

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
March 2, 2010**

BE IT REMEMBERED that the Eddy County Board of Commissioners held a regular meeting in Room 211 of the Eddy County Administration Complex on March 2, 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
DARLENE ROSPRIM	COUNTY CLERK
RONDA NELSON	DEPUTY CLERK
KAREN ROBINSON	COUNTY ASSESSOR
JOEL ARNWINE	EMERGENCY MANAGER
ROBERT BRADER	FIRE SERVICE COORDINATOR
KENT WALLER	CHIEF DEPUTY SHERIFF
LINDA MARTINEZ	INDIGENT CLAIMS COORDINATOR
CANDACE AUTRY	COMMUNITY HEALTH COORDINATOR
SHAWN FUNK	DEPUTY WARDEN
CAROL HENNINGTON	INFORMATION SYSTEMS SUPERVISOR
MARIA MERJIL-MALDONADO	SHERIFF'S ADMINISTRATIVE ASSISTANT
TINA PARRISH	PURCHASING ADMINISTRATOR
GAY WEST	ADMINISTRATIVE ASSISTANT
FRANK WELDON	ROAD SUPERINTENDENT
DANNY STAFFORD	M&O SUPERVISOR
GEORGIA GOAD	GIS
STEVE MCCROSKEY	CODE ENFORCEMENT
ALLEN SARTIN	COUNTY MANAGER
RICHARD AGUILAR	CITY ENVIRONMENTAL SERVICES MGR
STELLA DAVIS	CARLSBAD CURRENT ARGUS
JESSICA LEE	ARTESIA DAILY PRESS
JIM GRANTNER	<u>CITY COUNCILOR</u>

Absent:

TERRI RICHARDS	TREASURER
CHARLENE WRIGHT	PROBATE JUDGE
ERNEST MENDOZA	SHERIFF

TIMED AGENDA:

8:30 A.M.

1. BID AWARDS:

- a. **B-10-01; NEW 1,000 BBL WATER STORAGE TANK – ROBERT BRADER:**
Brader stated the tank was for the Sun Country VFD to refill the fire trucks. There was no system there to do so. Monies would come from their State Fire Fund. The item would be presented to the Fire Excise Committee for possible payment from the 60% Fire Excise Fund, and upon approval, the funds would be reimbursed. He stated the industry-standard tank was prefab with valves and connections provided by and installed by the VFD. Lutman moved, seconded by Derrick, to award B-10-01 to Don Johnston Construction Inc. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0. Bid minutes and Invitation to Bid were recorded as Timed Agenda Exhibit 1.a.
- b. **B-10-02; TWO (2) 2010 OR NEWER MODEL 12-YARD DUMP TRUCKS – FRANK WELDON:** Weldon recommended the low bid from Bruckner be accepted. The trucks would replace existing 1995 trucks currently in use. Derrick moved, seconded by Hernandez, to award B-10-02 as recommended. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0. Bid minutes and Invitation to Bid were recorded as Timed Agenda Exhibit 1.b.
- c. **B-10-03; FUEL STORAGE TANKS COMPLIANCE – FRANK WELDON:** Weldon recommended the low bid from D & H Petroleum be accepted. The alterations to the existing tanks were needed to meet NM Environmental Department requirements. NMED would perform inspections during progression of the project. Lutman moved, seconded by Lara, to award B-10-03, as recommended. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0. Bid minutes and Invitation to Bid were recorded as Timed Agenda Exhibit 1.c.

TRAILING AGENDA:

1. APPROVE:

- a. **COUNTY COMMISSION MEETING MINUTES FOR FEBRUARY 16, 2010:**
Derrick moved, seconded by Lara, to approve the County Commission Minutes for February 16, 2010. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0.
 - b. **EXPENDITURE APPROVAL LIST FOR MARCH 2, 2010 CHECK RUN:**
Hernandez moved, seconded by Lara, to approve the Expenditure Approval List for March 2, 2010 Check Run. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0. The Expenditure Approval List for March 2, 2010 Check Run was recorded as Exhibit 1.b.
- 2. COTTONWOOD WINERY – STATE PERMIT FOR PUBLIC CELEBRATION – ALLEN R. SARTIN:** Dale Taylor, Cottonwood Winery, stated this would be the fifth year for this public event at the Winery. The State required the County's approval before authorizing the event. Derrick moved, seconded by Lutman, to approve the permit. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0. The permit was recorded as Exhibit 2.

3. **APPROVE/DISAPPROVE INDIGENT BURIAL – LINDA MARTINEZ:** Martinez stated West Funeral home had performed the cremation. Derrick moved, seconded by Lara, to approve the indigent burial. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0.

4. **CONSIDER PROPOSAL FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT – ALLEN R. SARTIN:** Richard Aguilar, City of Carlsbad Environmental Services Manager, stated the upcoming event would be the fourth year of mutual participation by the City and County. He stated the event had grown and suggested sponsoring the event twice a year to alleviate residents holding the waste during the year. The County was asked to match up to \$12,500 for each event. He stated the County previously did the Farmers’ Program and he offered to advertise it if requested. The fee for Rinchen would be \$61 per car with \$3K to setup and demobilize. He noted in the past an average of 250 to 300 cars participated in the event. Oilfield and industry were not included in this event. The City paid \$12,500 of last year’s bill of \$22K, with the County contributing the remainder of the funds. The City would advertise in the newspaper, on the radio and insert fliers into residents’ water bills. Lutman suggested Weldon post a flyer at the Landfill to notify County residents of the event. Sartin stated the first event would come out of the current year’s budget. The Fall and Spring events would come from next year’s budget. Lara moved, seconded by Lutman, to approve the proposal up to \$12,500 for this year and to discuss funding the event twice in the next budget cycle. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0.

5. **RESOLUTIONS:**

a. **R-10-24: RURAL ADDRESSING SYSTEM – TELL TALE LANE CR 606A – GEORGIA GOAD:** Goad stated the road was being named to clarify its location for E-911 addressing. The road was previously referred to as “the driveway to the treatment plant.” She stated protocol had been followed notifying land owners in the area, City of Carlsbad, BLM and the Tracy Family. Derrick moved, seconded by Lutman, to approve R-10-24. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0. R-10-24 was recorded as Exhibit 5.a.

6. **AGREEMENTS:**

a. **A-10-27: CONTRACT FOR NETWORK ANALYSIS – ALLEN R. SARTIN:** Sartin stated the project was to upgrade the County’s network system, with an outside professional consultant assessing and making recommendations. He noted \$50K had been budgeted for the project and the contract had been negotiated to around \$39K. It was estimated to take about five weeks for the review. Sartin contacted the references given by the contractor. Lutman moved, seconded by Lara, to approve A-10-27. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0. A-10-27 was recorded as Exhibit 6.a.

b. **A-10-29: 2006-GE-T6-0064-EDDY-01 GRANT EXTENSION – JOEL ARNWINE:** Arnwine stated the funds had all been expended in the Homeland Security grant but an extension was requested in order reimburse the remaining funds. Hernandez moved, seconded by Derrick to approve A-10-29. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0. A-09-29 was recorded as Exhibit 6.b.

c. **A-10-31: ENGAGEMENT LETTER WITH HINKLE, HENSLEY, SHANOR & MARTIN, LLP FOR LEGAL SERVICES REGARDING WATER LAW PROTESTS – ALLEN R. SARTIN:** The firm would assist the County with the trans-basin water diversion issue. Tabor coordinated work on the agreement. Roswell, Artesia and Eddy County having common interest have agreed to each pay one-third of the costs of representation. Lara moved, seconded by Lutman, to approve A-10-31. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0. A-10-31 was recorded as Exhibit 6.c.

d. **A-10-32: AMENDMENT TO MEMORANDUM OF AGREEMENT BETWEEN THE NEW MEXICO DEPARTMENT OF HEALTH & EDDY COUNTY – CANDACE AUTRY:** Autry stated this was the contract for suicide prevention outreach that was previously approved by the County. The DFA had requested a change in the language of the agreement. She stated she had been reassured all of the funding would be forthcoming. Derrick moved, seconded by Volpato, to approve A-10-32. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0. A-10-32 was recorded as Exhibit 6.d.

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

a. **KAREN ROBINSON & JUDY PRESSETT ATTENDED COUNTY COLLEGE CLASS IN ALBUQUERQUE, NM:**

b. **JOEL ARNWINE ATTENDED SENATE CONFIRMATION HEARING IN SANTA FE, NM:**

c. **JOEL ARNWINE & WILL LAW ATTENDED NMSF TYPE III IMT MEETING IN LAS CRUCES, NM:**

d. **JOEL ARNWINE ATTENDED NMTF-1 USAR TEAM TRAINING IN ALBUQUERQUE, NM:**

FUTURE:

e. **TINA PARRISH TO ATTEND STATEWIDE PROCUREMENT COUNCIL MEETING & NMPPA CONFERENCE IN RUIDOSO, NM:**

f. **SHERI GARNER, RHONDA HATCH & IMA LEE MELLARD TO ATTEND COLUMBIA INSTITUTE APPRAISAL SCHOOL FOR LICENSE REQUIREMENTS IN LAS CRUCES, NM:**

g. **WARREN HARDIN TO ATTEND NM FLOOD PLAIN MANAGERS CONFERENCE IN SOCORRO, NM:**

h. **TERRI RICHARDS & ANNA GALINDO TO ATTEND NM COUNTY TREASURERS' AFFILIATE 2010 SPRING CONFERENCE IN LAS VEGAS, NM:**

i. **DEBBIE PENALUNA TO ATTEND 2010 AUDIT UPDATE IN ALBUQUERQUE, NM:**

j. **KENNEY RAYROUX TO ATTEND EIB PUBLIC COMMENT SESSION RELATED TO CARBON EMISSIONS IN SANTA FE, NM:** Hernandez moved, seconded by Lutman to approve the travel requests. Voting yes: Lara, Lutman, Volpato, Hernandez and Derrick. Passed 5-0.

8. **LEGISLATIVE ISSUES:** Sartin stated this was the week that the Special Legislative Session would start.

9. **EMERGENCY BUSINESS:**

a. P-CARD EXPENDITURE APPROVAL LIST FOR JANUARY, 2010: Derrick moved, seconded by Lara to P-Card Expenditure Approval List for January, 2010. Voting yes: Lara, Lutman, Derrick, Hernandez and Volpato. Passed 5-0. The P-Card Expenditure Approval List for January, 2010 was recorded as Exhibit 9.a.

b. COMMISSION SUPPORT FOR RIVERBLITZ, MARCH 13, 2010: With the Board's approval, the County would support the Riverblitz scheduled for March 13, 2010.

10. PUBLIC COMMENTS/ANNOUNCEMENTS: None.

11. COUNTY MANAGER COMMENTS/ANNOUNCEMENTS: Sartin noted the network consultation contract was a performance-based contract. He stated he and Tabor were working to move County contracts towards performance-based contracts, where payments would be tied to performance. The architect contracts would be presented as performance-based contracts at the next meeting.

12. ELECTED OFFICIALS COMMENTS/ANNOUNCEMENTS: Rosprim encouraged the residents who live in the City limits to vote in today's City election.

13. COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS: Lutman had received information from a Happy Valley resident of trash and dead animal dumping at an area on Werewolf Hill. McCroskey examined the area and shared photographs he took. His research led him to believe the property was State BLM land. When contacted by him, BLM stated they did not have a ranger at this time, but one of their employees would visit the area soon. McCroskey also photographed a similar area on Lawrence Ranch Road. Waller stated the problem had been previously reported and was an ongoing issue for years. Hernandez suggested encouraging BLM to clean up the area and post littering signs. He also suggested the County consider sending out the Warden's Road Crew and getting it cleaned up with permission from BLM. Deputy Warden Funk concurred he would send the Road Crew after obtaining permission from BLM.

Lutman also noted an additional issue had surfaced in Artesia where a homeowner had moved three mobile homes onto a property. The owner stated he had been issued septic tank permits by the State Environment Department; however, he had not been issued floodplain certificates or addressing certificates by the County. McCroskey noted that San Juan County had two ordinances on the books addressing mobile home issues. Volpato suggested he research the ordinances and bring them to a future meeting.

Derrick updated the Commission on action by the NM-AZ Coalition of Counties concerning the Jaguar Critical Habitat and obtaining information under FOIA. The group was looking into monies that were not publically accounted for.

Lara commended the Sheriff's Office and the Current Argus for its story on the late night patrols done by the SO.

14. PROJECT UPDATES: None.

15. CLOSED MEETING: At 9:45 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: Lara, Lutman, Volpato, Hernandez & Derrick. Passed 5-0.

16. RE-OPEN: At 12:10 p.m., Volpato 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, Volpato, Hernandez & Derrick. Passed 5-0.

17. ADJOURN: At 12:11 p.m. Derrick moved, seconded by Lutman, to adjourn the meeting. Voting yes: Lara, Lutman, Volpato, Hernandez & Derrick. Passed 5-0.

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
March 16, 2010**

BE IT REMEMBERED that the Eddy County Board of Commissioners held a regular meeting in Room 211 of the Eddy County Administration Complex on March 16, 2010 at 8:30 a.m. Volpato called the meeting to order. Sartin led the Pledge of Allegiance and gave the invocation.

Present:

JACK VOLPATO	CHAIRMAN, DISTRICT 4
LEWIS DERRICK	COMMISSIONER, DISTRICT 2
GUY LUTMAN	COMMISSIONER, DISTRICT 3
ROXANNE LARA	COMMISSIONER, DISTRICT 5
TONY HERNANDEZ	VICE-CHAIRMAN, DISTRICT 1
MATT BYERS	COUNTY ATTORNEY
DARLENE ROSPRIM	COUNTY CLERK
RONDA NELSON	DEPUTY CLERK
KAREN ROBINSON	COUNTY ASSESSOR
JOEL ARNWINE	EMERGENCY MANAGER
ROBERT BRADER	FIRE SERVICE COORDINATOR
ERNEST MENDOZA	SHERIFF
KENT WALLER	CHIEF DEPUTY SHERIFF
ROBERT STEWART	WARDEN
SHAWN FUNK	DEPUTY WARDEN
CAROL HENNINGTON	INFORMATION SYSTEMS SUPERVISOR
DEBBIE PENALUNA	FINANCE DIRECTOR
KENNEY RAYROUX	HUMAN RESOURCES DIRECTOR
LINDA MARTINEZ	INDIGENT CLAIMS ADMINISTRATOR
YOLANDA SING	INDIGENT CLAIMS ASSISTANT
TINA PARRISH	PURCHASING ADMINISTRATOR
GAY WEST	ADMINISTRATIVE ASSISTANT
FRANK WELDON	ROAD SUPERINTENDENT
ALLEN SARTIN	COUNTY MANAGER
STELLA DAVIS	CARLSBAD CURRENT ARGUS
JESSICA LEE	ARTESIA DAILY PRESS

Absent:

TERRI RICHARDS	TREASURER
CHARLENE WRIGHT	PROBATE JUDGE

TIMED AGENDA:

8:30 A.M.

1. **SERVICE AWARDS:** A service award was presented to Albert Marchione for five years of service to Eddy County.
2. **RECOGNITION – COUNTY COLLEGE HONORS:** County College Honors recognition were given to County employees Judy Pressett, Karen Robinson, Darlene Rosprim and Robin Van Natta.
3. **PRESENTATION – PROPERTY TAX DIVISION HONORS:** Cheryl Winfield was presented a NM Certified Appraiser Certification award by Rick Silva, NM Property Tax Director.
4. **BID AWARD:**
 - a. **B-10-04: ONE (1) SMOOTH DRUM VIBRATORY COMPACTOR – FRANK WELDON:** Weldon recommended the bid be awarded to Sierra Machinery as low bidder. He also requested purchase of the patch seal kit (sheep's foot attachment). Lutman moved, seconded by Derrick to approve B-10-04 as presented. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. Bid minutes and Invitation to Bid were recorded as Timed Agenda Exhibit 4.a.

TRAILING AGENDA:

1. & 2. **RECESS EDDY COUNTY COMMISSION MEETING & CONVENE AS INDIGENT HOSPITAL CLAIMS BOARD:** At 8:35 a.m., Lara moved, seconded by Hernandez, 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 8:40 a.m., Derrick moved, seconded by Lutman, to adjourn the Indigent Hospital Claims Board and reconvene the regular meeting. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.
1. **APPROVE:**
 - c. **COUNTY COMMISSION MEETING MINUTES FOR MARCH 2, 2010:** Derrick moved, seconded by Volpato, to approve the County Commission Minutes for March 2, 2010. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.
 - d. **EXPENDITURE APPROVAL LIST FOR MARCH 16, 2010 CHECK RUN:** Lutman moved, seconded by Hernandez, to approve the Expenditure Approval List for March 16, 2010 Check Run. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. The Expenditure Approval List for March 16, 2010 Check Run was recorded as Exhibit 5.b.
 - e. **PURCHASE CARD EXPENDITURE APPROVAL LIST FOR FEBRUARY, 2010:** Derrick suggested the funding source of animal euthanasia be changed to animal control or

that it be put in a different budget. Sartin suggested the change be made with the July 1, 2010 budget. No objections were voiced from the Board. Derrick moved, seconded by Lutman, to approve the Purchase Card Expenditure Approval List for February, 2010. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. The Purchase Card Expenditure Approval List for February, 2010 was recorded as Exhibit 5.c.

2. **REVENUE REPORT – DEBORAH PENALUNA:** Penaluna updated the Commission on County revenues. Gross Receipts revenue was down year-to-date but steady. Oil and gas was above budget. The Revenue Report was attached as Exhibit 6.
3. **WAR MEMORIAL – MARIO SALINAS:** Mario Salinas requested funding for a war memorial to be placed on the courthouse lawn. The memorial would honor veterans and all individuals who served our country in past and current armed conflicts. He had obtained approval from the City of Carlsbad to fund half the cost of the memorial. He submitted drawings, specs and a bid quote from Sadler and Sons from Hobbs, NM for \$30K. Sartin stated the County would contract with a non-profit organization, Carlsbad Foundation, to purchase the monument. The County, through the PSA, would allow the organization to put the memorial on Eddy County property. George Eyer, Carlsbad Monument Co., stated he thought he had until this meeting to present his bid. Louise Tracy expressed concerns of a monument of this magnitude being placed on the courthouse lawn. She felt a park would be a better setting for the monument, allowing for long-term planning and future expansion. She noted the City of Carlsbad approved an ordinance in January approving a Veterans' Committee. She noted the City committee had yet to meet. She urged the County to table the request to allow a unified plan from all groups concerned. Joe Epstein, Chairman of the City of Carlsbad's Veterans' Committee, stated the committee was responsible for long-range planning of a Veterans' park in Carlsbad. He elaborated on the objectives and ancillary activities of the committee. He felt the center of town and city traffic was a good venue for the proposed memorial. Sartin stated funds would come from the County Contingency Account and were available. Derrick suggested waiting for the new budget before any additional funds were spent. He appreciated all veterans and would support the memorial but would not vote to approve it today before it was put in the budget, adding that County salaries recently had been frozen due to funding constraints. Lutman moved, seconded by Lara, to approve the funding request for \$15K contingent upon receiving a good PSA from Carlsbad Foundation with funds coming from the contingency fund. Voting yes: Lutman, Volpato, Hernandez and Lara. Voting no: Derrick. Passed 4-1.
4. **DMV UPDATE – KENNEY RAYROUX:** Rayroux updated the Commission with statistics on the DMV operation over the last five years. He stated the transactions and the revenue stream for the DMV in Artesia continued to be down. Derrick noted that gross and net revenues reimbursement from the State was less than 10 percent. Volpato added that a legislative remedy was needed to give the County back its fair share. The DMV update was recorded as Exhibit 8.
5. **APPROVE/DISAPPROVE ENGINEERS INC.'S RECOMMENDATION TO AWARD AG SERVICES CONSTRUCTION, INC. THE CONSTRUCTION CONTRACT TO COMPLETE PHASES I & II OF THE MALAGA WATER SYSTEM IMPROVEMENTS PROJECT – KENNEY RAYROUX & YVONNE BASABILVAZO:** Basabilvazo stated this was the first time the County had worked with Ag Services, a construction company out of Roswell, NM. The bid was for the installation of a 100K gallon water storage tank, a booster station and a water line going under the highway and

connecting into the system. She stated Ag Services was the lowest of five bidders on the project, bidding \$599,667 plus tax. Engineers, Inc. recommended that Ag Services do the job. The project completion date was set for the end of June, and funds had been received for the project. Basabilvazo stated this was primarily a federally-funded project. Hernandez moved, seconded by Derrick, to approve Engineers, Inc.'s recommendation to award the bid for Phases I & II of Malaga Water Systems Improvement Project to Ag Services Construction, Inc. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.

6. **DISCUSSION REGARDING STATE PROJECTS – FRANK WELDON:** Weldon presented the list of future projects to be submitted to the State. The list was due in Santa Fe by April 1, 2010. He stated funding had been reduced for all of his projects. He also requested direction from the Board on Road 217, whether or not the road should be returned to its original location since the sink hole had been filled. If the Board wished, he would pursue that issue with the State and BLM to move the road back. The Board concurred.

7. **RESOLUTIONS:**

a. **R-10-25: RESOLUTION FOR BLUE QUAIL SUBDIVISION ROADS – FRANK WELDON:** Weldon stated the resolution was to incorporate the roads into County inventory. Lutman moved, seconded by Derrick, to approve R-10-25. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. R-10-25 was recorded as Exhibit 11.a.

8. **AGREEMENTS:**

a. **A-10-25: AGREEMENT FOR PURCHASE OF ARCHITECT SERVICES FOR NEW JUVENILE DETENTION & ADULT FEMALE DETENTION ADDITION AND FACILITY WIDE SECURITY ELECTRONIC UPDATE – ALLEN SARTIN:** Sartin presented two minor changes to the contract and would contact the architect for acceptance. He stated this was Eddy County's first performance-based contract with the architect. A list of deliverables, timeframes and cost structure were included in the contract. Hernandez moved, seconded by Lara to approve A-10-25. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. A-10-25 was recorded as Exhibit 12.a.

b. **A-10-26: AGREEMENT FOR PURCHASE OF ARCHITECT SERVICES FOR REMODEL OF EDDY COUNTY ADMINISTRATION COMPLEX – ALLEN SARTIN:** Derrick moved, seconded by Lutman to approve A-10-26. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. A-10-26 was recorded as Exhibit 12.b.

c. **A-10-28: AMENDED CONTRACT FOR ROBERT B. BELL (A-09-62) – CYNTHIA G. SHARIF:** The amendment was to extend the contract to 11 months. DFA had approved the contract extension and funding was available. Lara moved, seconded by Lutman, to approve A-10-28. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. A-10-28 was recorded as Exhibit 12.c.

d. **A-10-30: CONTRACT FOR DR. VAN R. WARREN TO PROVIDE SUPERVISION FOR AURICULAR-ACU-DETOX-PERSONNEL - CYNTHIA G. SHARIF:** Dr. Warren would provide supervision over Phyllis Luna in her performance of acupuncture services for detox purposes for court-ordered clients. Dr. Warren was supervising acu-detox in Chaves County. The contract was grant-funded for the current fiscal year. Hernandez moved, seconded by Lutman, to approve A-10-30. Voting yes: Lutman, Volpato, Hernandez,

Derrick and Lara. Passed 5-0. A-10-30 was recorded as Exhibit 12.d.

e., f. A-10-33 & A-10-34: DARK CANYON LANDFILL CLOSURE/POST CLOSURE ENVIRONMENTAL REPORTING FY2011; & LOVING LANDFILL CLOSURE/POST CLOSURE ENVIRONMENTAL MONITORING/REPORTING FY2011 – FRANK WELDON: Monitoring both landfills was a legal requirement. The contract was for the same services currently provided, plus the additional services for a greenhouse gas monitoring computer model. Derrick moved, seconded by Lutman, to approve A-10-33 & A-10-34. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. A-10-33 & A-10-34 were recorded as Exhibits 12.e. & 12.f., respectively.

g. A-10-37: OIL & GAS LEASE WITH MEWBOURNE OIL CO. – ALLEN SARTIN: The agreement was worked on by Tabor and Derrick. Derrick stated he had not seen the version of the agreement presented. He suggested the agreement be table until Tabor returned.

h. A-10-38: LAW ENFORCEMENT PROTECTION FUNDS – SHERIFF MENDOZA: The funding was approved through DFA for \$600 per certified officer for equipment, small and large capital. Lutman moved, seconded by Derrick to approve A-10-38. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. A-10-38 was recorded as Exhibit 12.h.

i. A-10-39: APPROVAL OF A 2009 COLONIA GRANT AGREEMENT FOR MALAGA WATER SYSTEM IMPROVEMENTS – YVONNE BASABLIVAZO: Basabilvazo stated this was new funding from the Legislature in the amount of \$245,817 through a Colonia initiative. The funds would be used to replace smaller lines to six inch lines in the Malaga area. She stated future funding would go to a board for approval. Derrick moved, seconded by Volpato, to approve A-10-39. Voting yes: Lutman, Volpato Hernandez, Derrick and Lara. Passed 5-0. A-10-39 was recorded as Exhibit 12.i.

Break: 10:15 a.m. – 10:30 a.m.

**13. TRAVEL REQUEST CONSENT AGENDA:
FUTURE:**

k. ALBERT MARCHIONE & RHONDA BRYANT TO ATTEND CONFERENCE – CONTINUED EDUCATION, TRAINING & CERTIFICATION IN NASHVILLE, TN:

l. DARLENE ROSPRIM, ROBIN VAN NATTA, PAULA NAJAR & GABY FERNANDEZ TO ATTEND SECRETARY OF STATE ELECTION SCHOOL – VOTING MACHINE CERTIFICATION IN RIO RANCHO, NM:

m. DEEDRA MORSE TO ATTEND IAAO CADASTRAL MAPPING COURSE 600 IN BATON ROUGE, LA;

n. CYNTHIA SHARIF & DOROTHY PARKER TO ATTEND DWI GRANT COUNCIL MEETING & IMPLEMENTATION WORKSHOP IN SANTA FE, NM:

o. THREE (3) PATROL DEPUTIES TO ATTEND JAMES MCGRANE STREET SURVIVAL SEMINAR IN ALBUQUERQUE, NM:

p. SHERIFF, CHIEF DEPUTY, PATROL CAPTAIN & SIU CAPTAIN TO ATTEND NM SHERIFFS AND POLICE ASSN. CONFERENCE IN ALBUQUERQUE, NM:

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

- 14. EMERGENCY BUSINESS:** The Chamber of Commerce requested that a Commissioner help judge a photo contest they sponsored. Lara volunteered to judge the contest.

Lara stated her Washington, DC trip had been cancelled and requested approval to attend the Global Energy Summit in Santa Fe instead. Lutman moved, seconded by Hernandez to approve the travel request. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.

Annual Firefighters PERA reports were received at a late date and submittal was required by the end of March. Brader stated the roster of eligible firefighters required the signature of the Chairman. Derrick moved, seconded by Hernandez, to allow the Chairman to sign the report for submittal. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.

Lutman requested approval to attend a three-day lobbying event in Washington, DC for FLETC. Derrick moved, seconded by Volpato, to approve the trip. Voting yes: Volpato, Hernandez, Derrick and Lara. Abstaining: Lutman. Passed 4-0.

- 15. PUBLIC COMMENTS/ANNOUNCEMENTS:** Waller updated the Commission on the Western States Sheriff's Conference.

- 16. COUNTY MANAGER COMMENTS/ANNOUNCEMENTS:** Sartin presented a letter sent by the City Clerk with kudos and appreciation for the assistance the County Clerk and staff provided during the recent City election.

- 17. ELECTED OFFICIALS COMMENTS/ANNOUNCEMENTS:** Rosprim noted today was filing day for those wishing to run for public office. Volpato and Lutman updated the Commission on their attendance at the NACO Legislative conference.

- 18. COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS:** Lara reminded the Commission that nominations for the upcoming Boss Lift for the Guard and Reserve were due April 2. The event was scheduled for April 30. Derrick re-iterated his reason for his vote on the veteran's memorial.

- 19. PROJECT UPDATES:** None.

- 20. CLOSED MEETING:** At 10:55 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.

- 21. RE-OPEN:** At 12:57 p.m., Volpato moved, seconded by Hernandez, 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.

- 22. ADJOURN:** At 12:58 p.m., Derrick moved, seconded by Lutman, to adjourn the meeting. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.5-0.