

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
November 3, 2009**

BE IT REMEMBERED that the Eddy County Board of Commissioners held a regular meeting in Room 211 of the Eddy County Administration Complex on November 3, 2009 at 8:30 a.m. Derrick called the meeting to order. Sartin led the Pledge of Allegiance and gave the invocation.

Present:

LEWIS DERRICK	CHAIRMAN, DISTRICT 2
GUY LUTMAN	COMMISSIONER DISTRICT 3
ROXANNE LARA	COMMISSIONER DISTRICT 5
TONY HERNANDEZ	COMMISSIONER DISTRICT 1
JACK VOLPATO	VICE-CHAIRMAN DISTRICT 4
CAS TABOR	COUNTY ATTORNEY
ROBIN VAN NATTA	CHIEF DEPUTY COUNTY CLERK
RONDA NELSON	DEPUTY CLERK
TERRI RICHARDS	TREASURER
DEBBIE PENALUNA	FINANCE DIRECTOR
KENNEY RAYROUX	HUMAN RESOURCES DIRECTOR
SHAWN FUNK	WARDEN
SHARON DODSON	INFORMATION SYSTEMS
MARIA MERJIL-MALDONADO	SHERIFF'S ADMINISTRATIVE ASSISTANT
TINA PARRISH	PURCHASING ADMINISTRATOR
GAY WEST	ADMINISTRATIVE ASSISTANT
FRANK WELDON	ROAD SUPERINTENDENT
DANNY STAFFORD	M&O SUPERVISOR
ROBERT BRADER	FIRE DIRECTOR
ROBERT DEFER	CHAMBER OF COMMERCE
JIM GRANTNER	LANDFILL COMMITTEE
STELLA DAVIS	CARLSBAD CURRENT ARGUS
JESSICA LEE	ARTESIA DAILY PRESS

Absent:

KAREN ROBINSON	ASSESSOR
DARLENE ROSRPIM	COUNTY CLERK
CHARLENE WRIGHT	PROBATE JUDGE
ERNEST MENDOZA	SHERIFF

TRAILING AGENDA:

1. APPROVE:

a. COUNTY COMMISSION MEETING MINUTES FOR OCTOBER 20, 2009:

Lutman moved, seconded by Lara, to approve the County Commission Minutes for October 20, 2009. Voting yes: Lara, Lutman, Derrick, Hernandez and Volpato. Passed 5-0.

b. EXPENDITURE APPROVAL LIST FOR PURCHASE ORDERS & INVOICES FOR NOVEMBER 3, 2009 CHECK RUN:

Lara moved, seconded by Hernandez, to approve the Expenditure Approval List for Purchase Orders & Invoices for November 3, 2009 Check Run. Voting yes: Lara, Lutman, Derrick, Hernandez and Volpato. Passed 5-0. The Expenditure Approval List for Purchase Orders & Invoices for November 3, 2009 check run was recorded as Exhibit 1.b.

2. REVENUE REPORT – DEBBIE PENALUNA:

Penaluna stated oil and gas revenues were down quite a bit compared to the same time frame last year. Based on the budgeted amount, revenues were down \$1.4M. She recommended continuing to monitor the figures monthly with the possibility of making adjustments in January. Oil and gas equipment checks would be received in December and had been included in the overall oil and gas budget. Gross Receipts were down \$27,000 compared to the budgeted amount. Sartin noted a reserve of \$3.5M had been budgeted and had not been used. Derrick requested the outside finance committee look over the figures at the end of the month. Sartin requested Penaluna gather budget summary information by department to facilitate the meeting with the finance committee. Lutman requested information showing what percentage the overall expense budget had grown over the last five years.

3. RESOLUTIONS:

a. R-09-69: POLLING PLACE DESIGNATION FOR 2010 ELECTION CYCLE –

ROBIN VAN NATTA: Van Natta stated three changes in polling places had been made. Cottonwood VFD Station replaced the Shooting Range; White's City Registration Lobby moved to the White's City VFD Station; and Hillcrest Methodist Church closed its doors necessitating a move to Landmark Baptist Church. Hernandez moved, seconded by Volpato, to approve R-09-69. Voting yes: Lara, Lutman, Derrick, Hernandez and Volpato. Passed 5-0. R-09-69 was recorded as Exhibit 3.a.

4. AGREEMENTS:

a. A-09-139: CDBG 07-C-NR-I-07-G-25 MALAGA WATER SYSTEMS IMPROVEMENTS – YVONNE BASABILVAZO:

Rayroux stated the agreement was to move forward with replacing 7,500 linear feet of water line and installing a 100-gallon water tank. Lara moved, seconded by Lutman, to approve A-09-139. Voting yes: Lara, Lutman, Derrick, Hernandez and Volpato. Passed 5-0. A-09-139 was recorded as Exhibit 4.a.

b. A-09-140: COOPERATIVE LAW ENFORCEMENT AGREEMENT BETWEEN EDDY CO. SHERIFF'S OFFICE & US DEPT OF AGRICULTURE, FOREST SERVICE LINCOLN NATIONAL FOREST – SHERIFF ERNEST MENDOZA:

Maria Merjil-Maldonado explained this year's annual agreement was for \$17K to provide law enforcement services for the US Forest Service in the Lincoln Forest area. She noted

funding had been received for last fiscal year. Statistics on citations and activity outside of patrolling were submitted to the Forest Service. Lutman moved, seconded by Hernandez to approve A-09-140. Voting yes: Lara, Lutman, Derrick, Hernandez and Volpato. Passed 5-0. A-09-140 was recorded as Exhibit 4.b.

c. **A-09-141: DWI GRANT AGREEMENT NO. 10-D-J-G-9 – CYNTHIA G. SHARIF:** Sartin stated the agreement included an increase of \$3,813.19. Derrick moved, seconded by Hernandez, to approve A-09-141. Voting yes: Lara, Lutman, Derrick, Hernandez and Volpato. Passed 5-0. A-09-141 was recorded as Exhibit 4.c.

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

a. **KAREN ROBINSON ATTENDED PROPERTY TAX STUDY COMMITTEE MEETING IN RUIDOSO, NM:**

FUTURE:

b. **KAREN ROBINSON TO ATTEND NMAC & NMML JOINT MEETING IN SANTA FE, NM:**

c. **SHERIFF TO ATTEND NM BORDER SECURITY & INTELLIGENCE CONFERENCE IN ALBUQUERQUE, NM:**

d. **SHERIFF, CHIEF DEPUTY, CAPTAIN PATROL & CAPTAIN INVESTIGATIONS TO ATTEND 2009 NM LAW ENFORCEMENT CONFERENCE IN ALBUQUERQUE, NM:** Lara moved, seconded by Derrick to approve the travel requests. Voting yes: Lara, Lutman, Derrick, Hernandez and Volpato. Passed 5-0.

6. **LEGISLATIVE ISSUES:** None.

7. **EMERGENCY BUSINESS:**

a. **A-09-142: STATE OF NEW MEXICO AUDIT CONTRACT BETWEEN EDDY COUNTY AND STICKLER & PRIETO, LLC – DEBBIE PENALUNA:** Penaluna stated this was the annual agreement for audit services. This was the second year of the three-year contract. No changes were made to the contract. Hernandez moved, seconded by Lutman to approve A-09-142. Voting yes: Lara, Lutman, Derrick, Hernandez and Volpato. Passed 5-0. A-09-142 was recorded as Exhibit 7.a.

b. **A-09-143: GRANT APPLICATION BETWEEN EDDY CO. & NM DEPT. OF HEALTH FOR VEHICLE PURCHASE FOR CARE PLUS AMBULANCE – ROBERT BRADER:** Brader explained the grant application had to be postmarked by Friday and sent to Santa Fe. This was a unique situation where the State provided funds to private, for-profit companies for their operations. He stated as a current fiscal agent for Care Plus Ambulance, the County was holding funds for cardiac monitors and other equipment in a manner similar to the EMS funds for the VFDs. He stated the County wanted to make sure it was in legal compliance passing the money through to Care Plus. This ambulance grant would require the County to be the fiscal agent with the State submitting funds through the County. Brader received assurance from the director of the State EMS Bureau that this was done in multiple counties throughout the state. The grant would require a 25% fund match by the County. The director stated that in the case of the ambulance grants, the private services provided that 25% match amount to the counties and the counties purchased the vehicle. It

could be up to a year's time before the grant was awarded. Brader recommended signing the grant application, with final acceptance of the grant being contingent upon the County having a successful agreement in place with Care Plus that protected the County's interest. He had concerns about the anti-donation clause. The County would own the vehicle but the operator would be responsible for the vehicle throughout its lifetime. Sartin added that with the change in DFA rules, the process was now much more onerous on the County in terms of liability. Third parties were required to have insurance, but questions of maintenance and liability remained. Tabor stated it would be the same situation as the County has with the CARC. Brader stated the County could withdraw from the application process and had the right to refuse the grant if it was awarded. Hernandez voiced his concern of the liability of the vehicle. Lara stated she was extremely uncomfortable with this being a for-profit company. Brader assured he had the same concerns but noted it was a standard State practice with the private companies across the state. He didn't want to cripple our local private company if there was a truly protected process in place. Lutman stated there were no non-profit companies offering the service. Brader added the majority of EMS provided throughout the state was by private for-profit companies. Lutman moved to go forward with grant application A-09-143 for the vehicle purchase contingent upon looking at the agreement, seconded by Volpato. Lara requested a Letter Opinion from Counsel on the issue, and also requested information from DFA. She also requested that Counsel confer with the Association of Counties. She stated she would support approving the application but wanted confirmation that the County was not risking liability before finalizing the agreement. Voting yes: Lara, Lutman, Derrick, Hernandez and Volpato. Passed 5-0. A-09-143 was recorded as Exhibit 7.b.

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

9. **COUNTY MANAGER COMMENTS/ANNOUNCEMENTS:** Sartin reminded the Commission of the special joint meeting with the City of Carlsbad to discuss the brine well situation. The meeting was scheduled for Thursday, November 5 at 5:00 p.m. at the Pecos River Village Conference Center Carousel House.

Sartin stated a report from Eddy County Detention Center was requested concerning additional road crew capability. He handed out information noting that the item would be discussed at the next meeting.

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

11. **COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS:** Derrick inquired of the status of current tax season. Richards stated payment of taxes had been brisk.

12. **PROJECT UPDATES:** Sartin stated DFA requested additional project information as a result of the Governor's decision to put a 'hold' on all projects that were not in an active status with contractual commitments.

He noted quarterly project updates from department heads would be forthcoming at the next meeting.

13. **CLOSED MEETING:** At 9:15, a.m., Derrick moved, seconded by Lara, to recess the meeting and to hold a closed meeting, in accordance with NMSA 10-15-1H (2), (7) and (8) to

discuss personnel, pending litigation, and real property to reconvene in two hours. Voting yes: Lara, Lutman, Derrick, Hernandez and Volpato. Passed 5-0.

14. RE-OPEN: At 1:04 p.m., Derrick 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: Lara, Lutman, Derrick, Hernandez and Volpato. Passed 5-0.

14. ADJOURN: At 1:05 p.m. Derrick moved, seconded by Lara, to adjourn the meeting. Voting yes: Lara, Lutman, Derrick, Hernandez and Volpato. Passed 5-0.

**EDDY COUNTY BOARD OF COMMISSIONERS AND CARLSBAD CITY COUNCIL
MINUTES OF A SPECIAL JOINT MEETING
November 5, 2009**

BE IT REMEMBERED that the Eddy County Board of Commissioners and the Carlsbad City Council held a special meeting at the Pecos River Conference Center Carousel House on November 5, 2009 at 5:00 p.m.

Present:

BOB FORREST	MAYOR
ALLEN SARTIN	COUNTY MANAGER
LEWIS DERRICK	COUNTY COMMISSION CHAIRMAN DIST. 2
TONY HERNANDEZ	COUNTY COMMISSIONER DIST. 1
JACK VOLPATO	COUNTY COMMISSIONER DIST. 4
ROXANNE LARA	COUNTY COMMISSIONER DIST. 5
GUY LUTMAN	COUNTY COMMISSIONER DIST. 3
BRAD DAY	CITY COUNCIL WARD 4
PAUL C. AGUILAR	CITY COUNCIL WARD 1
WES CARTER	CITY COUNCIL WARD 3
JIM GRANTNER	CITY COUNCIL WARD 4
SANDY NUNLEY	CITY COUNCIL WARD 2
ROBIN VAN NATTA	CHIEF DEPUTY COUNTY CLERK
RONDA NELSON	DEPUTY COUNTY CLERK
ROBERT BRADER	FIRE DIRECTOR
HARRY BURGESS	CITY MANAGER
EILEEN RIORDAN	CITY ATTORNEY
MONICA D. HARRIS	CITY FINANCE DIRECTOR
MIKE REYNOLDS	CITY FIRE CHIEF
ROBERT BRADER	COUNTY FIRE DIRECTOR
FRANK WELDON	COUNTY ROAD SUPERINTENDANT
JAMES WALTERSCHEID	RESIDENT
REID WRIGHT	RESIDENT
JOHN BEASLEY	COMMUNITY DEVELOPMENT DIRECTOR
DR. GEORGE VENI	DIRECTOR, CAVE & KARST INSTITUTE
DREW STOUT	AIDE, CONGRESSMAN HARRY TEAGUE

1. OPEN MEETING:

At 5:00 p.m. Mayor Forrest opened the Special Joint Meeting of the County Commission and the Carlsbad City Council. He stated the primary concern at hand was not if the brine well would collapse, but when it would collapse. This meeting was to come up with a proactive solution to correct the problem before it collapsed. Possible funding sources included Homeland Security, cash reserves, FEMA funds and State emergency monies. He stated a solution should be arrived at before requesting funding. He presented a list of elected officials, local professionals and businessmen who may be willing to share their industrial expertise and experience to find a solution for the brine well issue. Additional local sources may be available with experience in filling mines and faults under the ocean.

2. CONSIDER DISASTER DECLARATION REGARDING POTENTIAL BRINE WELL COLLAPSE:

a. DISCUSSION:

Forrest inquired of Mike Reynolds what the dimensions of the brine well cavity were. Referring to the seismographic data presented at a prior meeting, Reynolds stated four opinions had been presented with respect the size of the underground cavity. The smallest measured 150 to 200 meters across with opinions varying on the extent of the underground damage and the density of the material. He stated the worst case scenario shown was the cavity measuring from the center of the well on the south side of the property, under all lanes of US285 to AgriEmpressa, wrapping around the south side of Circle S Feed Store, and then all along the CID canal. Seismographic data was not collected beyond the CID canal. Due to the canal being the boundary for information, it isn't known how big the key area is, whether it is a complete cavity, a matrix, fissures, cracks or karsts. The bottom of the cavern was estimated to be 400 feet down with the top at 300 feet, leaving 150 feet of cavern, faults or fissures. He stated if and when the collapse did occur, the 300 feet of roof would fall in leaving a hole with a circumference estimated from 100 to 150 feet and up to 600 feet; he felt better data was needed. He stated the Cave and Karst Institute was interested in doing specific modeling and putting in additional technology. This could possibly be funded under the auspices of NM Tech and could obtain more precise readings of the current size of the cavity.

Volpato felt it important to be proactive before something happened. He stated Joel Arnwine, Brader and Reynolds had been diligent in putting together an Emergency Response Plan but the next step was to characterize the problem and seek funding to remediate the problem.

Derrick agreed and was interested in getting the experts involved and seeking funding sources. Brader stated the first step to take before looking at any funding source was to declare a state of emergency to the community. This would open channels of access to funding and federal organizations.

Lutman inquired if a contingency plan was in place in the event of a collapse. Brader stated a Standup Incident Action Plan was developed in conjunction with all local and State Offices of Emergency Management that involved Highway Department, law enforcement, fire, utilities, CID and others. With the equipment that was in place, they had a hope for early warning and the ability to get people out of the area before the collapse. He stated they were prepared to respond in the event of a catastrophic collapse. Hernandez inquired of the timeframe of the collapse and how it would occur. Brader stated given the seismic equipment monitoring in the area, it was hoped any settling or seismic activity would be seen up to eight hours before it happened. Derrick inquired if any natural gas pipelines were in the area. Brader stated overhead powerlines, underground water and sewer were in the area. Reynolds did not know of any transmission lines in the area, but there were utility meter lines to buildings and residences in the area. Sartin understood that the plan was a short-term plan to deal with the immediate impact and not a long-term plan to solve the problems after the collapse happened. Brader agreed that the plan was to deal with the immediate threat to the public and to isolate the area, dealing with the

first four to six hours of the disaster. Volpato noted loop roads were in the planning stages that could remediate the traffic. He suggested follow-up with Congressman Teague's office and the Department of Transportation on the issue to stimulate those projects in order to alleviate any heavy truck traffic being routed through residential areas with narrow roads. He suggested contacting legislative representatives to help expedite funds for those projects.

Forrest introduced Congressman Teague's aide, Drew Stout. Stout stated that Teague felt this problem was the highest priority in the district. His staff was looking at funding sources. He noted that FEMA had a Pre-disaster Mitigation Fund and suggested the Army Corp of Engineers, Department of Energy as possible funding sources.

Lutman inquired of the availability of experts. Dr. George Veni, Cave & Karst Institute, stated the local Center for Excellence had access to experts relevant to the issue, mentioning Dr. Louis Ohlgaard. He noted this problem was unique in that an eminent collapse had never before been monitored in advance of the collapse at the location, making it difficult to predict when and how a collapse would occur. The collapses had always been studied after the fact. His experience was that collapses happened in a series of stages, going up to reach the surface instead of just falling in all at once. He stated NM Tech was interested in assisting in monitoring the situation. He stated tilt meters were on site and NM Tech had individuals skilled in monitoring that equipment. He stated the Center was purchasing geophysical equipment that would help image and understand the size, direction, scope and features of the settlement area. He hoped the equipment would arrive by February.

Brad Day inquired if it was important to characterize the size of the cavity before backfill began. Dr. Veni stated there was room for further characterization after remediation in order to have information for the future. Carlsbad could set the standard for similar future incidents. He recommended monitoring through the remediation period until it was complete. If remediation was not planned or if funding was unavailable, he suggested monitoring until a record was recorded that strongly suggested the area had stabilized. The cost would be roughly \$20K a year to monitor the equipment. Volpato suggested a characterization and a three-dimensional view was needed to understand the magnitude of the area.

Forrest stated an estimate of the cost of a solution to the problem should be arrived at before asking for funding for remediation. He felt a roundtable discussion by the parties on the list and the community experts could illicit a plan for monitoring, funding and remediation in the near future.

Lara felt the Joint Declaration was well written and covered the concerns at hand. She noted when the collapse occurred, it would affect nearly all citizens in Carlsbad and would be devastating to the local economy. Lara moved, seconded by Carter, to approve the Joint Declaration of a State of Emergency by the City of Carlsbad and the County of Eddy. Motion was unanimously approved. R-09-70 was recorded as Exhibit 2a.

3. CONSIDER APPOINTMENTS TO THE BRINE WELL WORKING GROUP:

Forrest suggested contacting the recommended brine well members and scheduling a meeting next Wednesday. Several individuals had already volunteered to be on that committee.

Lara inquired of the wording in the last paragraph of the Declaration referring to “exercising necessary powers, expending local resources, etc.” She inquired if those were the duties this committee would be tasked with. Harry Burgess stated the Declaration was primarily the form recommended by the State to move forward and had language that was typical of that type of declaration. It would be up to the County and City to expend any monies or take any action with respect to the public. He understood the committee to be a working group to bring recommendations back to the City and County.

Volpato felt the list could be pared down to three City Council members, the Mayor and two County Commission members with regard to the Open Meetings Act. Volpato and Lutman would represent the County Commission. Councilmen Carter, Aguilar and Grantner would represent the City Council. Frank Weldon suggested adding a contact from the Department of Transportation. An email would be sent to the remaining names on the list to attend a meeting tentatively scheduled next Wednesday at 5:00 p.m., pending availability of the Conference Center.

Grantner moved, seconded by Derrick, to approve the list of names of the recommended brine well members. Motion was unanimously approved. The list of recommended brine well members was recorded as Exhibit 3.

James Walterscheid had concerns that the CID canal could be involved in the collapse and may be breached, dumping water in at 300 cubic feet per second if water was running in the canal. He stated it would take six hours to stop the water at the flood gates, and noted the canal was at a higher level than the surrounding land. He suggested contacting the Bureau of Reclamation as a funding source. He also suggested soliciting funds from the oil and gas industry.

Stout noted that Arnwine was in Maryland and would meet with Teague’s legislative director tomorrow in Washington, DC. Brader would speak with Arnwine later in the evening and would pass along to him any information that was requested.

4. **ADJOURN MEETING:** The meeting closed at 5:54 p.m. The next meeting time would be scheduled for next week and an email would be sent announcing the time and place.

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
November 17, 2009**

BE IT REMEMBERED that the Eddy County Board of Commissioners held a regular meeting in Room 211 of the Eddy County Administration Complex on November 17, 2009 at 8:30 a.m. Derrick called the meeting to order. Sartin led the Pledge of Allegiance and gave the invocation.

Present:

LEWIS DERRICK	CHAIRMAN, DISTRICT 2
GUY LUTMAN	COMMISSIONER DISTRICT 3
TONY HERNANDEZ	COMMISSIONER DISTRICT 1
JACK VOLPATO	VICE-CHAIRMAN DISTRICT 4
ALLEN SARTIN	COUNTY MANAGER
CAS TABOR	COUNTY ATTORNEY
DARLENE ROSPRIM	COUNTY CLERK
ROBIN VANNATTA	CHIEF DEPUTY CLERK
KAREN ROBINSON	ASSESSOR
TERRI RICHARDS	TREASURER
ERNEST MENDOZA	SHERIFF
MARIA MALDONADO-MERJIL	SHERIFF'S ADMINISTRATIVE ASSISTANT
KENNEY RAYROUX	HUMAN RESOURCES DIRECTOR
SHAWN FUNK	WARDEN
LINDA P. MARTINEZ	INDIGENT ADMINISTRATOR
YOLANDA SING	INDIGENT ASSISTANT
CAROL HENNINGTON	INFORMATION SYSTEMS SUPERVISOR
GAY WEST	ADMINISTRATIVE ASSISTANT
TINA PARRISH	PURCHASING ADMINSTRATOR
YVONNE BASABILVAZO	COUNTY PLANNER
DEBBIE PENALUNA	FINANCE DIRECTOR
FRANK WELDON	ROAD SUPERINTENDENT
STEVE MCCROSKEY	CODE ENFORCEMENT
DANNY STAFFORD	M&O SUPERVISOR
ROBERT BRADER	FIRE DIRECTOR
JOEL ARNWINE	EMERGENCY MANAGER
JANELL WHITLOCK	CARLSBAD CHAMBER OF COMMERCE
WARREN HARDIN	GIS COORDINATOR
JIM GRANTNER	CARLSBAD CITY COUNCIL
STELLA DAVIS	CARLSBAD CURRENT ARGUS
JESSICA LEE	ARTESIA DAILY PRESS

Absent:

ROXANNE LARA	COMMISSIONER DISTRICT 5
CHARLENE WRIGHT	PROBATE JUDGE

TIMED AGENDA:

8:30 A.M.

1. **SERVICE AWARD:** Deborah Lamb was unable to attend today's meeting.
2. **DEMOGRAPHIC PRESENTATION – LARRY COALSON:** Larry Coalson, Director of the Small Business Administration, and Lisa Chavez, presented a synopsis of Eddy County's demographic, economic and employment history. Eddy County's data was compared to similar information in Chaves and Lea counties, as well as national statistics in order to develop a true picture of the areas history. Coalson reported Eddy County was rich with natural amenities, which made the area an attractive place to live.

9:00 A.M.:

BREAK FOR RIBBON CUTTING AT CLERK, PROBATE & BUREAU OF ELECTIONS:

9:30 A.M.:

RESUME COMMISSION MEETING:

3. REPORTS FROM THE FOLLOWING PSA CONTRACTS:

a. **OPPORTUNITY HOUSE – GENE COURTER:** Courter thanked the Commission for their financial support. He reported a new location had been added in the last year. The program was full with 10 on the waiting list. Several residents had been from Eddy County, with a couple on the waiting list. David, a house director outlined the phases of the program, which would last 18 months. Opportunity House helped residents with life skills and job placement. Lutman questioned the success rate of the program. Courter reported last year the success rate was up to 33%. He anticipated this year's numbers would not be as high. David reported methamphetamine use was the main problem with residents. Volpato asked about the number of beds available and if residents were drug tested. Courter reported 32 beds were available in Phase I, 9 beds in Phase II, and random drug testing was policy for participants.

b. **ARTESIA DRUG/CRIME COALITION – SUSIE TAYLOR:** Taylor reported a community listening session had been held. The survey reported 33.7% of the youth had admitted to drinking alcohol in the last 30 days. In response the coalition began to target the problem. Navajo Refinery was a partner in the Red Ribbon Campaign to produce a quarterly magazine to educate kids on drug and alcohol use as well as personal hygiene. Taylor outlined various programs and organizations utilized in the fight against drug and alcohol abuse. The coalition had received 1–3 calls per week from residents seeking help. Taylor thanked the Commission for their continued support.

c. **CARLSBAD DEPARTMENT OF DEVELOPMENT – JOHN WATERS:** Steve McCutcheon, President of the Carlsbad DOD, introduced John Waters, John Safin and Jeff Campbell, CDOD staff. Waters passed out a packet outlining the organizations efforts in the area. McCutcheon thanked Lutman and the Commission for their support and participation with the DOD. He stated a lot was happening at Carlsbad DOD. The organization was well staffed and moving in a positive direction. McCutcheon outlined three active committees at the DOD. The Cascades Committee had grants written to finish the project, and the water rights issue was resolved. The Nuclear Committee had been to Washington, D.C. to promote Carlsbad’s nuclear agenda. The Alternate Energy Committee was recently formed and was researching wind and solar energy. Waters stated the goal was to promote the diversity of Eddy County. The areas diverse industry was a bright spot in today’s economic picture. He reported the web site was up, and a jump drive was available with all the information related to the area. Waters reported a conversation had been held with Congressmen regarding nuclear energy, and the success of WIPP. Lutman complemented the DOD for their progressive attitude and hard work at the industrial park.

4. **APPROVE/DISAPPROVE VILLAGE OF LOVING PROJECTS:** Arturo Munoz, Mayor Pro Tem, and Manuel Garza, City Clerk, presented projects the Village needed help to complete. Sartin stated Weldon had reviewed the projects and included estimated costs to the county in the Commissioner’s packet. Derrick requested a cost estimate on asbestos removal at the old City Hall. Hernandez stated the old City Hall presented safety problems to area residents and requested action as soon as possible. Hernandez stated the culverts; the Elm Street project and the Boxwood Street easement were worthwhile projects and he fully supported the request. Weldon stated the projects were doable and requested the luxury of working on them as time permitted. Derrick questioned if the project could be within the current budget. Weldon stated yes that was possible. Sartin clarified the Board’s intent was to move forward with the culverts, and the Elm and Boxwood Street projects. Hernandez moved, seconded by Volpato to approve the projects excluding the demolition of the old City Hall pending an asbestos report. Voting yes: Lutman, Derrick, Hernandez and Volpato. Passed 4-0.

TRAILING AGENDA:

1. & 2. **RECESS EDDY COUNTY COMMISSION MEETING & CONVENE AS INDIGENT HOSPITAL CLAIMS BOARD:** At 10:25 a.m., Lutman moved, seconded by Derrick to recess the regular meeting and convene as the Indigent Hospital Claims Board. Voting yes: Lutman, Derrick, Hernandez and Volpato. Passed 4-0.
3. **INDIGENT HOSPITAL CLAIMS BOARD:** Indigent Board Meeting.
4. **RECONVENE EDDY COUNTY COMMISSION MEETING:** At 10:32 a.m., Derrick moved, seconded by Volpato to adjourn the Indigent Hospital Claims Board and reconvene the regular meeting. Voting yes: Lutman, Derrick, Hernandez and Volpato. Passed 4-0.
5. **APPROVE:**
- a. **COMMISSION MEETING MINUTES FOR NOVEMBER 3, 2009:** Derrick moved, seconded by Lutman to approve the County Commission Minutes for November 3, 2009. Voting yes: Lutman, Derrick, Hernandez and Volpato. Passed 4-0.

- b. SPECIAL CITY/COMMISSION MEETING MINUTES FOR NOVEMBER 5, 2009:** Derrick moved, seconded by Volpato to approve the Special City/County Commission Minutes for November 5, 2009. Voting yes: Lutman, Derrick, Hernandez and Volpato. Passed 4-0.
- c. EXPENDITURE APPROVAL LIST FOR CHECK RUN NOVEMBER 17, 2009:** Volpato moved, seconded by Hernandez to approve the Expenditure Approval List Check Run for November 17, 2009. Voting yes: Lutman, Derrick, Hernandez and Volpato. Passed 4-0. The Expenditure Approval List for Check Run November 17, 2009 was recorded as Exhibit 5.c.
- d. PURCHASE CARD EXPENDITURE APPROVAL LIST FOR NOVEMBER, 2009:** Derrick moved, seconded by Volpato to approve the Purchase Card Expenditure Approval List for November, 2009. Voting yes: Lutman, Derrick, Hernandez and Volpato. Passed 4-0. The Purchase Card Expenditure List was recorded as Exhibit 5.d.
- 6. TREASURER'S FINANCIAL REPORT FOR OCTOBER, 2009 – TERRI RICHARDS:** Sartin stated the item was an FYI for the Board. Richards reported no changes.
- 7. PERSONNEL REQUEST FOR ADDITIONAL ROAD CREW SUPERVISOR – ALLEN SARTIN:** Sartin stated the request was for an additional detention center crew supervisor and truck to help with trash pickup. Funk researched costs and included them in the Commissioner's packet. Derrick agreed with the need for the position and felt it would help the trash issues in the County. He questioned if the County could afford it at this time. Sartin suggested the request be included in next year's budget proposal. Volpato stated with the current economic situation he would feel more comfortable reviewing the request at budget time. Lutman suggested the covered trailer be purchased now to facilitate trash pickups. Derrick stated budget time would be better to consider the request.
- 8. APPLICATION FOR DAMAGE BOND FOR RIGHT-OF-WAY EASEMENT – ALLEN SARTIN:** Sartin stated a bill had been received for \$250 to renew a bond the County was required to maintain in order to cross State right-of-ways. Weldon suggested the issue be researched; he personally had never heard of the bond requirement. Sartin reported the bond had been in place since 1970 and was a requirement from DOT. Volpato requested verification from DOT on the requirement. Derrick moved, seconded by Lutman to approve the request contingent upon verification from the State. Voting yes: Lutman, Derrick, Hernandez and Volpato. Passed 4-0. A copy of the bond application was recorded as Exhibit 8.
- 9. RESOLUTIONS:**
- a. R-09-71: CODE ENFORCEMENT RESOLUTION– LIVINGSTON & WHEELER 2ND, BLOCK F LOT 6 – STEVE MCCROSKEY:** McCroskey reported the resident had cleaned up two other properties in the area. He felt a resolution would help stimulate clean-up of the remaining property. Lutman moved, seconded by Volpato to approve R-09-71. Voting yes: Lutman, Derrick, Hernandez and Volpato. Passed 4-0. R-09-71 was recorded as Exhibit 9.a.

b. R-09-72: CODE ENFORCEMENT RESOLUTION – 109 S. ABNER – STEVE MCCROSKEY: McCroskey reported the owner had initially shown progress in cleaning up the property. The mobile home on the property was a hazard to area residents. Lutman moved, seconded by Volpato to approve R-09-72. Voting yes: Lutman, Derrick, Hernandez and Volpato. Passed 4-0. R-09-72 was recorded as Exhibit 9.b.

10. AGREEMENTS:

a. A-09-137: AMENDMENT #3 TO EXISTING MALAGA WATER SYSTEM IMPROVEMENTS PHASE I, II & III AGREEMENT – YVONNE BASABILVAZO: Basabilvazo stated the grant had been awarded before the legislative freeze. All other entities had signed off on the agreement. Volpato moved, seconded by Derrick to approve A-09-137. Voting yes: Lutman, Derrick, Hernandez and Volpato. Passed 4-0. A-09-137 was recorded as Exhibit 10.a.

d. A-09-146: ATTACHMENT III EXHIBIT C MALAGA WATER SYSTEM IMPROVEMENTS – YVONNE BASABILVAZO: Basabilvazo explained this was an attachment to the current agreement and would amend the contract to provide for onsite construction management. Derrick moved, seconded by Hernandez to approve A-09-146. Voting yes: Lutman, Derrick, Hernandez and Volpato. Passed 4-0. A-09-146 was recorded as Exhibit 10.d.

b. A-09-144: NM TRAFFIC SAFETY PROJECT – OPERATION DWI, PROJECT NO. 10-AL-410-032 – SHERIFF MENDOZA: Mendoza stated the funding was for DWI check points and saturation patrols. Hernandez moved, seconded by Volpato to approve A-09-144. Voting yes: Lutman, Derrick, Hernandez and Volpato. Passed 4-0. A-09-144 was recorded as Exhibit 10.b.

c. A-09-145: NM TRAFFIC SAFETY PROJECT – OPERATION BUCKLE DOWN, PROJECT NO. 10-OP-RF-032 - SHERIFF MENDOZA: Mendoza stated the grant would fund the Click it or Ticket program. Hernandez moved, seconded by Volpato to approve A-09-145. Voting yes: Lutman, Derrick, Hernandez and Volpato. Passed 4-0. A-09-145 was recorded as Exhibit 10.c.

11. TRAVEL REQUEST CONSENT AGENDA:

PRIOR:

a. WARREN HARDIN ATTENDED E911 GIS TRAINING IN ABQ, NM:

b. LT. LANCE RIDGWAY & CARROLL CAUDILL ATTENDED U.S. DEPT. OF JUSTICE REGIONAL FINANCIAL MANAGEMENT TRAINING SEMINAR IN DALLAS, TX:

FUTURE:

c. DWI PROGRAM STAFF & CONTRACTORS TO ATTEND DWI AWARENESS PROGRAM AT THE DWI NATIONAL MEMORIAL IN MORIARTY, NM:

d. ALLEN SARTIN TO ATTEND INSPECTION OF PUBLIC RECORDS & OPEN MEETINGS ACT WORKSHOP IN SUNLAND PARK, NM:

Derrick moved, seconded by Volpato to approve all travel requests. Voting yes: Lutman, Derrick, Hernandez and Volpato. Passed 4-0.

12. EMERGENCY BUSINESS: None.

13. PUBLIC COMMENTS/ANNOUNCEMENTS: None.

14. COUNTY MANAGER COMMENTS/ANNOUNCEMENTS: Sartin reminded everyone the County would be closed for the Thanksgiving holiday.

15. ELECTED OFFICIALS COMMENTS/ANNOUNCEMENTS: Mendoza questioned when the auction to dispose of county vehicles would occur. Sartin stated a proposal had been received and anticipated the auction would be held before the end of the year.

16. COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS: Lutman stated the trip to Dallas had been a success. He reported a flight would be added from Roswell to LAX in January.

Hernandez thanked the Department Heads, Elected Officials and the employees for their hard work and contributions to Eddy County. He requested a letter which reflected the appreciation of the Commission be sent.

Derrick wished everyone a safe and happy Thanksgiving.

Volpato reported the brine well committee's had been assigned and were beginning to meet. Robinson requested her employees be involved in the committees in order to stay abreast of the situation. She stated her office had been receiving calls and would like to be informed. Volpato suggested she contact the Mayor in order to have employees placed on committees. Lutman stated the City Council and County Commission had declared the area a disaster and suggested better communication within departments.

17. PROJECT UPDATES:

a. QUARTERLY PROJECT REPORTS – PROJECT MANAGERS: Sartin stated a lot had transpired with the legislature. The funding for capital projects was still in place; however the Governor had cancelled the grant contracts with local governments. This act would prevent counties from accessing funds. Until grant agreements were in place any funds spent on projects would be done at the risk of the counties. The Canal Street project, the Otis Water project and one of the grants for Sunset Gardens had been cancelled by the Governor. Sartin stated projects that depended on legislative money would need consideration on how the Commission wished to proceed.

i. FRANK WELDON – LOOP ROADS: Weldon stated the project had approximately \$470K in legislative funds; the rest were local funds. Sartin stated since the contract with the engineering firm was in place he considered it to be low risk, and suggested the Commission move forward with the project. Weldon stated he had requested a corridor be established by January, after that was complete

appraisals and land acquisitions would be done. A major archaeological site had been discovered on the east side. Weldon stated the re-route on the west side had added \$2 million to the project.

ii. DEBBIE PENALUNA – FINANCIAL SOFTWARE REPLACEMENT:

Penaluna stated the project was in the beginning stages. The project plan, and a boiler plate RFP had been established. Volpato suggested contacting other counties and reviewing their systems. Penaluna anticipated site visits once the project progressed. Derrick questioned compatibility with existing systems. Sartin stated they would work closely with the Treasurer and other departments to handle the integration. Sartin stated the system would provide an effective budget preparation, and project accounting would also be available. It would help the finance department meet the state requirements, and address a number of problems with the annual audit. Robinson expressed concern over the amount of money allotted for the project. Penaluna explained up to date financial software would help with government mandates.

iii. CAROL HENNINGTION – UPGRADE COMPUTER NETWORK:

Henningtion stated the project was in the beginning stages. She was having difficulty finding local vendors to facilitate the project.

iv. DANNY STAFFORD:

1. NEW CLERK’S OFFICE: Stafford reported the Clerk’s office was complete. Stafford stated there were a few existing issues, which were being worked out with the contractor. Lutman asked about landscaping. Stafford stated the project would be done in the spring.

2. ARTESIA OFFICE REMODEL: Stafford reported the project had been put on hold until the consolidated dispatch was finished. Derrick suggested the Clerk’s office be moved into the old health office. Rosprim expressed concern about room for early voting. She would tour the building and consider the move.

3. EDDY COUNTY COURTHOUSE COURTROOM # 3 REMODEL: Stafford reported the project was complete pending seats in the jury box being installed.

4. JAIL EXPANSION: Stafford stated the architect had been working on the drawings and expected it to be ready to go out for bid early next year.

5. ARTESIA HEALTH OFFICE LANDSCAPE: Stafford reported Carlsbad Soil and Water was working on the project. The plan was to xeroscape the property. Lutman expressed concern about water damage on the building. Stafford explained the property had been regrated to divert water away from the building.

6. ADMINISTRATION OFFICE REMODEL: Stafford stated the architect was on hold pending direction from the Board. Derrick stated he had a problem with spending a half a million dollars on a new Commission

Chamber. He suggested looking at the project in order to better facilitate county departments. Hernandez agreed and thought the project should be revisited. Volpato cautioned when rearranging, that all departments and their needs be considered. Lutman stated the funds had been set aside, and was in favor of moving forward with the project. Rosprim thought the public would be better served by remodeling the old clerk's office and move departments that needed the space to the third floor. Robinson suggested the Assessor be moved closer to the Clerk in order to better serve the public. Lutman suggested a committee of Commissioners, Department Heads and Elected Officials meet to develop ideas to better utilize the space available. Lutman and Derrick would represent the Commission on the committee. Sartin stated the architect would be kept on hold pending committee recommendations.

7. SHERIFF'S POSSE FACILITIES IMPROVEMENTS: Stafford reported 745 seats were being installed today.

18. CLOSED MEETING: At 12:30 p.m., Derrick moved, seconded by Volpato to recess the meeting and to hold closed meeting, in accordance with NMSA 10-15-1H (2), (7) and (8) to discuss personnel, pending litigation, and real property to reconvene at 1:30 p.m. Voting yes: Lutman, Derrick, Hernandez and Volpato. Passed 4-0.

19. RE-OPEN: At 2:02 p.m., Derrick 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: Lutman, Derrick, Hernandez and Volpato. Passed 4-0.

v. KENNEY RAYROUX:

1. DRUG REHAB CENTER: Rayroux reported the project had \$1.7 million in grant funds from the legislature. The architect had been put on hold until agreements with CMH could be developed. Rayroux reported DFA had stated the county could proceed with the architectural aspect. If the Commission decided to move forward with other aspects of the project, any money spent would not be reimbursed by the State. Rayroux asked for direction. Volpato suggested the project idle until further direction came down from DFA. Rayroux suggested the architect be paid for services out of current grant contracts. Hernandez requested CMH be notified concerning the project.

2. CDBG COLONIAS MALAGA WATER: Rayroux stated the project was moving forward fairly well. The State had required re-application for any projects that were not finished so there was no guarantee funding would be available to complete the project. Rayroux explained the project would be ready to go out for bid by January. Volpato suggested the bid be awarded contingent on funding.

3. ARTESIA MEAL SITE & WALKING TRAIL: Rayroux stated a landscape architect had volunteered their services pro-bono and the project was ready to go out for bid. Sartin stated all bids with legislative funding should be awarded contingent upon funding.

4. **MORNINGSIDE INFRASTRUCTURE:** Rayroux reported Phase I was complete and there was a balance of about \$50K. The remaining funds were to be used for planning on the next phase of the project; however there was no contract in place. Sartin stated if there was no contract in place the project was essentially finished.

5. **DEVELOP ARTESIA SHOOTING RANGE:** Rayroux stated the project was waiting on the Interstate Stream Commission. The conservation easement was in place; however the Conservancy District had concerns over management of the easement. Rayroux stated if the grant money was lost it would be a shame not to complete the project. The County would have to contribute about \$55K in order to complete the land purchase if legislative funds were lost.

6. **SUNSET GARDENS CEMETERY:** Rayroux recapped the project and reminded the board that the Governor had removed the grant for \$198K. There was \$294,165 in the general fund that would be transferred to the City. The County's role would be complete and the project would be removed from the list.

7. **CARC VANS:** The van had been received and reimbursement was pending. Rayroux stated the cost of the van was \$44,340 which would leave a balance of approximately \$660 that would be returned to the state. The additional funds would be returned to the State.

8. **ARTESIA HORSE COUNCIL:** Rayroux stated the County was the fiscal agent. Funding for this project was contingent upon legislative funding.

9. **FISHERMAN'S LANE BRIDGE:** The bridge had been ordered and the road department was waiting for delivery. The cost was \$50K and an additional \$4K would come out of the road department's budget to complete the project.

10. **CONSOLIDATED DISPATCH:** Rayroux explained Basabilvazo managed the grants and Jenny Rennie was the project manager. A grant for \$50K to furnish and equip the new dispatch center had been closed in June and had been reimbursed by the State. Another grant for \$120K remained in place and a request for exception had been made. The balance on the grant was \$117K and would be used to install the phone system if it was not pulled by the Governor.

Sartin questioned if the updates were helpful to the Board. Feedback was good and the Board wished to continue the updates.

20. **ADJOURN:** At 2:24 p.m. Derrick moved, seconded by Lutman to adjourn the meeting.
Voting yes: Lutman, Derrick, Hernandez and Volpato. Passed 4-0.