

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
MARCH 1, 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 March 1, 2011 at 8:30 a.m. Hernandez called the meeting to order. Sartin led the Pledge of Allegiance and gave the invocation.

Present:

TONY HERNANDEZ	CHAIRMAN, DISTRICT 1
ROXANNE LARA	VICE-CHAIR, DISTRICT 5
LEWIS DERRICK	COMMISSIONER, DISTRICT 2
GUY LUTMAN	COMMISSIONER, DISTRICT 3
JACK VOLPATO	COMMISSIONER, DISTRICT 4
CAS TABOR	COUNTY ATTORNEY
ALLEN SARTIN	COUNTY MANAGER
DARLENE ROSPRIM	COUNTY CLERK
RONDA NELSON	DEPUTY CLERK
ERNEST MENDOZA	SHERIFF
KENT WALLER	CHIEF DEPUTY SHERIFF
TERRI RICHARDS	TREASURER
KAREN ROBINSON	COUNTY ASSESSOR
LARRY AUGSBURY	FINANCE DIRECTOR
TINA PARRISH	PURCHASING ADMINISTRATOR
GAY WEST	ADMINISTRATIVE ASSISTANT
FRANK WELDON	ROAD SUPERINTENDENT
ROBERT STEWART	WARDEN
ROBERT BRADER	FIRE SERVICE COORDINATOR
DANNY STAFFORD	MAINTENANCE DIRECTOR
CAROL HENNINGTON	INFORMATION SYSTEMS SUPERVISOR
KENNEY RAYROUX	HUMAN RESOURCES DIRECTOR
LINDA MARTINEZ	INDIGENT CLAIMS ADMINISTRATOR
STEVE MCCROSKEY	CODE ENFORCEMENT
STELLA DAVIS	CARLSBAD CURRENT ARGUS
ASHLEY TRUJILLO	ARTESIA DAILY PRESS

Absent:

JOHN CARAWAY	PROBATE JUDGE
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TIMED AGENDA:

8:30 A.M.

PUBLIC HEARING – PROPOSED COUNTY ORDINANCE O-11-64; ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO DELL TELEPHONE COOPERATIVE, A NEW MEXICO CORPORATION & PUBLIC UTILITY, BY EDDY COUNTY, NEW MEXICO:

1. **Open** – Public Hearing opened at 8:30 a.m.

2. **Applicant Comments** – None.
3. **Commissioners Comments/Questions** – Volpato suggested that the location of the power lines and pipelines be submitted to GIS.
4. **Public Comment** – None.
5. **Deliberations.**
6. **Board Action** – Volpato moved, seconded by Lara, to approve O-11-64. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. O-11-64 was recorded in Ordinance Book 2 Page 245.
7. **Adjourn Hearing** – Hearing adjourned at 8:33 a.m.

8:35 A.M

PUBLIC HEARING – PROPOSED COUNTY ORDINANCE O-11-65; ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO CENTRAL VALLEY ELECTRIC COOPERATIVE, A NEW MEXICO CORPORATION & PUBLIC UTILITY, BY EDDY COUNTY, NEW MEXICO:

1. **Open** – Public Hearing opened at 8:35 a.m.
2. **Applicant Comments** – Applicant requested a change to Page 7 of 9, Paragraph 4.6, Notices, changing “Attention President” to “Attention General Manager.”
3. **Commissioners Comments/Questions** – Derrick inquired of the standard mentioned in the Ordinance. Chuck Pinson, General Manager of Central Valley, stated the Coop was not subject to compliance with the North American Energy Reliability Corporation’s Transmission Vegetation Program standard, as it applied to owners with transmission lines greater than 200KV.
4. **Public Comments** – None.
5. **Deliberations.**
6. **Board Action** – Derrick moved, seconded by Lutman, to approve O-11-65 with the specified changes. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. O-11-65 was recorded in Ordinance Book 2 Page 245.
7. **Adjourn Hearing** – Hearing adjourned at 8:40 a.m.

8:40 A.M.

PUBLIC HEARING – PROPOSED COUNTY ORDINANCE O-11-71; ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO EL PASO NATURAL GAS COMPANY, A NEW MEXICO CORPORATION & PUBLIC UTILITY, BY EDDY COUNTY, NEW MEXICO.

1. **Open** – Public Hearing opened at 8:40 a.m.
2. **Applicant Comments** – None.
3. **Commissioners Comments/Questions** – Lara suggested looking at and updating the permitting processes with respect to Weldon’s concern of allowing franchise gathering lines in County rights-of-way.
4. **Public Comment** – None.
5. **Deliberations.**
6. **Board Action** – Volpato moved, seconded by Derrick, to approve O-11-71. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. O-11-71 was recorded in Ordinance Book 2 Page 269.
7. **Adjourn Hearing** – Hearing adjourned at 8:45 a.m.

8:45 A.M.

PUBLIC HEARING – PROPOSED COUNTY ORDINANCE O-11-72; ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO NEW MEXICO GAS COMPANY, A NEW MEXICO CORPORATION & PUBLIC UTILITY, BY EDDY COUNTY, NEW MEXICO.

1. **Open** – Hearing opened at 8:47 a.m.
2. **Applicant Comments** – Sartin stated the Applicant’s legal counsel had contacted him requesting the hearing be postponed to allow them an opportunity to review the draft agreement they received in November.
3. **Commissioners Comments/Questions** – None.
4. **Public Comment** – None.
5. **Deliberations.**
6. **Board Action** – Lara moved, seconded by Lutman, to table approval of the ordinance. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Motion to table passed 5-0.
7. **Adjourn Hearing** – Hearing Adjourned at 8:50 a.m.

8:50 A.M.: OTHER PRESENTATIONS:

1. **ANNUAL REPORT, EDDY COUNTY FLOOD COMMISSIONER – LOUISE TRACY:** See attached presentation by Flood Commissioner Louise Tracy labeled as Timed Agenda Exhibit 1.
2. **60% FIRE EXCISE PROJECTS – JOEL ARNWINE:** Sartin stated Motorola was not in attendance and that the item would be tabled for consideration at a future meeting.

TRAILING AGENDA:

1. **APPROVE:**
 - a. **COMMISSION MEETING MINUTES FOR FEBRUARY 15, 2011:** Lara moved, seconded by Derrick, to approve the Commission Meeting Minutes for February 15, 2011. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.
 - b. **EXPENDITURE APPROVAL LIST FOR MARCH 1, 2011 CHECK RUN:** Stafford requested an invoice to Greer Construction in the amount of \$250,552.00 for the JDC be added to the total for approval. Derrick moved, seconded by Volpato, to approve the Expenditure Approval List for March 1, 2011 Check Run. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. The Expenditure Approval List for March 1, 2011 Check Run was recorded as Exhibit 1.b.
2. **APPROVE/DISAPPROVE TWO (2) INDIGENT BURIALS – LINDA P. MARTINEZ:** Volpato moved, seconded by Lara, to approve two indigent burials. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.
3. **TREASURER’S FINANCIAL REPORT FOR JANUARY, 2011 – TERRI RICHARDS:** Sartin stated the item was for Commissioners’ review and for information only.
4. **APPEAL, CODE ENFORCEMENT ACTION R-11-15 , 405 WINCHESTER – ALLEN R. SARTIN:** McCroskey stated the case was opened in 2008. He noted work had been done to the property, but additional work was necessary. Abinoam Marquez, property owner, passed out “before and after” photos of the property. He requested additional time to

continue clean up and construction on the property. Lutman moved, seconded by Derrick, to grant a 60-day extension. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.

5. **APPEAL , CODE ENFORCEMENT ACTION R-11-14, 102 HOPI ROAD – ALLEN R. SARTIN:** McCroskey stated a six-month extension was granted on the property in May, allowing until November 5, 2010 to work on the clean-up. He stated to date, nothing had been cleaned on the property. Ron Mitchell, property owner, stated he would clean up the property, but had been a caregiver for his sick mother, who was now deceased. He requested an extension of 90 days on the action. Lutman moved, seconded by Volpato, to deny the Appeal. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.
6. **LETTER OF SUPPORT, PRESBYTERIAN MEDICAL SERVICES – ALLEN R. SARTIN:** Sartin stated there was no representative from Presbyterian Medical Services at the meeting due to the ongoing relationship with Eddy County. The Commission agreed to send a letter of support.
7. **REQUEST FOR LETTER OF SUPPORT – ALLEN R. SARTIN:** Sashua Cotton, representing Alianza, stated the entity was the only HIV/Aids resource center in Eddy County. The entity was in the process of applying for a grant of \$56,716 to help defer housing costs for people who are HIV positive. She stated there were six Eddy County residents currently in the program. The Commission agreed to send a letter of support.
8. **REQUEST FOR LOBBYING MONIES – SRS – ALLEN R. SARTIN:** The NMAC had requested Eddy County to participate in lobbying efforts to maintain and extend the Secure Rural Schools funding from the federal government. Eddy County's contribution would be \$147 to participate. Sartin stated Eddy County expected to receive \$96K from the program for the 2011/12 budget year. Derrick moved, seconded by Volpato, to approve the request for monies towards lobbying efforts for the SRS. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.
9. **SNMEDD PUBLIC SECTOR VACANCY – ALLEN R. SARTIN:** Lara moved, seconded by Derrick, to appoint Rudy Dominguez to fill the vacancy of Board Member and appoint Jim Grantner as the Alternate. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.
10. **RIVERBLITZ – FRANK WELDON:** Weldon stated this was an annual event that Eddy County and the Road Department supported with disposing of trash and debris that was brought forth from the event. Lara moved, Lutman seconded, to approve the Road Department participation in the Riverblitz. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.
11. **TEMPORARY HELP – KAREN ROBINSON:** Robinson requested an extension of temporary help until the rendering period was concluded, a couple of weeks. Lutman moved, seconded by Derrick to approve an extension of up to two weeks for the temporary position. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.

BREAK – 10:05 to 10:17 a.m.

12. RESOLUTIONS:

- a. **R-11-17; CLOSING OF COUNTY FACILITIES – ALLEN R. SARTIN:** Sheriff Mendoza expressed concern that emergencies, inclement weather and conflicting holidays with the State of NM were when it was necessary for his staff to work. Court Security attendance was mandatory when court was open. Volpato pointed out certain departments may be excluded. Rosprim pointed out attendance by her staff was mandatory during elections. A conflict could arise if the County Manager had closed the County. Volpato stated emergency situations called for one go-to person making the key decisions. Waller agreed there was truth in the issue of trying to have one person manage but added that the County government was not set up that way. The County had elected offices and administrative offices. He referred to the State’s designation of “essential” and “non-essential” personnel. Tabor stated he contacted several counties and that their policy was that everyone was to come to work. In extreme emergent situations, the County Manager made the decision and it did not apply to public safety, health, welfare and road departments unless it was life threatening. Those released from work were given Administrative Leave. Sartin stated as currently written, the Department Heads would be notified and it was up to the Department Head to have their own call chain in place to contact every employee. Lutman moved, seconded by Derrick, to table the resolution and rewrite the section concerning exempted closings. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.
- b. **R-11-19; CONCERNS ABOUT KEY ENERGY BRINE WELL – ALLEN R. SARTIN:** Sartin had modified the last “Whereas” section of the resolution and passed around copies of the corrected resolution. The change addressed ETZ zoning and permitting regulations, and also the NMOCD regulations. He felt a timeframe should also be addressed. He introduced Wayne Price from Key Energy who wished to make a statement on behalf of the company. He read into the record a prepared statement. Key Energy requested an opportunity to provide to the Commission a detailed overview and insight of a very complex and in-depth permit before any decisions were made at today’s meeting. He stated the proposed brine well would be a state-of-the-art system and would be closed at some point in the future. He reiterated that the well would never, ever collapse or fall in. Key Energy had employed technical experts and would like an opportunity to present the technical evidence to the Commission. He noted that many jobs would also be provided with the well. He stated the WQCC hearings would be held in Carlsbad or Eddy County. Lutman requested an opportunity to physically view the proposed site. Volpato requested that Key Energy also make their presentation to the Technical Brine Working Committee for peer review. Pierce agreed to do that. Lara inquired if the company had looked at locations farther out in the County. Pierce stated that location was the issue and that Key Energy already had \$2M invested in a new station located 1,100 feet from the proposed location. Volpato expressed concerns about the long-term viability of the hole staying intact and was interested in seeing what the experts of the Working Group had to say about it. Hernandez inquired if Price anticipated others coming forward with applications for additional brine wells in this area. Price stated that Key Energy would set the bar so high that it would be practically impossible for a small company to put a brine well in. Volpato moved, seconded by Lara, to table the resolution pending further presentation and discussion. Voting yes:

- Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. Key Energy's statement was attached as Exhibit 12.b.
- c. **R-11-20; PUBLIC ROADS MAINTAINED BY EDDY COUNTY – FRANK WELDON:** Weldon stated this was the annual certification of County road inventory for maintenance and designated County roads. Lara moved, seconded by Derrick, to approve R-11-20. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. R-11-20 was recorded as Exhibit 12.c.
 - d. **R-11-24; FOREIGN NATIONAL DL'S AND ID'S – KENNEY RAYROUX:** Rayroux stated that issuing these items had become cumbersome and very time consuming for the DMV staff to process. He stated the risk for forged or fake documents was excessively high with the process. The Commission was requested to order the DMV to stop issuing the driver's licenses and IDs as of March 31. State-run MVD offices would continue to offer that service. Lara moved, seconded by Lutman, to approve R-11-24. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. R-11-24 was recorded as Exhibit 12.d.
 - e., f., & g. **R-11-21; PURCHASE OF BRUSH TRUCK FOR SUN COUNTRY VFD; R-11-22; LOAN TO LA HUERTA VFD FOR PURCHASE OF A RESCUE PUMPER; R-11-23; FORGIVENESS OF QUEEN VFD FIRE EXCISE LOAN – JOEL ARNWINE** Lutman moved, seconded by Volpato, to approve R-11-21, R-11-22 and R-11-23. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. R-11-21, R-11-22 and R-11-23 were recorded as Exhibits 12.e., 12.f. and 12.g, respectively.

13. AGREEMENTS:

- a. **A-11-10; LAW ENFORCEMENT PROTECTION FUNDS - \$48,800.00 – SHERIFF ERNEST J. MENDOZA:** Lutman moved, seconded by Volpato, to approve A-11-10. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. A-11-10 was recorded as Exhibit 13.a.
- b. **A-11-11; MOU BETWEEN THE BUREAU OF LAND MANAGEMENT NM STATE OFFICE & CARLSBAD FIELD OFFICE WITH THE EDDY COUNTY SHERIFF'S OFFICE – SHERIFF ERNEST J. MENDOZA:** Lutman moved, seconded by Hernandez, to approve A-11-11. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. A-11-11 was recorded as Exhibit 13.b.
- c. **A-11-12; MOU BETWEEN THE US DEPT. OF ENERGY (CARLSBAD FIELD OFFICE) WITH THE EDDY COUNTY SHERIFF'S OFFICE CONCERNING LOCAL LAW ENFORCEMENT SUPPORT – SHERIFF ERNEST J. MENDOZA:** Volpato moved, seconded by Lutman, to approve A-11-12. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. A-11-12 was recorded as Exhibit 13.c.

14. TRAVEL REQUEST CONSENT AGENDA:

PRIOR:

- a. **DEPUTY MATT HUTCHINSON ATTENDED DPS WITH REALITY BASED TRAINING FOR L.E. ACADEMY CADETS IN SANTA FE, NM:**
- b. **ONE (1) AGENT, ONE (1) INVESTIGATOR & TWO (2) SERGEANTS ATTENDED FIREARMS INSTRUCTOR TRAINING RE-CERTIFICATION IN LAS CRUCES, NM:**

- c. ONE (1) SERGEANT & ONE (1) INVESTIGATOR ATTENDED OILFIELD EQUIPMENT IDENTIFICATION, INTERDICTION AND THEFT INVESTIGATION IN MIDLAND, TX:
- d. KAREN ROBINSON ATTENDED EXECUTIVE BOARD & NMAC BOARD MEETINGS IN SANTA FE, NM:
- e. F. FRIZELL, M. CORONA, M SHOTT, K. INGRAM & CHRIS RODRIGUEZ ATTENDED TRAINING FOR TRAINERS CERTIFICATION COURSE AND AN ADVANCE TRAINING FOR TRAINERS COURSE IN SANTA FE, NM:
- f. C. PATTERSON, M CORONA, M SHOTT, K. INGRAM & CHRIS RODRIGUEZ ATTENDED TRAINING AT SANTA FE COUNTY ADULT DETENTION FACILITY IN SANTA FE, NM:
- g. ROXANNE LARA & JACK VOLPATO ATTENDED ENERGY COMMUNITIES ALLIANCE 2011 ANNUAL CONFERENCE IN WASHINGTON, DC:
- h. TODD BANNISTER ATTENDED SUICIDE PREVENTION TRAINING IN ALBUQUERQUE, NM:

FUTURE:

- i. WARREN HARDIN TO ATTEND NM FLOODPLAIN MANAGERS CONFERENCE TO OBTAIN CECs IN ALBUQUERQUE, NM:
- j. RHONDA HATCH & JAMI EAGLE TO ATTEND STATE ASSESSED CERTIFICATION, ABSTRACT & PERSONAL PROPERTY TRAINING IN ROSWELL, NM:
- k. STEVEN MCCROSKEY TO ATTEND ASBESTOS INSPECTOR RECERTIFICATION CLASS IN ALBUQUERQUE, NM:
- l. STEVEN MCCROSKEY TO ATTEND MVD VIN INSPECTOR CLASS IN ALBUQUERQUE, NM:
- m. FOUR (4) DEPUTIES TO ATTEND JIMMY MCGRANE STREET SURVIVAL TRAINING IN ALBUQUERQUE, NM:
- n. SHERIFF & CHIEF DEPUTY TO ATTEND 75TH ANNUAL NM SHERIFFS & POLICE ASSOCIATION CONFERENCE IN ALBUQUERQUE, NM:

Lutman moved, seconded by Derrick, to approve the Travel Request Consent Agenda. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.

- 15. **LEGISLATIVE ISSUES:** Sartin noted that an attempt by Congress to reduce PILT by 75 percent had been killed by Representative Pearce and others. Lobbying efforts were under way to thwart the repeal of the GRT Hold Harmless Bill at the state level.
- 16. **EMERGENCY BUSINESS:** None.
- 17. **PUBLIC COMMENTS/ANNOUNCEMENTS:** None.
- 18. **COUNTY MANAGER COMMENTS/ANNOUNCEMENTS:** Sartin had provided copies of the Loop Road presentation of April 6 and an update of the Workload List to the Commissioners in their box.
- 19. **ELECTED OFFICIALS COMMENTS/ANNOUNCEMENTS:** None.
- 20. **COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS:** Lutman suggested writing a letter of support for the County Extension Agent regarding potential funding cuts

at the federal level for the Extension Office. The Commission agreed to do so. Lutman suggested a plaque honoring the service of Queen VFD Chief Jimmy Funk and his assistant, who both recently passed away.

21. **PROJECT UPDATES:** None.
22. **CLOSED MEETING:** At 11:33 a.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 regular meeting thereafter. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.
23. **RE-OPEN:** At 1:16 p.m., Hernandez moved, seconded by Lutman to reconvene in open session and to certify that only the items listed in the motion to close the meeting were discussed in accordance with NMSA 10-15-1H (2), (7) and (8). Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.
24. **ADJOURN:** At 1:17 p.m., Lara moved, seconded by Lutman, to adjourn the meeting. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIRMAN

ATTEST:

COUNTY CLERK

DATE:

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
MARCH 15, 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 March 15, 2011 at 8:30 a.m. Hernandez called the meeting to order. Sartin led the Pledge of Allegiance and gave the invocation.

Present:

TONY HERNANDEZ	CHAIRMAN, DISTRICT 1
ROXANNE LARA	VICE-CHAIR, DISTRICT 5
LEWIS DERRICK	COMMISSIONER, DISTRICT 2
GUY LUTMAN	COMMISSIONER, DISTRICT 3
JACK VOLPATO	COMMISSIONER, DISTRICT 4
CAS TABOR	COUNTY ATTORNEY
ALLEN SARTIN	COUNTY MANAGER
DARLENE ROSPRIM	COUNTY CLERK
RONDA NELSON	DEPUTY CLERK
ERNEST MENDOZA	SHERIFF
KENT WALLER	CHIEF DEPUTY SHERIFF
TERRI RICHARDS	TREASURER
LINDA MARTINEZ	INDIGENT CLAIMS ADMINISTRATOR
YOLANDA SING	INDIGENT CLAIMS ASSISTANT
LARRY AUGSBURY	FINANCE DIRECTOR
GAY WEST	ADMINISTRATIVE ASSISTANT
ROBERT STEWART	WARDEN
DANNY STAFFORD	MAINTENANCE DIRECTOR
CAROL HENNINGTON	INFORMATION SYSTEMS SUPERVISOR
KENNEY RAYROUX	HUMAN RESOURCES DIRECTOR
JOEL ARNWINE	EMERGENCY MANAGER
STELLA DAVIS	CARLSBAD CURRENT ARGUS

Absent:

JOHN CARAWAY	PROBATE JUDGE
KAREN ROBINSON	ASSESSOR

TIMED AGENDA:

8:30 A.M.

PUBLIC HEARING – PROPOSED COUNTY ORDINANCE O-11-66; ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO MORNINGSIDE WATER USERS COOPERATIVE, A NEW MEXICO CORPORATION AND PUBLIC UTILITY, BY EDDY COUNTY, NEW MEXICO:

1. **Open** – Public Hearing opened at 8:30 a.m.
2. **Applicant Comments** – None.
3. **Commissioners Comments/Questions** – None.
4. **Public Comment** – None.

5. **Deliberations**
6. **Board Action** – Volpato moved, seconded by Derrick, to approve O-11-66. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. O-11-66 was recorded March 16, 2011 in Ordinance Book 2 Page 287.
7. **Adjourn Hearing** – Hearing adjourned at 8:33 a.m.

8:35 A.M

PUBLIC HEARING – PROPOSED COUNTY ORDINANCE O-11-67; ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO MALAGA MUTUAL DOMESTIC WATER CONSUMERS & SEWAGE WORKS ASSOCIATION, A NEW MEXICO NON-PROFIT CORPORATION AND PUBLIC UTILITY, BY EDDY COUNTY, NEW MEXICO:

1. **Open** – Public Hearing opened at 8:35 a.m.
2. **Applicant Comments** – None.
3. **Commissioners Comments/Questions** – None.
4. **Public Comments** – None.
5. **Deliberations**
6. **Board Action** – Volpato moved, seconded by Lara, to approve O-11-67. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. O-11-67 was recorded on March 16, 2011 in Ordinance Book 2 Page 299.
7. **Adjourn Hearing** – Hearing adjourned at 8:37 a.m.

8:40 A.M.

PUBLIC HEARING – PROPOSED COUNTY ORDINANCE O-11-68; ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO HAPPY VALLEY COOPERATIVE WATER WORKS, A NEW MEXICO NON-PROFIT CORPORATION AND PUBLIC UTILITY, BY EDDY COUNTY, NEW MEXICO.

1. **Open** – Public Hearing opened at 8:40 a.m.
2. **Applicant Comments** – None.
3. **Commissioners Comments/Questions** – None.
4. **Public Comment** – None.
5. **Deliberations**
6. **Board Action** – Volpato moved, seconded by Derrick, to approve O-11-68. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. O-11-68 was recorded on March 16, 2011 in Ordinance Book 2 Page 311.
7. **Adjourn Hearing** – Hearing adjourned at 8:44 a.m.

8:45 A.M.

PUBLIC HEARING – PROPOSED COUNTY ORDINANCE O-11-69; ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO COTTONWOOD RURAL WATER ASSOCIATION, A NEW MEXICO NON-PROFIT CORPORATION AND PUBLIC UTILITY, BY EDDY COUNTY, NEW MEXICO.

1. **Open** – Hearing opened at 8:45 a.m.
2. **Applicant Comments** – None.
3. **Commissioners Comments/Questions** – None.
4. **Public Comment** – None.
5. **Deliberations**

6. **Board Action** – Lara moved, seconded by Hernandez, to approve O-11-69. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. O-11-69 was recorded on March 16, 2011 in Ordinance Book 2 Page 323.
7. **Adjourn Hearing** – Hearing Adjourned at 8:47 a.m.

8:50 A.M.

PUBLIC HEARING – PROPOSED COUNTY ORDINANCE O-11-70; ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO OTIS WATER USERS COOPERATIVE, A NEW MEXICO NON-PROFIT CORPORATION AND PUBLIC UTILITY, BY EDDY COUNTY, NEW MEXICO.

1. **Open** – Hearing opened at 8:50 a.m.
2. **Applicant Comments** – The Applicant had requested that the item be tabled, asking for 30 additional days to review the document with this being the Coop’s first time to propose the ordinance and not being a renewal.
3. **Commissioners Comments/Questions** – None.
4. **Public Comment** – None.
5. **Deliberations**
6. **Board Action** – Derrick moved, seconded by Lutman, to table O-11-70. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.
7. **Adjourn Hearing** – Hearing Adjourned at 8:52 a.m.

8:55 A.M.:

1. **SERVICE AWARDS:** Janiece Wall, Larry Yturralde and Iris Reza were not present to accept their service awards.
2. **BID AWARDS:**
 - a. **B-11-03; ONE (1) NEW CURRENT PRODUCTION MODEL SMOOTH DRUM VIBRATORY COMPACTOR – FRANK WELDON:** Sartin stated Weldon recommended the bid be awarded to Power Equipment, which came in about \$5,563 higher than the low bid. Sierra Machinery was low bidder but Weldon felt they had not done a good job of warranting previously purchased county machinery. Rocky West, Sierra Equipment Sales Manager, explained his knowledge of the warranty issue Weldon had referenced and the measures Sierra Equipment had taken to remedy the situation. Lara moved, seconded by Derrick, to table awarding B-11-03 pending discussions with Weldon. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. The invitation to bid and bid minutes were recorded as Timed Agenda Exhibit 2.a.
 - b. **B-11-04; EDDY COUNTY SUBSTANCE ABUSE REHABILITATION CENTER ADDITION REBID – DANNY STAFFORD:** Lutman moved, seconded by Derrick, to table until 10:00 the awarding of B-11-04. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. Bid award was tabled until 10:00 a.m. or after perusal of the Revenue and Treasurer’s Reports.
3. **CARLSBAD MEDICAL CENTER (CMC) PRESENTATION ON OPERATIONS AND SERVICES – LINDA P. MARTINEZ:** Elmer Hyde and Pat Dunbar updated the Commission on the newly remodeled and expanded units at the hospital. The hospital had invested over \$15M in the upgrade with \$12M of that going toward the renovation of surgical services and the balance going to renovation of the lobby and OB/GYN

areas. Several physicians had been added to the staff. Carlsbad Medical Center employed 623 people with a payroll of \$32M. Exhibit 3 was recorded to show statistics presented.

4. **PRESBYTERIAN MEDICAL SERVICES (PMS) PRESENTATION ON OPERATIONS AND SERVICES – LINDA P. MARTINEZ:** Sharon Weston and Leann Thomas thanked the Commission for its letter of support for PMS and presented statistical information on PMS operations. Weston stated PMS had 32 employees in Eddy County with salaries and benefits totaling \$1,691,000. PMS had extended its hours of service to the community. Volpato and Lara congratulated PMS on its improved professionalism and quality of care in Carlsbad and Loving. Statistics presented were recorded as Exhibit 4.

TRAILING AGENDA:

1. & 2. **RECESS EDDY COUNTY COMMISSION MEETING & CONVENE AS INDIGENT HOSPITAL CLAIMS BOARD:** At 9:45 a.m., Lutman moved, seconded by Volpato, to recess the Regular Commission Meeting and to convene as the Indigent Hospital Claims Board. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.
3. **INDIGENT HOSPITAL CLAIMS BOARD:** See indigent minutes.
4. **RECONVENE EDDY COUNTY COMMISSION MEETING:** At 9:50 a.m., Lutman moved, seconded by Derrick, 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/DISAPPROVE (ONE) 1 INDIGENT BURIAL – LINDA P. MARTINEZ:** Volpato moved, seconded by Derrick, to approve the indigent burial. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.
6. **APPROVE:**
 - a. **COMMISSION MEETING MINUTES FOR MARCH 1, 2011:** Volpato moved, seconded by Derrick, to approve the Commission Meeting Minutes for March 1, 2011. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.
 - b. **EXPENDITURE APPROVAL LIST FOR MARCH 15, 2011 CHECK RUN:** Lutman moved, seconded by Derrick, to approve the Expenditure Approval List for March 15, 2011 Check Run. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. The Expenditure Approval List for March 15, 2011 Check Run was recorded as Exhibit 6.b.
 - c. **PURCHASE CARD EXPENDITURE APPROVAL LIST FOR FEBRUARY, 2011:** Stafford requested an invoice from NCA Architects in the amount of \$26,964 be added the list bringing the total for approval to \$425,170.11. Volpato moved, seconded by Lutman, to approve the Purchase Card Expenditure Approval List for February, 2011. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. The February, 2011, P-Card Expenditure Approval List was attached as Exhibit 6.c.

7. **REVENUE REPORT – LARRY AUGSBURY:** Augsbury reported a stable trend in gross receipts with takes being over budget. The monthly amount was over \$300K for the first time since May, 2009, and was the ninth consecutive month of increased receipts over the previous year. This was the thirteenth consecutive month of increased oil and gas receipts over the previous year. Revenues indicated stability but not a boon. The Revenue Report was recorded as Exhibit 7.
8. **TREASURER’S FINANCIAL REPORT FOR FEBRUARY, 2011 – TERRI RICHARDS:** The item was for information only. The Treasurer’s Report was recorded as Exhibit 8.
9. **C-HILL TOWER LICENSE AGREEMENT RENEWAL – DANNY STAFFORD:** Stafford stated this was a yearly automatic renewal of the agreement.
10. **CITY OF CARLSBAD HOUSEHOLD HAZARDOUS WASTE – FRANK WELDON:** Richard Aguilar, City of Carlsbad representative, stated this was the semi-annual event that the County and City sponsored. The event would take place April 16. Volpato moved, seconded by Lutman, to approve spending up to \$10K which was left over from the budgeted amount for the year. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.
11. **10/11 STATE PROJECTS – FRANK WELDON:** Derrick moved, seconded by Hernandez, to table the decision on 10/11 road projects. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.
12. **11/12 STATE PROJECTS – FRANK WELDON:** Completion of Red Road was suggested for the list. Derrick suggested adding to the list Thirteenth and Twenty-Sixth Streets, as they were school bus routes. The two streets were heavily-traveled arteries into Artesia. Sartin would give Weldon the direction from the Commission.
13. **ANNUAL VFD PERA REPORT – JOEL ARNWINE:** The reports were to be signed by the Commission Chair. This was the annual submittal to the State PERA. Lara moved, seconded by Volpato, to direct the Chairman to sign the VFD PERA reports. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. The reports were recorded as Exhibit 13.
14. **APPOINTMENTS TO THE REGIONAL EMERGENCY DISPATCH AUTHORITY (REDA) – ALLEN R. SARTIN:** Sartin received back from the State the JPA. Sartin requested that Lutman be appointed to the REDA Board. Derrick moved, seconded by Lara, to appoint Lutman to the REDA Board. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.

Sartin requested that Kenney Rayroux be appointed Alternate. Derrick moved, seconded by Lutman, to appoint Kenney Rayroux as Alternate to the REDA Board. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.

Sartin noted that in the JPA, the Sheriff was designated on the Operations Committee. He proposed Robert Brader as the County Designated Fire Representative on the

Operations Committee. Volpato moved, seconded by Derrick, to appoint Robert Brader as Designated Representative on the JPA Operations Committee. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.

Sartin requested the Commission consider suggestions to appoint four government individuals on the Executive Committee and three at-large members. Vernon Asbill had been asked to serve on the committee. Sartin suggested the additional positions be filled by an individual with marketing experience and possibly financial/insurance experience.

2. BID AWARDS:

b. (continued) - B-11-04: At 10:00 a.m., discussion concerning B-11-04 resumed with Robert Calvani, NCA Architects in attendance. The base bid was for \$953,298 with tax. Allowing for a 13 percent contingency of \$122,995, the total bid was \$1,076,293. Calvani explained the First Alternate was comprised of the housing unit of four cells, outdoor recreation and storage building. The building was basically the program space and the base bid. Alternate 1 with tax was \$307,164. Future expansion was possible with Alternate 2 and current funding would cover the amount. Lutman felt the financial presentation was favorable to do the entire project. Following discussion, Volpato moved, seconded by Lara, to approve the Base Bid and Alternate #2. Voting yes: Hernandez, Volpato, Derrick and Lara. Voting no: Lutman. Passed 4-1.

Volpato moved, seconded by Derrick, to award B-11-04 as previously specified to SWCM from Albuquerque. Voting yes: Hernandez, Volpato, Derrick and Lara. Voting no: Lutman. Passed 4-1. Bid minutes and Invitation to Bid were recorded as Timed Agenda Exhibit 2.b.

15. DIRECTION, HR SUPPORT FOR DETENTIONS – ALLEN R. SARTIN: Warden Stewart had agreed to a transfer of one vacant FTE from ECDC to Human Resources. Sartin stated it would be in the budget but wanted to use a contract service for the balance of this year to start providing additional recruiting services for Detention. Stewart stated he had 10 vacancies currently. Hernandez requested information from the exit surveys that employees filled out upon leaving employment with the County. Volpato moved, seconded by Hernandez, to transfer the one FTE to HR up until the start of the fiscal year of next year and then re-evaluate at that time. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.

RECESS: 11:45 a.m. to 1:15 p.m. TIMED AGENDA BOARD OF COUNTY COMMISSIONERS SEMI-ANNUAL LUNCH & TOUR OF DETENTION.

16. DIRECTION, FIRE CHIEF SUPPORT – ALLEN R. SARTIN: HR was in the process of hiring temporary staff for Emergency Operations for the remainder of the year and ultimately to include funding in the budget for the employee for the next year. The VFD chiefs requested support with financial reports and budgetary issues. The existing full-time employee in the department would transfer to the new job description and the temporary would backfill the vacant position. Rayroux stated the secretary/receptionist backfill position total with benefits was \$48,300, midrange base salary of \$27,900. Volpato moved to direct the County Manager to make temporary adjustments and hire

temporary staff for the duration of the 2010 budget year and to include a permanent solution in the 2011/12 budget, seconded by Lutman. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.

17. RESOLUTIONS:

- a. **R-11-17; CLOSING OF COUNTY FACILITIES – ALLEN R. SARTIN:** Sartin pointed out changes from the previously presented draft copy of the resolution. Derrick moved, seconded by Volpato, to approve R-11-17. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. R-11-17 was recorded as Exhibit 17.a.

18. AGREEMENTS:

- a. **A-11-13; ROAD MAINTENANCE AGREEMENT FOR THE VILLAGE OF LOVING – ALLEN R. SARTIN:**
- b. **A-11-14; ROAD MAINTENANCE AGREEMENT FOR THE VILLAGE OF HOPE – ALLEN R. SARTIN:** Sartin stated the agreement numbers had been previously incorrectly assigned and were now being corrected. Volpato moved, seconded by Lara, to approve changing the numbers from A-11-09 to A-11-13 and A-11-10 to A-11-14. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. A-11-13 and A-11-14 were recorded as Exhibits 18.a. and 18.b., respectively.
- c. **A-11-15; PREVISTAR USERS AGREEMENT – JOEL ARNWINE:** Arnwine stated this web-based planning software for Emergency Management was free for one year and then would be \$12K to \$13K the second year. Derrick moved, seconded by Lutman, to approve A-11-15. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. A-11-15 was recorded as Exhibits 18.c.
- d. **A-11-16; INFOCODE SERVICE AGREEMENT – JOEL ARNWINE:** This was the annual service agreement for the telephone data for the Reverse 911 system. Lutman moved, seconded by Lara, to approve A-11-16. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. A-11-16 was recorded as Exhibit 18.d.
- e. **A-11-17; TOWER MAINTENANCE AGREEMENT – JOEL ARNWINE:** This was the annual contract for maintenance on the County's five tower sites. The item was budgeted from 60% fire excise money. Volpato moved, seconded by Lutman, to approve A-11-17. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. A-11-17 was recorded as Exhibit 18.e.
- f. **A-11-18; SIMULCAST MAINTENANCE AGREEMENT – JOEL ARNWINE:** This was the preventive maintenance on the radio equipment at the five sites. Lara moved, seconded by Derrick, to approve A-11-18. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. A-11-18 was recorded as Exhibit 18.f.

19. TRAVEL REQUEST CONSENT AGENDA:

PRIOR:

- a. **VICTOR MARTINEZ ATTENDED BORSEC SURVIVING THE MEXICAN CARTELS PILOT COURSE IN ALBUQUERQUE, NM:**
- b. **ONE (1) DEPUTY & ONE (1) SERGEANT ATTENDED NATIONAL CHILD PASSENGER SAFETY CERTIFICATION TRAINING IN ALBUQUERQUE, NM:**

FUTURE:

- c. **WARREN HARDIN TO ATTEND CLASSES AT NM EDGE (COUNTY COLLEGE) IN ALBUQUERQUE, NM:**
- d. **KAREN ROBINSON TO ATTEND TWO (2) COUNTY COLLEGE CLASSES IN ALBUQUERQUE, NM, & ATTEND NMAC EXECUTIVE BOARD MEETING IN SANTA FE, NM:**
- e. **JIMMY CHILDRESS, CHRISTOPHER COX & RAY ROMERO TO ATTEND CERTIFICATE COURSES IN ALBUQUERQUE, NM:**
- f. **RECORDS SUPERVISOR TO ATTEND GRANT WRITING USA CLASS IN EL PASO, TX:**
- g. **ONE (1) CAPTAIN & ONE (1) DEPUTY TO ATTEND BUCKLE UP NM IN ALBUQUERQUE, NM:**
- h. **CYNTHIA SHARIF & DOROTHY PARKER TO ATTEND DWI GRANT COUNCIL & IMPLEMENTATION WORKSHOP IN SANTA FE, NM:**
- i. **JOEL ARNWINE TO ATTEND TEXAS HOMELAND SECURITY & EMERGENCY MANAGEMENT CONFERENCE IN SAN ANTONIO, TX:** Volpato moved, seconded by Hernandez, to approve the Travel Request Consent Agenda. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.

20. **LEGISLATIVE ISSUES:** Sartin reminded that Friday was the end of the session.

21. **EMERGENCY BUSINESS:**

- a. Sartin stated an inmate with special health care needs arrived at the detention center. He used emergency purchasing procedures to move forward with the contract. Derrick moved, seconded by Lara, to approve A-11-19. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. A-11-19 was recorded as Exhibit 21.a.
- b. Sartin received a call from Weldon stating deer had damaged the newly-laid liner at the landfill. Sartin stated he would contact the Commissioners when a decision had been made on how to address the problem.

22. **PUBLIC COMMENTS/ANNOUNCEMENTS:** Doyle Smith, a La Huerta resident, addressed the Commission with concerns of the Loop Road, and also of large truck traffic and dust in his area. He stated the Loop Road was now very rough due to oil field truck traffic dumping at the injection well in the area and the caliche dust was causing a driving hazard. He also had concerns of recently-purchased property on North Canal. He feared the new owner had indicated intentions of filling the natural draw that facilitates water runoff during heavy rainstorms. If the draw were filled, the runoff would drain towards his house. Lutman stated he would like to view the site. Volpato inquired if the area was in the ETZ.

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

- a. **STATUS OF COMMUNICATIONS AUTHORITY JPA:** Addressed on Item #14.
- b. **KEY ENERGY PRESENTATION TO CITY COUNCIL CANCELLED.** Sartin stated Lara was appointed to the committee working with the City on the Key Energy project. Lutman expressed interest in attending the meetings also.
- c. **LODGERS TAX COMMITTEE.** The Lodgers Tax Committee would use an event-based approach. Procedures and practices would be developed and presented at the next meeting. A vacancy on the committee remained open for suggestions.

- 24. ELECTED OFFICIALS COMMENTS/ANNOUNCEMENTS:** Sheriff Mendoza requested all elected officials get a complete notebook of all budget requests before beginning the budget process.
- 25. COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS:** Each of the commissioners that attended the Washington, DC meeting found the trip to be an educational, enjoyable and positive experience.
- 26. PROJECT UPDATES:**
- a. **JURY BOX SCHEDULE – ALLEN R. SARTIN:** Construction was scheduled to begin June 1.
 - b. **SHERIFF’S CARPET REPLACEMENT – ALLEN R. SARTIN:** Carpet installation was complete and work on the tile had begun.
 - c. **IT DEPARTMENT UPDATE:** Carol Hennington updated the Commissioners on the impact of the recent construction on the IT Department. She stated in the process of remodeling the Administration building, the IT Department had moved 54 computers, 48 phones and 60 printers, including fax lines, network jacks and reconfiguring copiers and new switches to support the expanded offices. She commended her staff for their hard work on long days and weekends, and their dedication in getting the jobs done.
- 27. CLOSED MEETING:** At 2:30 p.m., Hernandez moved, seconded by Volpato, to recess the meeting and to hold a closed meeting in accordance with NMSA 10-15-1H (2), (7) and (8) to discuss personnel, pending litigation, and real property to resume regular meeting thereafter. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.
- 28. RE-OPEN:** At 3:22 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: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.

Sartin requested direction to address Carter Road. Hernandez stated the matter would be re-addressed in the fall after CID water stopped flowing. He also requested direction on Burgundy Road. Hernandez stated the issue could be addressed in the fall, and perhaps take contract services to get the work accomplished.

Sartin requested a motion to grant the County Manager to fund and acquire special services in the HR Department to review various complaints and make a recommendation to the HR Director. Hernandez made the motion as requested, seconded by Volpato. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.

29. **ADJOURN:** At 3:24 p.m., Lutman moved, seconded by Derrick, to adjourn the meeting. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIRMAN

ATTEST: _____

COUNTY CLERK

DATE _____