

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
NOVEMBER 1, 2011**

BE IT REMEMBERED that the Eddy County Board of Commissioners held a regular meeting in Room 211 of the Eddy County Administration Complex on November 1, 2011 at 8:30 a.m. Hernandez called the meeting to order. Sartin led the Pledge of Allegiance and gave the invocation.

Present:

TONY HERNANDEZ	CHAIRMAN, DISTRICT 1
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 VANNATTA	CHIEF DEPUTY CLERK
ERNEST MENDOZA	SHERIFF
KENT WALLER	CHIEF DEPUTY SHERIFF
TERRI RICHARDS	TREASURER
KAREN ROBINSON	ASSESSOR
GEMMA FERGUSON	CHIEF DEPUTY ASSESSOR
MARIA MERJIL-MALDONADO	ADMINISTRATIVE ASSISTANT SHERIFF
LARRY AUGSBURY	FINANCE DIRECTOR
GAY WEST	ADMINISTRATIVE ASSISTANT
FRANK WELDON	ROAD SUPERINTENDENT
ROBERT STEWART	WARDEN
TODD BANNISTER	RN DETENTION CENTER
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
PATSY CARRASCO	PAYROLL CLERK
GEORGIA GOAD	RURAL ADDRESSING
JOEL ARNWINE	EMERGENCY MANAGER
ROBERT BRADER	FIRE SERVICE COORDINATOR
MANUEL BARRAGAN	ARTESIA CITY COUNCIL
JOE AGUILAR	ARTESIA CITY COUNCIL
STELLA DAVIS	CARLSBAD CURRENT ARGUS

Absent:

JOHN CARAWAY	PROBATE JUDGE
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TIMED AGENDA:

8:30 A.M.

1. PUBLIC HEARING:

a. O-11-73: MERIT SYSTEMS MANAGEMENT GUIDE & POLICY & PROCEDURES MANUAL (PERSONNEL ORDINANCE):

- i. OPEN:**
- ii. STAFF COMMENTS:**
- iii. COMMISSIONERS COMMENTS/QUESTIONS:**
- iv. PUBLIC COMMENTS:**
- v. DELIBERATIONS:**
- vi. BOARD ACTION:**
- vii. ADJOURN HEARING:**

Rayroux reviewed the proposed changes to the Ordinance and fielded questions from Elected Officials and Department Heads. Rayroux would make changes to the document and bring it back to the Board for approval.

2. UPDATES FROM COMMUNITY SERVICE GROUPS:

a. CARLSBAD HONOR GUARD – BILL MCILWEE: Mr. McIlwee had to leave due to a previous commitment.

b. PAWS & CLAWS – JACK BRANNON: Brannon thanked the Board for their support of Paws & Claws throughout the years. He handed out a report which outlined last year's activity. Brannon reviewed the report statistics and fielded questions from the Board. Lara and Hernandez thanked Brannon for his work and presentation. The report was attached as Timed Agenda Exhibit 2.b.

3. REQUEST FOR SEWER FUNDING – ALLEN R. SARTIN: Maria Perez, a resident of Artesia, presented a request to the Board to apply for CDGB funds. The project would install a sewer system for Paris and York Streets in Artesia. Perez explained the area was on city water and the home owner would be responsible for the cost to tie into the sewer system. Derrick stated he would like a cost estimate for residents and Volpato would like numbers on how many home owners would participate if the sewer was installed. Sartin suggested a petition from residents who would support the project. Derrick pointed out the road department would hold off scheduled maintenance in the area pending the outcome of this project. Rayroux stated in order to apply for CDGB funds, there were several requirements that had to be met, one of which was public hearings. The deadline to apply was early December and it was too late to complete the process this year. It was time to plan for next

year's deadline. Sartin instructed Perez to contact him once the petition was complete. He would contact the City of Artesia regarding costs for residents to tie onto the sewer line. The request was recorded as Timed Agenda Exhibit 3.

4. BID AWARDS:

a. B-11-12: PRESENTATION OF MEDICAL DIRECTOR SERVICES – ROBERT STEWART: Stewart stated the recommendation was to award the bid to Correctional Healthcare Companies. Lara expressed regret that the local provider's bid was so much higher. Lutman moved, seconded by Derrick to award B-11-12 as recommended. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0. The invitation to bid was recorded as Timed Agenda Exhibit 4.a.

b. B-11-14: PRESENTATION OF DENTAL SERVICES – ROBERT STEWART: Stewart recommended ACC receive the bid award. They were the current provider and the past contract had been successful. Lara pointed out there were no local bidders. Lutman moved, seconded by Lara to award B-11-14 as recommended. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0. The invitation to bid was recorded as Timed Agenda Exhibit 4.b.

c. B-11-15: PRESENTATION OF MENTAL HEALTH SERVICES – ROBERT STEWART: Stewart stated the only bid was received from Correctional Healthcare Companies and recommended they receive the award. Volpato moved, seconded by Derrick to award B-11-15 as recommended. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0. The invitation to bid was recorded as Timed Agenda Exhibit 4.c.

d. B-11-16: PHARMACEUTICAL SERVICES – ROBERT STEWART: Stewart recommended Diamond Pharmacy be awarded the bid. Volpato disclosed he was part owner of Advanced Medication, which was one of the bidders for the contract. Volpato questioned how the recommended pharmacy would provide after hours service. Stewart stated Diamond would contract with a local vendor for the service. Volpato pointed out that the only area pharmacy that provided after hours service was Advanced Medication, so if the award went to Diamond Pharmacy after hours service would be an issue. Danny Cross, co-owner of Advanced Medication, pointed out they had been servicing the jail for over twenty years. Cross stated the price quoted in the bid was flexible since the cost of medication was constantly changing. Advanced Medication quoted costs at what was the minimum allowed by Medicaid. This was by law the lowest cost available. Cross pointed out 80% of drug expense at the jail was on anti-psychotic drugs, two of which would be available in a generic form by the first of the year. He stated his pharmacies were the only ones in the southeast corner who were willing to provide after hours service, and by law Diamond would have to provide this service. It would be important to know how they planned to accomplish that without the help of Advanced Medications. Cross also pointed out unused drugs were brought back from the jail and the county received a credit on their bill. This savings was not reflected in the bid. Cross thanked the Board for the opportunity to address the issue. Hernandez questioned if Diamond would take unused medication back. Bannister stated yes they would also take back unused medications. Hernandez questioned what option Diamond would have to provide after hours service, and if an inmate would have to be taken to the emergency room. Bannister stated the way it worked now was if an inmate was brought in

and needed a critical medication, the pharmacy would be contacted to take care of that need. The other option would be an emergency room visit. Lutman stated in all fairness, it was important to make the right decision, and with the information presented today it would be good to table the item pending further investigation. Lara stated that Diamond was the second highest in cost, so the consideration was for services provided. She would be in favor of waiting to make a decision after further review. Sartin directed staff to create a table of all the items considered, and all the bidders. Hernandez stated he would also like a clear picture of costs. Lutman moved, seconded by Lara to table B-11-16. Voting yes: Derrick, Lara, Lutman and Hernandez. Volpato abstained. Passed 4-0. The invitation to bid was recorded as Timed Agenda Exhibit 4.d.

TRAILING AGENDA:

- 2. APPEAL, CODE ENFORCEMENT ACTION R-11-55, 6526 VEST ROAD – ALLEN R. SARTIN:** McCroskey stated the case was opened in 2008. McCroskey reported the owner had partially complied, however the barn was still an issue. John Vandeventer, owner of the property stated he was in the process of cleaning up the property and requested an extension until January 15, 2012. He also stated a roll-off dumpster would be helpful to dispose of the debris. Volpato stated a roll-off could not be put on a specific property. Sartin pointed out the roll-offs were for trash, not demolition. Lutman moved, seconded by Volpato to grant the extension provided the property was brought into full compliance. Vandeventer pointed out he still needed the roll-off. The Board decided a roll-off would not be provided. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0.
- 15. CLOSED MEETING:** At 12:22 p.m., Hernandez moved, seconded by Lara to make 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 1:30 p.m. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0.
- 16. RE-OPEN:** At 1:46 p.m., Hernandez moved, seconded by Volpato to reconvene in open session and to certify that only the items listed in the motion to close the meeting were discussed in accordance with NMSA 10-15-1H (2), (7) and (8). Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0.
- 1. APPROVE:**
 - a. COMMISSION MEETING MINUTES FOR OCTOBER 18, 2011:** Volpato moved, seconded by Derrick to approve the Commission Meeting Minutes for October 18, 2011. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0.
 - b. EXPENDITURE APPROVAL LIST FOR NOVEMBER 1, 2011 CHECK RUN:** Derrick moved, seconded by Lutman to approve the Expenditure List for November 1, 2011 Check Run. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0. The Expenditure Approval List for November 1, 2011 Check Run was recorded as Exhibit 1.b.
 - c. PURCHASE CARD EXPENDITURE LIST FOR SEPTEMBER, 2011:** Volpato moved, seconded by Hernandez to approve the Purchase Card Expenditure List for

September, 2011. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0. The Purchase Card Expenditure List for September, 2011 was recorded as Exhibit 1.c.

3. **FACILITIES MANAGEMENT RESPONSIBILITIES – ALLEN R. SARTIN:** Sartin stated the item was for information only. Stafford had prepared a spread sheet of facilities and the responsibilities of his department for the Board. The Facility Management Spread Sheet was recorded as Exhibit 3.
4. **APPROVE/DISAPPROVE TWO (2) INDIGENT BURIALS – LINDA MARTINEZ:** Lara moved, seconded by Derrick to approve the indigent burials. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0.
6. **AGREEMENTS:**
 - a. **A-11-92: CREMATION AUTHORIZATION AGREEMENT – LINDA P. MARTINEZ:** Hernandez moved, seconded by Volpato to approve A-11-92. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0. A-11-92 was recorded as Exhibit 6.a.
 - b. **A-11-93: CREMATION AUTHORIZATION AGREEMENT – LINDA P. MARTINEZ:** Lara moved, seconded by Volpato to approve A-11-93. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0. A-11-93 was recorded as Exhibit 6.b.
5. **APPROVE TYLER GO LIVE DATE OF JULY 1, 2013 – LARRY A. AUGSBURY:** Augsbury stated after a two day meeting with Tyler, and consultation with the County Manager, it was decided that for optimal success the best date to go live would be July 1, 2013. Sartin stated the project had experienced some delays which pushed the date back.
7. **TRAVEL REQUEST CONSENT AGENDA:**
PRIOR:
 - a. **GUY LUTMAN ATTENDED MEETINGS IN WASHINGTON, DC:**
 - b. **SHAWN FUNK, J. KEITH INGRAM, MICHAEL CORONA & SARAH SANTANA ATTENDED A MEETING IN RUIDOSO, NM:**
 - c. **ROXANNE LARA ATTENDED A MEETING IN WASHINGTON, DC:**
 - d. **J. ARNWINE ATTENDED A MEETING IN ABQ., NM:**
 - e. **LARRY AUGSBURY & DEBBIE PENALUNA-FUNK ATTENDED A CONFERENCE, MEETING & TRAINING IN TAOS, NM:**
FUTURE:
 - f. **CYNTHIA SHARIF TO ATTEND TRAINING IN SANTA FE, NM:**

g. KAREN ROBINSON TO ATTEND A MEETING IN RUIDOSO, NM:

h. JOHN M. CARAWAY TO ATTEND A CONFERENCE IN LAS CRUCES, NM:

Lara pointed out her trip to Washington D.C. would be reimbursed by the Blue Ribbon Commission.

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

8. LEGISLATIVE ISSUES: None.

9. EMERGENCY BUSINESS:

a. TIGER GRANT – FRANK WELDON: Weldon reported he had been tasked with applying for these grants through the U.S. DOT. The pre-application was submitted and everything went smoothly. When the final application was submitted yesterday afternoon it was rejected. Everything was in place and the program would not accept the DUNNS number. The number was provided by the finance department and was the same one used on the pre-application. Lara stated she would follow up with Dan Albert out of Bingaman's Office to see if there was an option for appeal. Weldon stated the application was for \$10 million with a \$5 million match from the county.

10. PUBLIC COMMENTS/ANNOUNCEMENTS: Rayroux stated Artesia had reported MVD computers had been down statewide, and after 24 hours were back in operation.

11. COUNTY MANAGER COMMENTS/ANNOUNCEMENTS: Sartin reported staff was working on putting the agenda on the web site. The same packet that was sent to department heads would be available to the public.

12. ELECTED OFFICIALS COMMENTS/ANNOUNCEMENTS: None.

13. COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS: Lara stated the trip to testify before the BRC on transportation issues was a success. Lara noted Forbes Magazine would be visiting the WIPP site to interview employees for an article. Lara reported that last week in San Francisco she had a meeting with Senator Cantwell who sat on the Committee for Energy and Natural Resources. Lara stated she took the opportunity to educate the Senator about WIPP.

Hernandez pointed out Lara was in San Francisco to receive a national political award. She was one of nine women nationwide recognized as a trail blazer.

Lutman complimented Arnwine and Brader for their participation in the fire parade. He also thanked the driver of the fire truck.

14. PROJECT UPDATES:

- a. **UPGRADE COMPUTER NETWORK – CAROL HENNINGTON:** Hennington reported the project total so far was \$640K. The air conditioning in the server room should be fixed within the next few weeks. The virtual servers were in the test phase, and users would be moved over as progress was made.
- b. **REPLACE FINANCIAL MANAGEMENT SOFTWARE – LARRY AUGSBURY:** Augsbury reported the project was on track for implementation. Augsbury complimented Hennington for her work on the project.
- c. **ADMINISTRATION REMODEL – DANNY STAFFORD:** Stafford reported the project was complete. Sartin pointed out the project was \$50K under budget.
- d. **JAIL EXPANSION – DANNY STAFFORD:** Stafford reported the walk through for the Juvenile Facility was November 30, 2011. He stated the facility should be open by January, 2012. Lutman questioned the exterior of the building and why it was not finished. Sartin stated once the project was complete, a bid would be presented to the Board for stucco on the building.
- e. **NORTH EDDY COUNTY PUBLIC SAFETY COMPLEX – DANNY STAFFORD:** Stafford reported the project was complete and the Sheriff's Department had moved in.
- f. **EDDY COUNTY SUBSTANCE ABUSE REHABILITATION CENTER – DANNY STAFFORD:** Stafford reported the project was moving along slowly. The project manager had changed three different times during the course of the project. The new manager was on board and things were progressing.
- g. **ARTESIA OFFICE REMODEL – DANNY STAFFORD:** Stafford reported the architect was in the process of doing a needs analysis. The new property was being surveyed.
- h. **MALAGA WATER SYSTEM – KENNEY RAYROUX:** Rayroux stated they were working on the plans for the Ash Street expansion in order to expend the remainder of the grant. Goad reported December 31, 2011 was the deadline to submit for reimbursement from DFA.
- i. **ARTESIA SHOOTING RANGE – KENNEY RAYROUX:** Rayroux reported Goad had been working diligently to get the building started. The site for the building had to be moved due to flood plain issues. The new location was being surveyed and re-parceled. The last word from Santa Fe was \$8K remained on the grant, which would be expended before the donated money. Rayroux stated Goad had been working hard to get up to speed on grant funds in order to be able to manage them in a proper manner.
- j. **LOOP ROAD PROJECT – FRANK WELDON:** Weldon reported Bill McFarland had taken over the task of land acquisition. Offer letters had gone out to land owners

this week with a deadline for response of December, 2011. Lutman requested a cost analysis be done in order to get a better picture of the financial demands the project would need. Sartin stated he was in the process of reviewing the financial side of the project.

k. NEW CELL DEVELOPMENT – FRANK WELDON: Weldon stated the new cell was complete and in use since June. The City had fulfilled their commitment for payment.

l. MOSCAD SYSTEM ALARM & CONTROL – JOEL ARNWINE: Arnwine reported the project had not expended any funds to date. The project kicked off on October 12, 2011, with a meeting to identify types of alarms and how to handle them when they did alert to a problem at one of the sites. The project was on schedule with a target completion date of March, 2012.

17. ADJOURN: At 3:02 p.m., Volpato moved, seconded by Lara to adjourn the meeting. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed 5-0.

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIRMAN

ATTEST:

COUNTY CLERK

DATE: _____

EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
NOVEMBER 15, 2011

BE IT REMEMBERED that the Eddy County Board of Commissioners held a regular meeting in Room 211 of the Eddy County Administration Complex on November 15, 2011 at 8:30 a.m. Lara called the meeting to order. Sartin led the Pledge of Allegiance and gave the invocation.

Present:

ROXANNE LARA
LEWIS DERRICK
GUY LUTMAN
JACK VOLPATO
CAS TABOR
ALLEN SARTIN
DARLENE ROSPRIM
ROBIN VANNATTA
ERNEST MENDOZA
KENT WALLER
KAREN ROBINSON
LINDA MARTINEZ
YOLANDA SING
LARRY AUGSBURY
GAY WEST
CAROL HENNINGTON
WARREN HARDIN
SHAWN FUNK
DANNY STAFFORD
KENNEY RAYROUX
FRANK WELDON
STEVE MCCROSKEY
CYNTHIA SHARIF
JIM GRANTNER
TYLER GREEN

VICE-CHAIR, DISTRICT 5
COMMISSIONER, DISTRICT 2
COMMISSIONER, DISTRICT 3
COMMISSIONER, DISTRICT 4
COUNTY ATTORNEY
COUNTY MANAGER
COUNTY CLERK
CHIEF DEPUTY CLERK
SHERIFF
CHIEF DEPUTY SHERIFF
ASSESSOR
INDIGENT CLAIMS ADMINISTRATOR
INDIGENT CLAIMS ASSISTANT
FINANCE DIRECTOR
ADMINISTRATIVE ASSISTANT
IT DIRECTOR
GIS COORDINATOR
WARDEN
MAINTENANCE SUPERVISOR
HUMAN RESOURCES DIRECTOR
ROAD SUPERINTENDENT
CODE ENFORCEMENT
DWI COORDINATOR
P & Z COMMITTEE
ARTESIA DAILY PRESS

Absent:

JOHN CARAWAY
TERRI RICHARDS
TONY HERNANDEZ

PROBATE JUDGE
TREASURER
CHAIRMAN, DISTRICT 1

TIMED AGENDA:

8:30 A.M.

1. UPDATES FROM COMMUNITY SERVICE GROUP:

a. **CARLSBAD HONOR GUARD – BILL MCILWEE:** McIlwee thanked the Board for the opportunity to speak about their organization. He stated the Honor Guard attended all veteran's funerals as well as other civic activities. The Honor Guard was comprised of 19 members all of whom were volunteers. Adon Rodriguez, member of the Honor Guard, explained the organization was made up of veterans and did not belong to the American Legion or the VFW Post. The group was organized in order to honor veterans at their funeral. Rodriguez stated the uniforms worn by members cost around \$865 each. The Honor Guard covered all of Eddy County, but had traveled as far as Fort Stockton in order to attend a funeral. The Honor Guard went to schools to educate students, attended parades, and any event which honored veterans. McIlwee thanked the Board for their support. The Commission thanked the gentlemen for their service.

2. **PRESENTATION OF THE FYE 2010 AUDITED FINANCIAL REPORTS – JEFF MCWHORTER:** McWhorter gave an overview of how the audit was conducted. He reviewed the opinion and findings contained in the report. McWhorter stated the County had several issues; however, they had taken aggressive measures to correct the deficiencies. Overall the county's financial team was moving in the right direction. McWhorter stated if the Board had any questions about the report to please contact him. The FYE 2010 Audit Financial Report was recorded as Timed Agenda Exhibit 2.

3. **ECONOMIC OUTLOOK – LARRY COALSON:** Coalson gave a power point presentation on Eddy County and demographic trends. He reported Eddy County unemployment was low and growth was steady. The area was a retirement destination and was beginning to retain people from younger age groups. Coalson stated small business activity was up which was reflected in the GRT. Volpato questioned what was being done to develop the work force. Coalson stated the college had training programs, or if a business had special needs, a training program could be developed. Lutman asked what was being done to attract small business. Coalson explained the Small Business Development Center received federal funds so they could not solicit businesses to the area; however, if someone came into the office they would be glad to assist them. The power point presentation was recorded as Timed Agenda Exhibit 3.

TRAILING AGENDA:

1. & 2. **RECESS EDDY COUNTY COMMISSION MEETING & CONVENE AS INDIGENT HOSPITAL CLAIMS BOARD:** At 9:22 a.m., Lutman moved, seconded by Volpato to recess the regular commission meeting and to convene as the Indigent Hospital Claims Board. Voting yes: Derrick, Lara, Lutman and Volpato. Passed 4-0.
3. **INDIGENT HOSPITAL CLAIMS BOARD:** See indigent minutes.

4. **RECONVENE EDDY COUNTY COMMISSION MEETING:** At 9:27 a.m., Volpato moved, seconded by Lutman to adjourn the Indigent Hospital Claims Board and reconvene the regular meeting. Voting yes: Derrick, Lara, Lutman and Volpato. Passed 4-0.

5. **APPROVE:**
 - a. **COMMISSION MEETING MINUTES FOR NOVEMBER 1, 2011:** Volpato pointed out on item 9.a. Dan Albert's last name should be spelled Alpert. Lutman moved, seconded by Volpato to approve the Commission Meeting Minutes for November 1, 2011 as amended. Voting yes: Derrick, Lara, Lutman and Volpato. Passed 4-0.

 - b. **EXPENDITURE APPROVAL LIST FOR NOVEMBER 15, 2011 CHECK RUN:** Augsbury stated lines 5 – 20, 23, 24 and 214 were corrected to read the City of Carlsbad. Volpato moved, seconded by Derrick to approve the Expenditure Approval List for November 15, 2011 Check Run as amended. Voting yes: Derrick, Lara, Lutman and Volpato. Passed 4-0. The Expenditure Approval List for November 15, 2011 Check Run was recorded as Exhibit 5.b.

6. **TREASURER'S FINANCIAL REPORT FOR OCTOBER, 2011 – TERRI RICHARDS:** The item was for information only. The Treasurer's Report was recorded as Exhibit 6.

7. **REVENUE REPORT – LARRY AUGSBURY:** Augsbury reported the GRT was above budget \$451,805 and oil and gas receipts were up \$1.6 million. Lutman pointed out the budget was up by about \$2 million. Sartin stated if there was a drop due to a price change, it would not show up until November or December. Volpato stated the current GRT was above any high mark dating back to 2008. The Revenue Report was recorded as Exhibit 7.

8. **DWI PROGRAM UPDATE – CYNTHIA G. SHARIF:** Sharif gave a brief report of the first quarter activities of the DWI Program. She reported alcohol related accidents were down and they were working on a safe ride program. Sharif stated DWI prevention would be stepped up during the holiday season. Lutman suggested an impact report on DWI and the detention center. The report was recorded as Exhibit 8.

9. **RFI FOR MUNICIPAL SOLID WASTE SERVICE – FRANK WELDON:** Sartin stated the Board had directed staff to gather information on costs and issues related to house-to-house waste pickup in Happy Valley. Weldon stated two responses were received, one from the City of Carlsbad and the other from Waste Management. Marlene Feuer, a representative for Waste Management was present today if the Board had questions. Volpato suggested the issue be referred to the County Solid Waste Committee. Lutman stated he did not want the pickup to be mandated to residents, and suggested public input. Sartin stated if the Board decided to move forward with the pickup, it would have to go through the ordinance process which would have a public comment period. Volpato reminded the Board that the reason for the project was to save the county money and to save the road department resources. Feuer reported Valencia and Taos Counties both had franchised trash pickup, and would be good resources of

information on the subject. Lara stated the Board was in agreement that the issue would be sent to the solid waste committee for further review.

10. RESOLUTIONS/AGREEMENTS:

a. R-11-63/A-11-94; STATE/COUNTY SCHOOL BUS ROUTE RESOLUTION & AGREEMENT – FRANK WELDON: Volpato moved, seconded by Lutman to approve R-11-63 and A-11-94. Voting yes: Derrick, Lara, Lutman and Volpato. Passed 4-0. R-11-63 and A-11-94 were recorded as Exhibit 10.a.

b. R-11-64/A-11-95; STATE/COUNTY COOPERATIVE RESOLUTION & AGREEMENT – FRANK WELDON: Volpato moved, seconded by Derrick to approve R-11-64 and A-11-95. Voting yes: Derrick, Lara, Lutman and Volpato. Passed 4-0. R-11-64 and A-11-95 were recorded as Exhibit 10.b.

c. R-11-65/A-11-96; COUNTY ARTERIAL PROJECT (CAP) STATE PROJECT – FRANK WELDON: Lutman moved, seconded by Derrick to approve R-11-65 and A-11-96. Voting yes: Derrick, Lara, Lutman and Volpato. Passed 4-0. R-11-65 and A-11-96 were recorded as Exhibit 10.c.

11. TRAVEL REQUEST CONSENT AGENDA:

PRIOR:

a. ROBERT BRADER ATTENDED A CONFERENCE IN CLEARWATER, FL.:

FUTURE:

NONE.

Volpato moved, seconded by Lutman to approve the travel request consent agenda. Voting yes: Derrick, Lara, Lutman and Volpato. Passed 4-0.

12. LEGISLATIVE ISSUES: Derrick reported Senator Udall had sent a letter to Fish and Wildlife to delay the listing of the Sand Dune Lizard. He thanked Senator Udall for his time and efforts on this issue.

13. EMERGENCY BUSINESS:

a. REQUEST FROM XCEL ENERGY TO ACCESS COUNTY PROPERTY ON DERRICK ROAD TO CONDUCT A SURVEY: Lutman moved, seconded by Volpato to approve the request. Voting yes: Derrick, Lara, Lutman and Volpato. Passed 4-0. The request was recorded as Exhibit 13.a.

b. A-11-97: EMS FUND ACT VEHICLE PURCHASE APPLICATION FOR CARE PLUS AMBULANCE SERVICE: Sartin explained the County would be the

fiscal agent. The vehicle would be owned by the county and the county would be responsible for the requirements imposed by the State. Lutman expressed concern about the liability involved with the use of an ambulance and a private company making a profit from the vehicle. Derrick questioned who would be responsible for the matching funds. Tabor stated Care Plus would provide the match. Volpato suggested if the agreement was passed, the stipulation could be added that Care Plus would be responsible for the match. Volpato explained the company did mostly transport and provided a valuable service to area residents. Volpato moved to approve the request with the stipulation that Care Plus provide matching funds. Motion died for lack of a second. Lara directed Sartin to notify Care Plus of the decision of the Board.

14. PUBLIC COMMENTS/ANNOUNCEMENTS: None.

15. COUNTY MANAGER COMMENTS/ANNOUNCEMENTS: Sartin reminded the Board he would be in Socorro tomorrow for a meeting.

16. ELECTED OFFICIALS COMMENTS/ANNOUNCEMENTS: Robinson stated she would be attending a joint county and municipal meeting which would address legislative issues. Sartin stated the Municipal League had an item that would encourage the abandonment of the consolidated E-911 centers. He asked that we oppose this item at the meeting.

17. COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS: Volpato reported the ECA meeting would be held in New Orleans to discuss high level waste. He reported the WIPP Site was featured in the Energy Now interview and was very good. Volpato reminded everyone about the Electric Light Parade at 7:00 p.m. on Saturday, November 26, 2011.

Lutman stated the Veteran's Day events were well attended and very successful.

Lara and Derrick wished everyone a Happy Thanksgiving and safe travels.

18. PROJECT UPDATES: None.

19. CLOSED MEETING: At 10:48 a.m., Lara moved, seconded by Derrick to recess the meeting and to hold a closed meeting in accordance with NMSA 10-15-1H (2), (7) and (8) to discuss personnel, pending litigation, and real property to resume the regular meeting at 1:00 p.m. Voting yes: Derrick, Lara, Lutman and Volpato. Passed 4-0.

20. RE-OPEN: At 1:20 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: Derrick, Lara, Lutman and Volpato. Passed 4-0.

21. ADJOURN: At 1:21 p.m., Derrick moved, seconded by Lutman to adjourn the meeting.
Voting yes: Derrick, Lara, Lutman and Volpato. Passed 4-0.

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIRMAN

ATTEST: _____
COUNTY CLERK

DATE _____