

**EDDY COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A REGULAR MEETING  
MAY 3, 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 May 3, 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
JACK VOLPATO	COMMISSIONER, DISTRICT 4
LEWIS DERRICK	COMMISSIONER, DISTRICT 2
GUY LUTMAN	COMMISSIONER, DISTRICT 3
ROXANNE LARA	VICE-CHAIR, DISTRICT 5
CAS TABOR	COUNTY ATTORNEY
ALLEN SARTIN	COUNTY MANAGER
DARLENE ROSPRIM	COUNTY CLERK
ROBIN VANNNATTA	CHIEF DEPUTY CLERK
ERNEST MENDOZA	SHERIFF
KENT WALLER	CHIEF DEPUTY SHERIFF
ANNA GALINDO	CHIEF DEPUTY TREASURER
LARRY AUGSBURY	FINANCE DIRECTOR
GAY WEST	ADMINISTRATIVE ASSISTANT
FRANK WELDON	ROAD SUPERINTENDENT
ROBERT STEWART	WARDEN
CAROL HENNINGTON	INFORMATION SYSTEMS SUPERVISOR
SHARON DODSON	INFORMATION SYSTEMS ASSISTANT
KENNEY RAYROUX	HUMAN RESOURCES DIRECTOR
MELISSA WHETHAM	HUMAN RESOURCES ASSISTANT
LINDA MARTINEZ	INDIGENT CLAIMS ADMINISTRATOR
DANNY STAFFORD	M & O SUPERVISOR
STEVE MCCROSKEY	CODE ENFORCEMENT
YVONNE BASABILVAZO	COUNTY PLANNER
JOEL ARNWINE	EMERGENCY MANAGER
ROBERT BRADER	FIRE SERVICE COORDINATOR
CYNTHIA SHARIF	DWI COORDINATOR
LOUISE TRACY	FLOOD COMMISSIONER
JANELL WHITLOCK	CARLSBAD CITY COUNCIL
JIM GRANTNER	LANDFILL COMMITTEE
STELLA DAVIS	CARLSBAD CURRENT ARGUS
TYLER GRAHAM	ARTESIA DAILY PRESS
MIKE JAXSON	KSVP RADIO

**Absent:**

JOHN CARAWAY	PROBATE JUDGE
KAREN ROBINSON	ASSESSOR
TERRI RICHARDS	TREASURER

**TIMED AGENDA:**

**8:30 A.M.**

**12. EMERGENCY BUSINESS:**

**a. R-11-31: REQUEST FUNDING SUPPORT FOR WIPP:** Sartin stated the letters were designed to solicit Congress for funding to the WIPP project. Lara explained the letters of support and resolution needed to be approved before noon, in order to be included in a packet which would be hand carried to Washington. She stated the letters of support were due in Congress before the next Commission meeting and would need to be addressed as emergency business. If the funding for next year remained the same for WIPP, 90 to 100 people could be laid off. It was imperative to show support from the community in order to save those jobs. Lara moved, seconded by Volpato to approve R-11-31. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. R-11-31 was recorded as Exhibit 12.a.

Lara moved, seconded by Lutman to allow the Chairman to sign the letters of support. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0.

Lutman requested Item 20 be moved up on the agenda. Sartin suggested the Board have their discussion in closed session and then appoint the committee member in public. The Board decided by consensus to move the item up.

**1. PRESENTATION BY JOHN HEATON ON LOCAL NUCLEAR ISSUES – ALLEN R.**

**SARTIN:** Heaton gave a power point presentation on nuclear power and waste. He reported projections indicated a 50% increase in nuclear power by 2050. The question would be how to handle the used fuel. The ELEA group had proposed the 1044 acres between Hobbs and Carlsbad for an above ground interim storage facility. The location was remote, geologically stable, dry, and the infrastructure was in place. Local communities were very supportive of the project. Heaton explained consumers of nuclear energy paid a special fee to the waste fund which went into the federal budget. The fund generated \$780 million yearly and had \$26 billion total in the fund. The fund was scored in the federal budget as revenue. The intent was to use the money for nuclear power and waste storage. ELEA proposed the funds be diverted from the federal budget and used as was intended. It would take an estimated \$2 billion to ready the site and about \$100 million to run the facility initially. ELEA would hold a meeting on May 19, 2011 with contractors interested in participating on the project. Volpato stated it was imperative to educate local legislators and gain the support of Congress. Heaton thanked the Board for their time and the opportunity to speak. Hernandez thanked Heaton for a well prepared and informative presentation.

**7. REHAB FACILITY FUNDING – KENNEY RAYROUX:**

Rayroux reported one of the grants for \$580K expired on June 30, 2011. The project proposed for the funds would only expend \$288K, which would leave \$292K unexpended. One solution would be to order and get building supplies on site and paid for by the deadline. The contract was a performance based contract, and it would have to be revised in order to purchase materials ahead of time. Sartin stated the Board had three options: (1) Kill the project; (2) The county could fund the short fall; (3) Put override language in the performance contract to allow the early purchase of materials. Volpato questioned if a grant extension could be obtained. Rayroux

explained the only way an extension would be granted was through the legislature. Sartin stated the decision on how to proceed would be made when the contract was discussed later in the meeting.

20. **SELECTION FOR VACANCY ON PLANNING & ZONING BOARD – ALLEN SARTIN:** The names submitted for consideration were Louise Tracy, Dickie Means and Craig Stephens. Volpato reported Stephens had respectfully removed his name from consideration. Lutman moved, seconded by Derrick to nominate Louise Tracy to the Board. Hernandez stated he had been contacted by Dickie Means who expressed an interest in serving on the Board. Hernandez read a letter from Means which outlined his credentials. Tracy gave a list of past experience which would be beneficial to the Board. All of the Commissioners agreed both were viable candidates. Hernandez and Volpato expressed support for Means. Lara questioned if the number on the committee was set or could they appoint more than five members. Lara asked Sartin to review the resolution for flexibility on the number of members. Derrick suggested the idea of an alternate to the committee. Voting yes: Derrick, Lara, and Lutman. Voting no: Hernandez and Volpato. Passed 3-2.

### **TRAILING AGENDA:**

1. **APPROVE:**
  - a. **EXPENDITURE APPROVAL LIST FOR MAY 3, 2011 CHECK RUN:** Volpato moved, seconded by Derrick to approve the Expenditure List for May 3, 2011 Check Run. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. The Expenditure Approval List for May 3, 2011 Check Run was recorded as Exhibit 1.a.
2. **REVENUE REPORT – LARRY A. AUGSBURY:** Augsbury reported the GRT exceeded previous years for the last 11 months. Oil and gas revenues had been up for the last 15 months. Augsbury stated he had contacted N.M. Tax and Revenue Oil Bureau concerning the equipment receipts and why they were lagging behind last year's totals. Equipment receipts were based on oil and gas prices not on actual equipment. Sartin explained the equipment value was based on production of the well. The payments were one year in arrears, so with production up this year, next year's payments would be more. The Revenue Report was recorded as Exhibit 2.
3. **OVERVIEW OF TREASURER'S REPORT & INTEREST ON INVESTMENTS – TERRI RICHARDS:** Lutman questioned the investment trend from 2007 to 2009 and wondered if the County had practiced due diligence when investing. Galindo reported in 2008 the County had a total of \$35.8 million in investments. In 2011 the County had \$48.5 million to invest, an increase of \$12.7 million over three years. Galindo stated currently the money was invested with local banks in CDs. The interest paid on those CDs was .180 to .250%. For example a \$500K CD would only make \$1248.00 in a year's time. The Treasurer was looking to revise the investment policy, and would be working with the Finance Director and the Finance Advisory Board. The policy would have to comply with statutory guidelines. Galindo reported Richards was looking at the possibility of investing in securities in order to get a better return. Derrick suggested a meeting of the Finance Advisory Board to explore alternative investments.

4. **APPROVE/DISAPPROVE INDIGENT BURIAL – LINDA MARTINEZ:** Lara moved, seconded by Derrick to approve the indigent burial. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0.
5. **EDDY COUNTY SHERIFF’S OFFICE NEW BUILDING ASSESSMENT – SHERIFF ERNEST J. MENDOZA:** Mendoza and Waller presented the assessment and fielded questions from the Board. Lutman asked the Commission to determine if there was a need for the new building and if the county could fund the project. He encouraged them to move forward with the project. Derrick expressed concern about the location, and agreed there was a need. Volpato stated it was clear the department needed a new facility and called for a site and financial assessment. He would like to finish existing projects before starting another. Hernandez questioned the availability of funds. Sartin stated there was \$2.6 million dedicated out of next year’s budget to the Loop Road which could be used. Lara would like to see comparative costs to renovate other buildings in the community. Lutman suggested the Board tour the Lea County Facility to get a better idea of the Sheriff’s needs. Hernandez proposed a committee be formed to evaluate the project and look at other site locations. Lutman volunteered to be on the committee and suggested Basabilvazo also participate. Hernandez agreed there was a need and was open to suggestions as to location. The committee would consist of the Sheriff and Chief, Lara, Lutman, Basabilvazo and Jim Grantner. Derrick moved, seconded by Volpato to appoint the above mentioned people to the committee to evaluate the project and make recommendations to the Commission. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. The Assessment was recorded as Exhibit 5.
6. **PART TIME POSITION FOR DWI PROGRAM – CYNTHIA SHARIF:** Sharif stated the request was for two special contract managers. These people were already employed under contract and experienced a good working relationship with law enforcement agencies. They would be limited to no more than 19 hours per week. Sartin stated the positions would bring DWI into compliance with the IRS. Sharif reported the contract bookkeeper would not be returning and she would like to hire a part time bookkeeper. The funds for these positions would not come out of the general fund. Sartin approved of the proposal and clarified the positions would be funded by grants and would not affect the general fund. Lutman moved, seconded by Lara to approve the positions. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0.
18. **CLOSED MEETING:** At 11:52 a.m., Hernandez moved, seconded by Volpato to amend with an adjustment to the agenda and recess the meeting and to hold a closed session in accordance with NMSA 10-15-1H (2), (7) and (8) to discuss personnel, pending litigation, and real property to reconvene at 1:00 p.m. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0.
19. **RE-OPEN:** At 1:00 p.m., Hernandez moved, seconded by Derrick to reconvene in open session and to certify that only the items listed in the motion to close the meeting were discussed in accordance with NMSA 10-15-1H (2), (7) and (8). Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0.

8. **RESOLUTIONS:**

a. **R-11-29: 2011 COMMITTEE, BOARDS & COMMISSION APPOINTMENTS & DESIGNATIONS – ALLEN R. SARTIN:** Volpato moved, seconded by Lutman to approve R-11-29. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. R-11-29 was recorded as Exhibit 8.a.

9. **AGREEMENTS:**

a. **A-11-30: 2007 – EDDY COUNTY SHSGP GRANT EXTENSION – JOEL ARNWINE:** Derrick moved, seconded by Volpato to approve A-11-30. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. A-11-30 was recorded as Exhibit 9.a.

b. **A-11-31: 2008 – EDDY COUNTY SHSGP GRANT EXTENSION – JOEL ARNWINE:** Lara moved, seconded by Hernandez to approve A-11-31. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. A-11-31 was recorded as Exhibit 9.b.

c. **A-11-32: 2009 – EDDY COUNTY SHSGP GRANT EXTENSION – JOEL ARNWINE:** Derrick moved, seconded by Lutman to approve A-11-32. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. A-11-32 was recorded as Exhibit 9.c.

d. **A-11-33: RENEWAL OF CONTRACT WITH CURRY COUNTY FOR HOUSING EDDY COUNTY JUVENILE PRISONERS – ROBERT STEWART:** Lara moved, seconded by Derrick to approve A-11-33. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. A-11-33 was recorded as Exhibit 9.d.

e. **A-11-34: MOU BETWEEN NEW MEXICO LOCAL ACCREDITATION PROGRAM/ADULT DETENTION PROFESSIONAL STANDARDS COUNCIL & EDDY COUNTY DETENTION CENTER (ECDC) TOWARD ACCREDITATION – ROBERT STEWART:** Volpato moved, seconded by Lara to approve A-11-34. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. A-11-34 was recorded as Exhibit 9.e.

f. **A-11-23: MOU WITH CITY OF ARTESIA ALLOWING EDDY COUNTY TO MANAGE CDWI FUNDING – CYNTHIA SHARIF:** Derrick moved, seconded by Lara to approve A-11-23. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. A-11-23 was recorded as Exhibit 9.f.

g. **A-11-24: MOU WITH CITY OF CARLSBAD ALLOWING EDDY COUNTY TO MANAGE CDWI FUNDING – CYNTHIA SHARIF:** Lara moved, seconded by to Derrick approve A-11-24. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. A-11-24 was recorded as Exhibit 9.g.

h. **A-11-25: MOU WITH VILLAGE OF LOVING ALLOWING EDDY COUNTY TO MANAGE CDWI FUNDING – CYNTHIA SHARIF:** Volpato moved, seconded

by Lutman to approve A-11-25. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. A-11-25 was recorded as Exhibit 9.h.

i. **A-11-36: CDWI GRANT APPLICATION – CYNTHIA SHARIF:** Lutman moved, seconded by Derrick to approve A-11-36. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. A-11-36 was recorded as Exhibit 9.i.

j. **A-11-37: AGREEMENT WITH SOUTHWEST CM, LLC FOR THE ADDITION OF THE EDDY COUNTY SUBSTANCE ABUSE REHABILITATION CENTER – DANNY STAFFORD:** Sartin reminded the Board state funding would no longer fund the complete project. The three options were (1) Kill the project. (2) The county would fund the short fall. (3) Put override language in the performance contract to allow the early purchase of materials. Sartin stated there would be a shortfall, however option 3 would help minimize the County’s responsibility. Derrick moved, seconded by Lutman to approve A-11-37 with an amendment to purchase materials as soon as possible. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. A-11-37 was recorded as Exhibit 9.j.

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

a. **KENNEY RAYROUX TO ATTEND COOPERATING AGENCY STATUS TRAINING IN SANTA FE, NM:**

b. **KAREN ROBINSON TO ATTEND NMAC EXECUTIVE BOARD & REGULAR BOARD MEETINGS IN CLAYTON, NM:**

c. **MELISSA AZZINARO & BECKIE MELVIN TO ATTEND “HOW TO DEAL WITH DIFFICULT DEMANDING & INCONSIDERATE PEOPLE” TRAINING IN ABQ. NM:**

d. **MATT CAMPBELL & JAMIE EAGLE TO ATTEND IAAO COURSE 101 FUNDAMENTALS OF REAL PROPERTY APPRAISAL TRAINING IN WICHITA, KS:**

e. **LEXI KESSLER TO ATTEND IAAO COURSE 400 ASSESSMENT ADMINISTRATION TRAINING IN CHAPEL HILL, NC:**

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

11. **LEGISLATIVE ISSUES:** None.

12. **EMERGENCY BUSINESS:**

b. **A-11-28: MOU REGARDING ADVANCEMENT OF SOLE COMMUNITY PROVIDER FUNDS BETWEEN EDDY COUNTY & THE REGENTS OF THE UNM HOSPITAL:** Sartin stated UNM did not like the terms and conditions on item 2.e. He

directed staff to change it back to the original term and stamp it with the Chairman's signature. They indicated they would not send out the Sole Community Provider funds until the change was made. The deadline for payment was last Friday at noon. Sartin indicated since CMC had already signed their contract, the wording became irrelevant. He asked the Board to confirm the action. Volpato moved, seconded by Lara to approve A-11-28 as amended. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0. A-11-28 was recorded as Exhibit 12.b.

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

**14. COUNTY MANAGER COMMENTS/ANNOUNCEMENTS:** Sartin reminded the Board the Artesia Public Safety Complex would hold a grand opening on Thursday at 1:00 p.m.

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

**16. COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS:** Lara announced the CDOD would hold a Leadership seminar Friday, May 6, 2011 at NMSU-Carlsbad. They were looking for participants and items for their goody bags.

Lutman passed out pictures of the dumpsters at Happy Valley and Sunset Gardens for the Boards information. He stated the efforts to keep the county clean were not working.

Volpato commended Arwine, Brader and all the VFD's for their work on the Last Chance Fire.

**17. PROJECT UPDATES:**

- a. **REPLACE FINANCIAL MANAGEMENT SOFTWARE – LARRY AUGSBURY:** Augsbury reported the first site visit had been attended in Tom Green County, Texas. He was in the process of contacting other counties who utilized the software and the team would decide if other site visits were needed, or if the recommendation would be to go with Tyler Technologies.
- b. **UPGRADE COMPUTER NETWORK – CAROL HENNINGTON:** Dodson reported the start and test date for the backup generator was May 19, 2011. The storage assessment for the virtual servers would begin tomorrow.
- c. **MORININGSIDE INFRASTRUCTURE – KENNEY RAYROUX:** Basabilvazo reported the project had \$3,943 left, and she would be looking for ways to expend the money.
- d. **ARTESIA SHOOTING RANGE – KENNEY RAYROUX:** Basabilvazo reported another set of plans had been submitted by the Artesia Shooting Range. They had hired Advantage out of Roswell to develop the plan. She would like an architect to review the specs before going out to bid. Volpato suggested working with the company the building was purchased from. Sartin suggested the project be given to Rayroux as manager in charge of the project.

- e. **MALAGA WATER SYSTEM – KENNEY RAYROUX:** Basabilvazo reported there was \$31K left, and the engineers were looking at the new well location.
  - f. **NORTH EDDY COUNTY PUBLIC SAFETY COMPLEX – DANNY STAFFORD:** Stafford reported the project was complete and the Sheriff would be moving in within the next three weeks.
  - g. **EDDY COUNTY SUBSTANCE ABUSE REHABILITATION CENTER – DANNY STAFFORD:** See item 7.
  - h. **ARTESIA OFFICE REMODEL – DANNY STAFFORD:** Stafford stated the RFP for architectural services was due back this week.
  - i. **EDDY COUNTY COURTHOUSE COURTROOM #3 REMODEL – DANNY STAFFORD:** Stafford stated the project was scheduled to begin June 1, 2011.
  - j. **JAIL EXPANSION – DANNY STAFFORD:** Stafford reported the project was on schedule and was due to be completed the end of September.
  - k. **ADMINISTRATION OFFICE REMODEL – DANNY STAFFORD:** Stafford reported the project was complete. The contractor still had to complete the punch list before payment would be made.
  - l. **LOOP ROAD PROJECT – FRANK WELDON:** Weldon reported all the appraisals were done and land acquisitions were in progress.
  - m. **NEW CELL DEVELOPMENT – FRANK WELDON:** Weldon stated the new cell was complete and they were waiting on approval from the State.
21. **ADJOURN:** At 2:05 p.m., Derrick moved, seconded by Volpato to adjourn the meeting. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0.

**EDDY COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
CHAIRMAN

ATTEST:

\_\_\_\_\_  
COUNTY CLERK

DATE: \_\_\_\_\_

EDDY COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A REGULAR MEETING  
MAY 17, 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 May 17, 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
ROBIN VANNATTA	CHIEF DEPUTY CLERK
ERNEST MENDOZA	SHERIFF
KENT WALLER	CHIEF DEPUTY SHERIFF
TERRI RICHARDS	TREASURER
KAREN ROBINSON	ASSESSOR
LINDA MARTINEZ	INDIGENT CLAIMS ADMINISTRATOR
YOLANDA SING	INDIGENT CLAIMS ASSISTANT
LARRY AUGSBURY	FINANCE DIRECTOR
GAY WEST	ADMINISTRATIVE ASSISTANT
ROBERT STEWART	WARDEN
DANNY STAFFORD	MAINTENANCE SUPERVISOR
KENNEY RAYROUX	HUMAN RESOURCES DIRECTOR
ROBERT BRADER	FIRE SERVICES COORDINATOR
BECKY GRAHAM	ROAD ADMINISTRATIVE ASSISTANT
STEVE MCCROSKEY	CODE ENFORCEMENT
GEORGIA GOAD	RURAL ADDRESSOR
CYNTHIA SHARIF	DWI COORDINATOR
LOUISE TRACY	FLOOD COMMISSIONER
JANELL WHITLOCK	CARLSBAD CITY COUNCIL
TYLER GRAHAM	ARTESIA DAILY PRESS
STELLA DAVIS	CARLSBAD CURRENT ARGUS

**Absent:**

JOHN CARAWAY	PROBATE JUDGE
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## **TIMED AGENDA:**

**8:30 A.M.**

1. **SERVICE AWARDS:** Lara presented service awards to Norberto Rios, Jr. for 25 years, Joe Espinoza for 15 years, Frederick Kezar and Cheryl Winfield for 5 years of service to Eddy County.
2. **PRESENT ARTESIA'S NEW ECONOMIC DEVELOPMENT DIRECTOR – GUY LUTMAN:** Haley Klein thanked the County for their continued support and introduced Michael Bunt, Artesia's Economic Development Director. Bunt outlined his approach to economic development and reviewed ongoing projects. He thanked the Board for their cooperation and support. Hernandez welcomed Bunt and stated the County was looking forward to a continued partnership with Artesia. Lutman pointed out Eddy County was reported to be 17<sup>th</sup> on the list of the least economically stressed counties in the nation. Bunt stated the designation would be a good selling point for the area.

Rebecca Pendergrass, with Artesia Main Street, extended an invitation to work with the County on the new building in the downtown area. Pendergrass stated it was their goal to keep the MVD downtown to better serve Artesia and the citizens of Eddy County. Peyton Yates, President of Artesia Main Street, expressed a desire to work with the architectural firm the County hired for the new building. He stated the desire was to have a building that complimented the downtown area. Yates hinted at the idea of another location on First Street, if the County decided the current lot was not big enough once the buildings were demolished. Yates thanked the Board for the opportunity to speak. Lutman encouraged the County to work closely with Artesia Main Street on the project.

3. **BID AWARD:**
  - a. **B-11-07: RFP DESIGN PROFESSIONAL FOR NORTH EDDY COUNTY SUB OFFICE – DANNY STAFFORD:** Stafford reported NCA Architects received the highest score and was the recommendation of the committee. Volpato expressed disappointment that local firms were not being recommended for the bid. Sartin explained the process the committee went through and how points were awarded. Derrick moved, seconded by Lutman to award B-11-07 as recommended. Voting yes. Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. The bid minutes and invitation to bid were recorded as Timed Agenda Exhibit 3.a.
4. **APPROVE:**
  - a. **R-11-30: ADOPT COUNTY BUDGET & SUBMIT TO DFA – LARRY AUGSBURY:** Augsbury reported the budget presented was balanced and needed Commission approval by May 31, 2011. Sartin stated the cover sheet outlined the changes made to the original budget. Hernandez and Volpato commended the Finance Director and County Manager for their work on the budget process. Volpato moved, seconded by Lara, to approve R-11-30. Voting yes. Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. R-11-30 was recorded as Timed Agenda Exhibit 4.a.

**TRAILING AGENDA:**

1. **& 2. RECESS EDDY COUNTY COMMISSION MEETING & CONVENE AS INDIGENT HOSPITAL CLAIMS BOARD:** At 9:02 a.m., Lutman moved, seconded by Derrick, to recess the regular commission meeting and to convene as the Indigent Hospital Claims Board. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.
3. **INDIGENT HOSPITAL CLAIMS BOARD:** See indigent minutes.
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: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.
5. **APPROVE:**
  - a. **COMMISSION MEETING MINUTES FOR APRIL 19, 2011:** Hernandez pointed out Sartin was misspelled in item #8. Lara moved, seconded by Volpato, to approve the Commission Meeting Minutes for April 19, 2011 as amended. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.
  - b. **COMMISSION MEETING MINUTES FOR MAY 3, 2011:** Volpato moved, seconded by Derrick, to approve the Commission Meeting Minutes for May 3, 2011. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.
  - c. **EXPENDITURE APPROVAL LIST FOR MAY 17, 2011 CHECK RUN:** Derrick moved, seconded by Volpato, to approve the Expenditure Approval List for May 17, 2011 Check Run. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. The Expenditure Approval List for May 17, 2011 Check Run was recorded as Exhibit 5.c.
6. **TREASURER’S FINANCIAL REPORT FOR APRIL, 2011 – TERRI RICHARDS:** The item was for information only. Sartin reported a finance committee meeting was set for May 18, 2011 at 10:00 a.m. The Treasurer’s Report was recorded as Exhibit 6.
7. **AWARD 2010/2011 ANNUAL AUDIT BID – LARRY A. AUGSBURY:** Augsbury reported two firms responded to the bid. He recommended the bid be awarded to Accounting & Consultant Group LLC, of Carlsbad. They were the only firm that met state requirements. Lutman moved, seconded by Derrick to award the annual audit bid to Accounting & Consultant Group LLC. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.
8. **CODE ENFORCEMENT EXTENSION FOLLOW-UP – 405 WINCHESTER RD. – KENNEY RAYROUX:** McCroskey reported the owners had been working on the property. The Board had approved a 60 day extension which expired the first of May. Sartin stated the Board could either grant an additional extension or direct staff to move forward with the citation. Volpato stated the property did look better. McCroskey stated

the owner was not present, however his mother was. Margarita Marquez reported the whole family was working to improve the property. Hernandez stated the owner did not fulfill the conditions of the resolution, therefore the county should move forward with the citation process. Lara expressed disappointment that the property owner was not in attendance to update the Board. Marquez stated her son had to work today. Lutman moved, seconded by Lara, to deny an extension and move forward with the citation. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.

**9. CODE ENFORCEMENT EXTENSION FOLLOW-UP – 701 WINCHESTER RD. –**

**KENNEY RAYROUX:** McCroskey reported 98% of the property was in compliance. Lara removed herself from discussion or action due to a conflict of interest. Lutman cautioned McCroskey to keep an eye on the property in the future. Sartin recommended a resolution be brought before the Board to rescind the original action. Hernandez thanked the property owners for their hard work and urged them to continue to keep the property clean.

**10. UPDATE INFORMATION ON SHERIFF’S OFFICE BUILDING COMMITTEE –**

**SHERIFF ERNEST J. MENDOZA:** Mendoza reported the committee had met twice and a realtor had been contacted to help look for other buildings. The committee would tour available space next week and bring a report back to the Board in June. Lutman reported on Friday the 27<sup>th</sup>, there would be a tour of the Lea County Facility. Lara stated the committee was working hard to come up with a good list of vacant buildings and lots to consider for the project. A scoring system had been set up to help evaluate the properties.

**11. RESOLUTIONS:**

**a. R-11-32: PUBLIC ROADS COLLABORATION – ALLEN R. SARTIN:** Sartin recommended the item be postponed pending further information. Derrick moved, seconded by Lutman, to table R-11-32. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.

**b. R-11-33: 2011 COMMITTEE, BOARD & COMMISSION APPOINTMENTS & DESIGNATIONS – ALLEN R. SARTIN:** Derrick moved, seconded by Lutman, to approve R-11-33. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. R-11-33 was recorded as Exhibit 11.b.

**12. AGREEMENTS:**

**a. A-11-38: STATE CONTRACT AMENDMENT #3, DOMESTIC VIOLENCE CONTRACT – ALLEN R. SARTIN:** Volpato moved, seconded by Derrick, to approve A-11-38. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. A-11-38 was recorded as Exhibit 12.a.

**b. A-11-29: AMENDMENT OF CONTRACT WITH BERNALILLO COUNTY FOR HOUSING OF JUVENILE PRISONERS – WARDEN ROBERT STEWART:** Lutman moved, seconded by Hernandez, to approve A-11-29. Voting yes: Lara,

Lutman, Hernandez, Volpato and Derrick. Passed 5-0. A-11-29 was recorded as Exhibit 12.b.

c. **A-11-43: NM TRAFFIC SAFETY PROJECT – 100 DAYS & NIGHTS OF SUMMER PROJECT – SHERIFF ERNEST J. MENDOZA:** Lutman moved, seconded by Volpato, to approve A-11-43. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. A-11-43 was recorded as Exhibit 12.c.

d. **A-11-44: NM TRAFFIC SAFETY PROJECT – CLICK IT OR TICKET MOBILIZATION PROJECT NO. 11-OP-CIOT-032– SHERIFF ERNEST J. MENDOZA:** Lara moved, seconded by Lutman, to approve A-11-44. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. A-11-44 was recorded as Exhibit 12.d.

e. **A-11-45: PROFESSIONAL SERVICES CONTRACT WITH DR. VAN WARREN – CYNTHIA G. SHARIF:** Volpato stated there was no research to indicate this type of treatment was successful and would not support the contract. Lutman moved, seconded by Derrick, to approve A-11-45. Voting yes: Lara, Lutman, Hernandez, and Derrick. Voting no: Volpato. Passed 4-1. A-11-45 was recorded as Exhibit 12.e.

f. **A-11-46: PROFESSIONAL SERVICES CONTRACT WITH ROBERT BELL – CYNTHIA G. SHARIF:** Hernandez moved, seconded by Volpato, to approve A-11-46. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. A-11-46 was recorded as Exhibit 12.f.

g. **A-11-47: PROFESSIONAL SERVICES CONTRACT WITH GILBERT CHAVEZ – CYNTHIA G. SHARIF:** Lara moved, seconded by Derrick, to approve A-11-47 contingent upon a contract with Lea County for services. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. A-11-47 was recorded as Exhibit 12.g.

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

- a. **ROB NAVARRETTE ATTENDED TRAINING IN ALBUQUERQUE, NM:**
- b. **MICHAEL INGRAM & OBED FUENTEZ ATTENDED TRAINING IN ALBUQUERQUE, NM:**
- c. **WARREN HARDIN ATTENDED TRAINING IN ALBUQUERQUE, NM:**

**FUTURE:**

- d. **LARRY AUGSBURY TO ATTEND MANDATORY DPS GRANTS MANAGEMENT BUREAU TRAINING SESSION IN SANTA FE, NM:**
- e. **SGT. M. GARCIA, LT. A. JONES & LT. C. CAUDILL TO ATTEND TRAINING IN LAS VEGAS, NV:**
- f. **DEBBIE LUGINBYHL, CECILIA SALCIDO, CYNTHIA SHARIF, GYN MILLER & FIVE (5) ARTESIA POLICE OFFICERS TO ATTEND DWI PREVENTION EDUCATION IN ALBUQUERQUE, NM:**

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

14. **LEGISLATIVE ISSUES:** None.

15. **EMERGENCY BUSINESS:** None.

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

17. **COUNTY MANAGER COMMENTS/ANNOUNCEMENTS:** Sartin reported he would be on vacation from May 27 through June 5, 2011.

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

19. **COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS:** Derrick reported the Re-alignment Land Management Workshop in Ruidoso had been very informative and productive. He stated there was good representation from across the state. Information from the meeting was included in the Boards packet. The Otero County Commission was scheduled to appear before the State Interim Committee in June to present the issue.

Volpato stated the Blue Ribbon Committee had published their findings, which included a recommendation for interim storage adjacent to an existing repository. The report was very good for Eddy County.

Lutman thanked Brader and Arnwine along with the VFD's for their hard work. Brader thanked the VFD's for their work on the Queen fire. They were commended by their federal counterparts for their organization and hard work.

Lara stated the preliminary comments from the Blue Ribbon Committee could not have come at a better time. Several meetings were planned in the next couple of weeks to address the issue of interim storage. Things were looking very positive and falling into place. Lara reported she would be out on vacation and would not be at the next commission meeting.

Derrick added thanks to the Southeastern Economic Development group for their work on the meeting in Ruidoso.

Hernandez suggested more information be given to the media to recognize employees who were presented with service awards.

20. **PROJECT UPDATES:** None.

21. **CLOSED MEETING:** At 10:03 a.m., Hernandez moved, seconded by Lutman, to recess the meeting and to hold a closed meeting in accordance with NMSA 10-15-1H (2), (7) and (8) to discuss personnel, pending litigation, and real property to resume the

regular meeting at 11:15 a.m. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.

**22. RE-OPEN:** At 12:25 p.m., Hernandez moved, seconded by Derrick, to reconvene in open session and to certify that only the items listed in the motion to close the meeting were discussed in accordance with NMSA 10-15-1H (2), (7) and (8). Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.

**23. ADJOURN:** At 12:26 p.m., Derrick moved, seconded by Lutman, to adjourn the meeting. Voting yes: Derrick, Lara, Lutman, Hernandez and Volpato. Passed 5-0.

EDDY COUNTY BOARD OF COMMISSIONERS

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CHAIRMAN

ATTEST: \_\_\_\_\_  
COUNTY CLERK

DATE \_\_\_\_\_