded as Exhibit 12.f.

16. PURCHASE OF SERVICES AGREEMENT CONSENT AGENDA: Sartin stated the PSA agreements were held flat and were consistent with what the Board approved in the budget. Lutman questioned if all the entities had submitted a written request. Sartin explained a letter was sent to each organization at the beginning of the budget process.

- a. PSA-10-01: EDDY COUNTY FAIR BOARD:**
- b. PSA-10-02: CARLSBAD DOD:**
- c. PSA-10-03: CARLSBAD CHAMBER OF COMMERCE:**
- d. PSA-10-04: NEW MEXICO STATE MOBILE LIBRARY:**
- e. PSA-10-05: VILLAGE OF HOPE:**
- f. PSA-10-06: VILLAGE OF LOVING:**
- g. PSA-10-07: OPPORTUNITY HOUSE INC.:**
- h. PSA-10-08: CITY OF ARTESIA:**
- i. PSA-10-09: ARTESIA HORSE COUNCIL:**
- j. PSA-10-10: CARLSBAD MAINSTREET:**
- k. PSA-10-11: ARTESIA MAINSTREET:**
- l. PSA-10-12: PAWS & CLAWS-NORTH SPAY & NEUTER PROGRAM:**
- m. PSA-10-13: NOAH'S ARK- SOUTH SPAY & NEUTER PROGRAM:**
- n. PSA-10-14: EDDY COUNTY SHERRIF'S POSSE:**
- o. PSA-10-15: SOUTHEAST NEW MEXICO COMMUNITY ACTION CORP:**
- p. PSA-10-16: CITY OF CARLSBAD:**
- q. PSA-10-17: CARLSBAD CHARACTER COUNTS!:**
- r. PSA-10-18: CARLSBAD COMMUNITY KITCHEN:**
- s. PSA-10-19: CARLSBAD SOIL & WATER CONSERVATION DISTRICT:**
- t. PSA-10-20: ARTESIA DRUG/CRIME COALITION:**
- u. PSA-10-21: KID'S SAFEHOUSE OF EDDY COUNTY:**
- v. PSA-10-25: ARTESIA DOD:**
- w. PSA-10-26: CARLSBAD HONOR GUARD:**

Lara moved, seconded by Hernandez to approve PSA-10-01 – PSA-10-21 and PSA-10-25 – PSA-10-26. Lutman requested a total of the money approved for PSA's. Sartin stated the total was over a million dollars. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. PSA-10-01 – PSA-10-21 and PSA-10-25 – PSA-10-26 were recorded as Exhibits a – w, respectively.

17. TRAVEL REQUEST CONSENT AGENDA:

PRIOR:

a. **DEBBIE LUGINBYHL & CECILIA SALCIDO ATTENDED MANDATORY TRAINING FOR ADE NEW PLATFORM IN ROSWELL, NM:**

b. **TWO (2) DEPUTIES ATTENDED LEGAL & LIABILITY ISSUES IN SCHOOLS IN RIO RANCHO, NM:**

c. **ONE (1) DEPUTY ATTENDED NM DARE OFFICER ASSOCIATION IN-SERVICE TRAINING CONFERENCE IN RIO RANCHO, NM:**

FUTURE:

d. **PHYLLIS LUNA TO ATTEND NEW MEXICO BEHAVIORAL HEALTH CREDENTIALING BOARD MEETING IN ABQ, NM:**

e. **KAREN ROBINSON TO ATTEND NMAC EXECUTIVE BOARD MEETING IN SANTA FE, NM:**

f. **KAREN ROBINSON TO ATTEND NMAC PROPERTY TAX COMMITTEE MEETING IN ABQ, NM:**

g. **KAREN ROBINSON TO ATTEND NMAC EXECUTIVE/BOARDS MEETING IN LAS VEGAS, NM:**

h. **ROBIN VAN NATTA TO ATTEND POWER PROFILE TRAINING IN LAS CRUCES, NM:**

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

18. EMERGENCY BUSINESS: None.

19. PUBLIC COMMENTS/ANNOUNCEMENTS: None.

20. COUNTY MANAGER COMMENTS/ANNOUNCEMENTS: Sartin reported the PILT payment had been received in the amount of \$3,110,056.

21. ELECTED OFFICIALS COMMENTS/ANNOUNCEMENTS: None.

22. COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS: Lutman thanked the driver of the fire truck in the 4th of July parade. He commended Emergency Management for a successful exercise on the 4th of July. Brader explained the team set up and managed the City's celebration at the beach. Grant money was used to pay overtime which saved the City a tremendous amount of money. There were 150 to 200 people who participated in the exercise. Brader reported the event went off without a hitch and the drill was successfully completed.

Lutman thanked Sartin for the debt comparison report.

Lara reported Caitlyn Frederick and Krista Marrs both of Carlsbad were chosen at Girls State to attend Girls Nation. Congressman Teague's office was helping the girls with their presentation.

23. PROJECT UPDATES: None.

24. CLOSED MEETING: At 11:08 a.m., Volpato moved, seconded by Derrick to recess the meeting and to hold a closed meeting in accordance with NMSA 10-15-1H (2), (7) and (8) to discuss personnel, pending litigation, and real property to reconvene at 12:30 p.m. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.

25. RE-OPEN: At 1:24 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: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.

26. ADJOURN: At 1:25 p.m., Derrick moved, seconded by Volpato to adjourn the meeting. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIRMAN

ATTEST:

COUNTY CLERK

DATE: _____

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
July 20, 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 July 20, 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
ROXANNE LARA	COMMISSIONER, DISTRICT 5
CAS TABOR	COUNTY ATTORNEY
ALLEN SARTIN	COUNTY MANAGER
RONDA NELSON	DEPUTY CLERK
RADENE BRADLEY	DEPUTY CLERK
ROBERT BRADER	FIRE SERVICE COORDINATOR
KENNEY RAYROUX	HR DIRECTOR
KENT WALLER	CHIEF DEPUTY SHERIFF
ROBERT STEWART	WARDEN
LINDA MARTINEZ	INDIGENT CLAIMS COORDINATOR
SHARON DODSON	INFORMATION SYSTEMS
MARIA MERJIL-MALDONADO	SHERIFF'S ADMINISTRATIVE ASSISTANT
TINA PARRISH	PURCHASING ADMINISTRATOR
GAY WEST	ADMINISTRATIVE ASSISTANT
FRANK WELDON	ROAD SUPERINTENDENT
DANNY STAFFORD	M&O SUPERVISOR
YVONNE BASABILVAZO	GRANT COORDINATOR
STEVE MCCROSKEY	CODE ENFORCEMENT
DARREN LANE	HAPPY VALLEY VFD CHIEF
STELLA DAVIS	CARLSBAD CURRENT ARGUS
MIKE JAXON	KSVP RADIO
JIM GRANTNER	CITY COUNCILOR

Absent:

TONY HERNANDEZ	VICE-CHAIRMAN, DISTRICT 1
TERRI RICHARDS	TREASURER
CHARLENE WRIGHT	PROBATE JUDGE
ERNEST MENDOZA	SHERIFF
DARLENE ROSPRIM	COUNTY CLERK
KAREN ROBINSON	COUNTY ASSESSOR

TIMED AGENDA:

8:30 A.M.

1. **SERVICE AWARDS:** Service Awards were presented for the following employees for 10 years employment with the County: Sal Rey Salcido, Jack Sarabia and Nancy Thomas.

2. **ACKNOWLEDGEMENT OF EDDY COUNTY RODEO QUEEN COURT – GUY LUTMAN:** Lutman congratulated each of the ladies on their achievements as ambassadors of Eddy County. Sarah Krupski, former Eddy County Rodeo Queen, stated she enjoyed representing the western way of life at many events in the community. Stormie Schoolcraft, Eddy County Rodeo Queen, hoped to create more interest and attract more participants in the event. Trayson Johnson introduced herself and hoped to become Junior Rodeo Queen.

3. **PUBLIC HEARING:**
 4. **O-10-61; INTREPID POTASH INDUSTRIAL REVENUE BONDS, BOND ORDINANCE – ALLEN SARTIN:** Sartin explained the ordinance was for a langbeinite recovery improvement project. He noted the Industrial Revenue Bond (IRB) would pose no liability to the County or the tax payers; it would be a private sale back to the same company of the bonds. He stated there was very little risk to anyone involved in this transaction. Steve McCutcheon, Intrepid Manager of Administration and Robert Baldrige, Mine Manager and Acting General Manager, fielded questions from the Commissioners. Derrick requested clarification of the “willful misconduct” referenced in Paragraph B. Scott Shafer, Eddy County’s legal representative, explained “willful misconduct” was the act of making the decision to intentionally do something wrong and then doing it, as opposed to “simple negligence” where a reasonable person may have accidentally done something wrong. He gave the example of the County instructing an individual to not deposit monies into the fund to be used for project acquisition costs and then diverting funds elsewhere. Lutman inquired of Paragraph 5.8 with reference to the amount of PILT monies that might be generated. McCutcheon stated NMSU was consulted and Intrepid agreed to pay PILT equal to what they would receive now. He stated the exact amount was under discussion with NM Tax and Rev to determine that amount. They had agreed to keep the school district and NMSU polled and to be revenue neutral either way. Lara inquired of the completion date anticipated as December 31, 2015. Baldrige explained the DMS and pelletization processes would be completed fourth quarter of 2011, and the flotation process a bit later. She inquired of job creation and retention projections. Baldrige stated this would position Intrepid to retain and maximize resources available to them. Job creation would be neutral. Volpato added jobs would be created during the construction phase. Derrick inquired if the Securities Act had an affect on this issue. Shafer stated nothing he had read would directly impact it. Volpato invited public comment on the IRB. There were no comments from the public. Lutman moved, seconded by Volpato, to approve O-10-61 for Intrepid Potash IRBs. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0. O-10-61 was recorded as Timed Agenda Exhibit 3.a.

5. **R-10-49; INTREPID POTASH INDUSTRIAL REVENUE BONDS SUPPLEMENTAL RESOLUTION – ALLEN SARTIN:** Sartin stated the resolution was a requirement of every IRB issued. Lara moved, seconded by Derrick, to approve R-10-49, Intrepid Potash Industrial Revenue Bond Supplemental Resolution. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0. R-10-49 was recorded as Timed Agenda Exhibit 3.b.
 6. **A-10-100; INTREPID POTASH INDUSTRIAL REVENUE BONDS, LEASE AGREEMENT – ALLEN SARTIN (Authorization Only):** Sartin explained Intrepid Potash will be leasing the project back during the course of the bond. Derrick moved, seconded by Lutman, to approve A-10-100. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0. A-10-100 was recorded as Timed Agenda Exhibit 3.c.
 7. **A-10-101; INTREPID POTASH INDUSTRIAL REVENUE BONDS, INDENTURE – ALLEN SARTIN:** Sartin stated the indenture stated the terms and conditions under which the bonds were issued and proceeds were managed. Lutman moved, seconded by Lara, to approve A-10-101. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0. A-10-101 was recorded as Timed Agenda Exhibit 3.d. Sartin offered for clarification that A-10-100 and A-10-101 and A-10-102 would be signed and finalized by the Chair at closing. He noted the Commission could only authorize the Chair to sign. Closing was scheduled for August 23, 2010. A-10-101 was recorded as Exhibit 3.d.
4. **BID AWARDS:**
- a., b. **B-10-09; NEW TIRES, NEW TUBES & TIRE REPAIR – ROAD 1; & B-10-10; NEW TIRES, NEW TUBES & TIRE REPAIR – ROAD 2 – FRANK WELDON:** Weldon stated the Road Department recommended that the bid be awarded to Forest Tire Company as sole bidder. Weldon stated the overall bid was down by 2% over the 2009 bid. Lutman moved, seconded by Derrick, to approve B-10-09 and B-10-10. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0. B-10-09 and B-10-10 were recorded as Timed Agenda Exhibits 4.a. and 4.b.
 - c. **B-10-11; EDDY COUNTY ADMINISTRATION COMPLEX REMODEL – DANNY STAFFORD:** Stafford stated three bids had been submitted and recommended the low bidder, Greer Construction, be awarded the contract. Stafford stated this was a performance-based contract with a list of deliverables. Sartin stated the statutes regarding construction projects for local governments had changed and the governments could no longer withhold funds on a retainage basis. The bid was within budget. Derrick moved, seconded by Volpato, to adopt B-10-11. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0. B-10-11 was recorded as Timed Agenda Exhibit 4.c.

TRAILING AGENDA:

1. & 2. **RECESS EDDY COUNTY COMMISSION MEETING & CONVENE AS INDIGENT HOSPITAL CLAIMS BOARD:** At 9:00 a.m., Derrick moved, seconded by Lara, to recess the regular meeting and convene as the Indigent Hospital Claims Board. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0.
3. **INDIGENT HOSPITAL CLAIMS BOARD:** Indigent Board Meeting.
4. **RECONVENE EDDY COUNTY COMMISSION MEETING:** At 9:05 a.m., Volpato moved, seconded by Lutman, to adjourn the Indigent Hospital Claims Board and

reconvene the regular meeting. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0.

5. **APPROVE/DISAPPROVE ONE (1) INDIGENT BURIAL – LINDA MARTINEZ:** Lutman moved, seconded by Derrick to approve the indigent burial. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0.
6. **APPROVE:**
 - i. **COUNTY COMMISSION MEETING MINUTES FOR JULY 6, 2010:** Derrick moved, seconded by Lara, to approve the County Commission Minutes for July 6, 2010. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0.
 - j. **EXPENDITURE APPROVAL LIST FOR JULY 20, 2010 CHECK RUN:** Volpato moved, seconded by Lara, to approve the Expenditure Approval List for the July 20, 2010 Check Run. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0. The Expenditure Approval List for July 20, 2010 Check Run was recorded as Exhibit 5.b.
 - c. **PURCHASE CARD EXPENDITURE APPROVAL LIST FOR JUNE, 2010:** Volpato moved, seconded by Derrick. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0.
7. **APPROVE/DISAPPROVE PUBLIC CELEBRATION PERMIT FOR HOTEL ARTESIA – ALLEN SARTIN:** Joy Barr, General Manager of Hotel Artesia, explained the permit would be held at the Cottonwood Winery in conjunction with the Blues and Bar-B-Q festival. She stated they hoped to make the event an annual occurrence. Lutman moved, seconded by Derrick, to approve the public celebration permit. Passed 4-0.
8. **ESPERANZA HOUSE FUNDING REQUEST – ALLEN SARTIN:** Sartin stated additional information had been provided, as the Commission requested. He requested direction from the Board on further action to be taken. Lutman inquired if Esperanza House was currently funded by entities that had given funds in prior years. Sartin understood that Esperanza House had previously relied heavily on State funding and that State funding had dropped in the last two years, compelling them to seek funding from local governments and other entities. Lutman requested the item be tabled until after discussion of other items on the agenda. Lutman moved, seconded by Lara, to table the funding request. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0.
9. **TREASURER’S FINANCIAL REPORTS FOR JUNE, 2010:** Sartin explained the report was sent electronically to the Commission and was for information only.
10. **DISCUSS HAPPY VALLEY FIRE STATION ROLL-OFF DUMPSTERS – ROBERT BRADER:** Photographs were passed around of one week’s accumulation of trash and debris after the area had been cleaned. Sartin noted the Road Department cleaned the area twice a week and the roll-offs were removed regularly and when notification was given they were full. Volpato stated the area was a disgrace. Brader stated the Office of Emergency Management received a notice that the Happy Valley Fire Department property was in violation of the Eddy County Ordinance. He stated the dumpsters began as temporary dumpsters to encourage area residents to clean up the area. The dumpsters became a permanent fixture on the site. He stated in addition to the trash, debris and smell issues associated with the dumpsters, issues had arisen of neighbors

storing items on the property and moto-cross tracks across the unfenced, open dirt lot. Volpato interjected that fencing had been approved for the area two years prior pending the design of the new fire station. Brader stated he had met with the architect and the site was drawn out but he was not aware if funding was ever designated for that project. Volpato requested Sartin to check into the funding issue. Darren Lane explained that as soon as the dumpsters were emptied, trash and debris was dumped on the ground. Neighbors had complained of cockroach infestation. Brader felt the majority of the dumping was done by people outside of the Happy Valley community. Brader recommended that the dumpsters be removed, the lot be cleaned up and fenced until the new fire station was built. Lutman stated this had been an on-going issue for six years now and felt it was time to formulate a plan for the situation and to move on it. He also noted the dreadful condition the fire station building was in. Lane stated a plan had been drawn by the architect in the past but was not moved on by the County. Brader stated the architect had estimated a cost of \$1.5M to \$1.7M for the station and it was a matter of establishing funding for the station. Volpato suggested a plan of action for the fire station be developed for Finance. He suggested reconvening the Solid Waste Board and producing two or three proposals with different options to be presented to the Board. Lutman suggested analyzing the cost of removing the trash and polling the City on its pickup cost and consideration of picking up the dumpsters. The current cost was \$241 for each dumpster pull. Volpato requested that Lutman obtain that information and that the Solid Waste Committee convene next Tuesday at 10:00 a.m. Volpato noted items for consideration at the meeting were cost estimates for the current pulls and extra pulls, the architect blueprints and design for the fire station and the convenience station, and also options for a game plan. Lutman noted that the Artesia dumpster area was well organized. Sartin stated there had been a problem in the past with the Artesia dump station. Weldon noted that the Artesia Road Department now had an employee that cared for the area in Artesia. Derrick inquired of the trustees that helped with clean-up at the Happy Valley site. Warden Steward noted that manpower was the primary issue. Sartin stated a proposal had been presented to the Board during the budget process and the costs were deemed to be too high at that time for an additional officer, vehicle and equipment for a second crew. Lara suggested a public information campaign with the cities of Artesia and Carlsbad. Public comments were taken from a Happy Valley resident who stated she had witnessed people who were not residents of Happy Valley dumping on the ground. She encouraged the Commission to keep the dumpsters in the area. Volpato requested that Lane and Brader attend the Solid Waste Board meeting. Weldon noted that the Happy Valley station started with one dumpster for household municipal trash but had now become a convenience station. Derrick requested an estimate of Road Department costs from Weldon.

Sartin inquired if Lutman wished to bring off the table the funding request from Esperanza House. Lutman requested the item be tabled to a future meeting.

Break: 10:00 a.m. to 10:10 a.m.

11. RESOLUTIONS:

i. R-10-43; CODE ENFORCEMENT – 8 MUSTANG ROAD – STEVE MCCROSKEY: Sartin passed around photos of the property. McCroskey had not had any success speaking to the property owner, although he had signed for the first and second notices sent to him via General Delivery in La Plata, NM but refused to sign for the final notice sent to him. The individual's mother stated he visited Artesia frequently.

McCroskey could see no attempt at cleaning up the property since contacted by the previous Code Enforcement officer. He stated he had been given 10 extra days before presentation of this resolution. Lutman moved, seconded by Volpato, to order clean up of the property at the owner's expense. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0. Volpato inquired if the occupant/resident would also be cited. McCroskey stated he would do so with the Commission's approval. R-10-43 was recorded as Exhibit 11.a.

j. R-10-44; CODE ENFORCEMENT – 50 W. JACKSON ROAD – STEVE MCCROSKEY: McCroskey circulated photos of the property. The property owner had signed for all notices sent to him. Weeds were now an issue with the property as well. Lutman moved, seconded by Lara, to approve R-10-44. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0. R-10-44 was recorded as Exhibit 11.b.

k. R-10-45; CODE ENFORCEMENT – 1816 JEWEL STREET – STEVE MCCROSKEY: McCroskey spoke with the owner who stated that all vehicles on the property ran. He saw no evidence of that since they had flat tires and debris or junk inside the vehicles. He noted that none had been moved since the initial notice was sent in 2009. Lutman moved, seconded by Volpato, to approve R-10-45. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0. R-10-45 was recorded as Exhibit 11.c.

l. R-10-46; CODE ENFORCEMENT - 6464 SEVEN RIVERS HIGHWAY – STEVE MCCROSKEY: The owner responded to the County's notice, stating that he was in poor health. Final notice was sent in November, 2009. The owner stated to McCroskey at that time that he would have something done on the structures by January, 2010. He stated parts of the house appeared to be built with pallets. The structures were a hazard to the public. Lutman moved, seconded by Lara, to order the clean-up of the property. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0. R-10-46 was recorded as Exhibit 11.d.

m. R-10-47; CODE ENFORCEMENT – 4025 HARMON LANE – STEVE MCCROSKEY: McCroskey stated the property had been an issue off and on since the owner was notified of weeds and debris in 1998. McCroskey stated the structure was in terrible condition and was being used for storage, had no shingles or windows. He had received complaints from neighbors on the property. He could see no attempt had been made to improve the property. Volpato moved, seconded by Lutman, to approve R-10-47. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0. R-10-47 was recorded as Exhibit 11.e.

n. R-10-48; SECTION 3 PLAN FOR EDDY COUNTY – YVONNE BASABILVAZO: Basabilvazo stated this was a requirement for the CDBG grant, verifying the County was grant eligible and compliant with EEOC Act. Lara moved, seconded by Derrick, to approve R-10-48. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0. R-10-48 was recorded as Exhibit 11.f.

o. R-10-50; QUEEN VFD FIRE EXCISE LOAN – ROBERT BRADER: Brader stated the State Fire Marshall had denied the County's request for use of the State funds to purchase the refurbished, claiming it did not meet 2009 FPA Standard. New trucks cost around \$200K to \$300K to meet that standard. Brader felt the refurbished vehicle was a good deal and met the needs of the Queen Fire Department. The Fire Chief's Board suggested funding the vehicle out of 60 percent Fire Excise Fund as an extension of the current loan on the station. The money saved for the vehicle could then be used for another project that the State Fire Marshall would approve. Sartin noted that any future Fire Fund loans would be approved by resolution so as to have a permanent document as a tracking mechanism. Brader recommended purchasing the truck and stated that the NFPA Standard was not adopted by the State of New Mexico as law; it was an

administrative standard that the State Fire Marshall applied to use of money under his control. He told the State that the County paid as it went and could not afford a new truck. Brader stated the truck would help improve Queen VFD's ISO rating by meeting the 4K gallon-water-on-wheels requirement. He stated the better the ISO rating, the more money the fire department would receive. Volpato stated that the truck would enable the Queen Fire Department to do their job, save structures, protect property and the County shouldn't pass up this opportunity. Brader added that the Queen VFD also provided water to the US Forest Service to keep any fires from burning into the subdivision. He felt it was a win-win situation and an excellent price and money was available to get it. Derrick felt the County attorney needed to look into this State unfunded mandate by an appointed official, the State Fire Marshall. He felt the County should pursue the issue, go forward and ask for a review of why this particular truck did not meet the standards of a brand new truck. Sartin stated the County could go forward with this request and then follow up with the attorney and see if we could make the State pay for it. Lutman moved, seconded by Volpato, to approve R-10-50 for Queen VF excise loan to purchase the truck and to direct the County attorney to pursue the issue. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0. R-10-50 was recorded as Exhibit 11.g.

12. AGREEMENTS:

a. A-10-82; THREE PARTY GRANT AGREEMENT BETWEEN DFA/LGD, EDDY COUNTY & THE ADMINISTRATIVE OFFICE OF THE COURTS – CINDY SHARIF: Sartin requested review of the agreement be postponed as requested by Judge Castaneda.

b. A-10-97; AMENDMENT #5 TO EXISTING MALAGA WATER SYSTEM IMPROVEMENTS PHASE I, II & III AGREEMENT – YVONNE BASABILVAZO: Basabilvazo stated the amendment was to totally close out the RUS grant monies received for Malaga. She stated the figures had been over-estimated about \$5K and the remaining NMED money would be reimbursed to the County for use on Phases I and II. Volpato moved, seconded by Derrick, to approve A-10-82. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0. A-10-97 was recorded as Exhibit 12.b.

c. A-10-99; APPROVAL OF GRANT AGREEMENT AMENDMENT NO. 1 FOR THE CDBG MALAGA WATER SYSTEM IMPROVEMENTS GRANT – YVONNE BASABILVAZO: This was for a time extension for Phases I and II on the CDBG. Derrick moved, seconded by Lara, to approve A-10-99. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0. A-10-99 was recorded as Exhibit 12.c.

d. A-10-90; CONTRACT TO PROVIDE HR SERVICES TO ECCCA – ALLEN SARTIN: Sartin stated a contract was signed at the last Board meeting. Derrick moved, seconded by Volpato, to approve A-10-90. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0. A-10-90 was recorded as Exhibit 12.d.

e. A-10-94; AGREEMENT WITH GEREER CONSTRUCTION, INC. FOR THE CONSTRUCTION OF THE EDDY COUNTY FEMALE & JUVENILE DETENTION CENTER – DANNY STAFFORD: Stafford stated this performance-based contract was for construction of the jail. Sartin stated the Project Plan was 27 pages of detailed deliverables with timelines and dollar amounts for each. Derrick moved, seconded by Lutman, to approve A-10-94. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0. A-10-94 was recorded as Exhibit 12.e.

f. A-10-95; AGREEMENT WITH FIBREBOND FOR THE NEW EDDY COUNTY JUVENILE DETENTION CENTER CELL PACKAGE – DANNY STAFFORD: The cells were complete units put into the slab and the jail would be built around them. They would be shipped by rail. Sartin stated this was a standard contract for a

commodity. The agreement stipulated they would comply with the contractor's schedule. Lara moved, seconded by Lutman, to approve A-10-95. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0. A-10-95 was recorded as Exhibit 12.f.

g. A-10-98; MEMORANDUM OF UNDERSTANDING BETWEEN COUNTY OF EDDY AND THE CITY OF CARLSBAD IN REGARDS TO JAG APPLICATION #2010-H5181-NM-DJ – MARIA MERJIL-MALDONADO: Maldonado stated the MOU was a requirement in order to apply for the JAG grant. The plans for the \$19,671 grant were to fund the school resource officers. Lara inquired of the Wise Eyes program and Maldonado stated the investigator was very active in communication and training with the oil field services. Lara moved, seconded by Derrick, to approve A-10-98. Voting yes: Volpato, Derrick, Lara and Lutman. A-10-98 was recorded as Exhibit 12.g.

13. TRAVEL REQUEST CONSENT AGENDA:

PRIOR:

a. ALLEN SARTIN ATTENDED A SETTLEMENT CONFERENCE IN LAS CRUCES, NM:

b. JOEL ARNWINE ATTENDED NMEMA TRAINING MEETING IN ALBUQUERQUE, NM: Derrick moved, seconded by Volpato, to approve the travel agenda. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0.

14. EMERGENCY BUSINESS:

a. R-10-51, FINAL APPROVAL OF 2010/2011 BUDGET: Sartin stated the Commission needed to adopt the final budget. He stated four changes had been made to the preliminary budget adopted in May. Working capital was provided to the Emergency Management fund; minor changes were made in two areas to benefit costs to individual employees, and to the environment fund benefit fund. The State was satisfied with the budget. Volpato moved, seconded by Derrick, to approve R-10-51. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0. R-10-51 was recorded as Exhibit 14.a.

15. PUBLIC COMMENTS: None.

16. COUNTY MANAGER COMMENTS: Sartin followed up on Lutman's request for the amount

the County was funded in the current budget for community services. He stated for the cities of Carlsbad, Artesia, Hope and Loving, \$1,070,377 was funded. For all the other non-profits, the County supported in the amount of \$675,721. The total amount out of the General Fund was \$1,746,098.

17. ELECTED OFFICIALS: Waller suggested that the DWI and MIP programs participated in trash pick-up and might be a resource for community clean-up.

18. COMMISSIONER COMMENTS: Lara gave an update on local girls attending Girls Nation. Lutman perused the perimeter of the buildings and found some physical issues that needed to be addressed on County buildings. He had a beautification checklist and would present it to the committee. Volpato noted that the \$1M appropriation for the Center of Excellence to continue their algae work. He updated the Commission on the local brine well issue. He noted that WIPP was putting together a proposal for a solar energy park and to become energy self-sufficient by wind and solar energy, partnering with NMSU and Texas Tech. Derrick stated the BLM had solicited comments during the

process of revamping the Resource Management Plan. Comments were due by August 30. Volpato stated the Resource Group requested a letter of nomination from the County for an individual to be on the committee. He inquired if Derrick was interested in filling the position. Derrick stated he would give it a try.

19. PROJECT UPDATES: None.

20. CLOSED MEETING: At 11:12 a.m., Volpato moved, seconded by Derrick, to recess the meeting and to hold a closed meeting beginning at 10:00 a.m., in accordance with NMSA 10-15-1H (2), (7) and (8) to discuss personnel, pending litigation, and real property to reconvene in two hours. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0.

21. RE-OPEN: At 12:34 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: Volpato, Derrick, Lara and Lutman. Passed 4-0.

22. ADJOURN: At 12:35 p.m., Volpato moved, seconded by Derrick, to adjourn the meeting. Voting yes: Volpato, Derrick, Lara and Lutman. Passed 4-0.

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIRMAN

ATTEST:

COUNTY CLERK

DATE: _____

**EDDY COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES
JULY 30, 2010**

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 30, 2010, at 2:00 p.m. Volpato called the meeting to order. Sartin led the Pledge of Allegiance and gave the invocation.

Present:

JACK VOLPATO	CHAIRMAN, DISTRICT 4
LEWIS DERRICK	COMMISSIONER, DISTRICT 2
GUY LUTMAN	COMMISSIONER, DISTRICT 3
TONY HERNANDEZ	VICE-CHAIRMAN, DISTRICT 1
ALLEN SARTIN	COUNTY MANAGER
DARLENE ROSPRIM	COUNTY CLERK
KENNEY RAYROUX	HUMAN RESOURCES DIRECTOR
ROBERT STEWART	WARDEN
GAY WEST	ADMINISTRATIVE ASSISTANT
DEBBIE PENALUNA	ASSISTANT FINANCE DIRECTOR
CAROL HENNINGTON	INFORMATION SYSTEMS SUPERVISOR

Absent:

ROXANNE LARA	COMMISSIONER, DISTRICT 5
CHARLENE WRIGHT	PROBATE JUDGE
KAREN ROBINSON	COUNTY ASSESSOR
TERRI RICHARDS	TREASURER
ERNEST MENDOZA	SHERIFF

TIMED AGENDA

2:00 P.M.

1. R-10-53; FINAL ADJUSTED BUDGET FOR 2010/2011 – DEBORAH

PENALUNA: Penaluna explained the change made would not affect the bottom line and was to satisfy DFA. Hernandez moved, seconded by Derrick to approve R-10-53. Voting yes: Hernandez, Derrick, Lutman, and Volpato. Passed: 4-0. R-10-53 was recorded as Timed Agenda Exhibit 1.

2. EMERGENCY BUSINESS: None.

Volpato stated he had received a letter from the Inn at Laredo stating their records had been compromised and to check his records for his credit card. Penaluna stated she had not received any correspondence regarding that incident. She did however; state that 2

cards from other employees had been used in Mexico and a call was made to Wells Fargo to deny those charges.

3. ADJOURN: At 2:05 p.m., Volpato moved to adjourn, seconded by Hernandez. Voting yes: Hernandez, Derrick, Lutman, and Volpato. Passed: 4-0.

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIRMAN

ATTEST:

COUNTY CLERK

APPROVED: _____