

**EDDY COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A REGULAR MEETING  
OCTOBER 4, 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 October 4, 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
KAREN ROBINSON	ASSESSOR
DIANE DESOTO	CHIEF DEPUTY ASSESSOR
TERRI RICHARDS	TREASURER
KENT WALLER	CHIEF DEPUTY SHERIFF
DEBBIE PENALUNA-FUNK	ASSISTANT FINANCE DIRECTOR
GAY WEST	ADMINISTRATIVE ASSISTANT
FRANK WELDON	ROAD SUPERINTENDENT
ROBERT STEWART	WARDEN
CAROL HENNINGTON	INFORMATION SYSTEMS SUPERVISOR
SHARON DODSON	NETWORK SUPPORT ANALYST
KENNEY RAYROUX	HUMAN RESOURCES DIRECTOR
JOEL ARNWINE	EMERGENCY MANAGER
ROBERT BRADER	FIRE SERVICE COORDINATOR
LINDA MARTINEZ	INDIGENT ADMINISTRATOR
STEVE MCCROSKEY	CODE ENFORCEMENT
GEORGIA GOAD	RURAL ADDRESSER
JANELL WHITLOCK	CARLSBAD CITY COUNCIL
ROBERT DEFER	CARLSBAD CHAMBER OF COMMERCE
STELLA DAVIS	CARLSBAD CURRENT ARGUS

**Absent:**

JOHN CARAWAY	PROBATE JUDGE
ERNEST MENDOZA	SHERIFF

**TIMED AGENDA:**

**8:30 A.M.**

**1. UPDATES FROM COMMUNITY SERVICE GROUPS:**

a. **SOUTHEASTERN NEW MEXICO COMMUNITY ACTION CORPORATION – MISTY CRYER:**

b. **OPPORTUNITY HOUSE – GENE COURTER:**

**TRAILING AGENDA:**

1. **APPROVE:**

a. **COMMISSION MEETING MINUTES FOR SEPTEMBER 6, 2011:** Derrick moved, seconded by Lara to approve the Commission Minutes for September 6, 2011. Voting yes: Lutman, Hernandez, Derrick and Lara. Passed 4-0.

b. **COMMISSION MEETING MINUTES FOR SEPTEMBER 20, 2011:** Derrick moved, seconded by Lara to approve the Commission Minutes for September 20, 2011. Voting yes: Lutman, Hernandez, Derrick and Lara. Passed 4-0.

c. **EXPENDITURE APPROVAL LIST FOR OCTOBER 4, 2011 CHECK RUN:** Derrick moved, seconded by Volpato to approve the Expenditure Approval List for October 4, 2011 Check Run. Voting yes: Lutman, Hernandez, Derrick and Lara. Passed 4-0. The Expenditure Approval List for October 4, 2011 Check Run was recorded as Exhibit 1.c.

2. **BRIDGE PERMIT, PIPELINE CROSSING – ALLEN R. SARTIN:** Lara moved, seconded by Hernandez to approve the indigent burial. Voting yes: Lutman, Hernandez, Derrick and Lara. Passed 4-0.

3. **REQUEST FOR SUPPORT, RETIRE IN CARLSBAD PROJECT – ALLEN R. SARTIN:** Derrick moved, seconded by Lutman to approve the letter with changes as discussed. Voting yes: Lutman, Hernandez, Derrick and Lara. Passed 4-0.

4. **REVENUE REPORT – LARRY AUGSBURY:**

5. **AWARD FIXED ASSET INVENTORY & VALUATION BID – LARRY AUGSBURY:** Lutman moved, seconded by Derrick to. Voting yes: Lutman, Hernandez, Derrick and Lara. Passed 4-0.

6. **TRANSFER OF VEHICLES WITHIN THE COUNTY – WARDEN ROBERT STEWART:** Derrick moved, seconded by Lutman. Voting yes: Lutman and Derrick. Voting no: Lara, Hernandez and Volpato. Failed 3-2.

7. **RESOLUTIONS:**

a. **R-11-57: SOLE COMMUNITY HOSPITAL SUPPLEMENTAL FUNDS FOR ARTESIA GENERAL HOSPITAL – LINDA P. MARTINEZ:** Lutman moved, seconded by Volpato to approve R-11-57. Voting yes: Lutman, Hernandez, Derrick and Lara. Passed 4-0. R-11-57 was recorded as Exhibit 7.a.

b. **R-11-58: DISPOSE OF UNUSABLE PUBLIC PROPERTY IN THE EDDY COUNTY OUTLAY INVENTORY – LARRY A. AUGSBURY:** Lutman moved, seconded by Lara to approve R-11-58. Voting yes: Lutman, Hernandez, Derrick and Lara. Passed 4-0. R-11-58 was recorded as Exhibit 7.b.

c. **R-11-59: FIRST QUARTER BUDGET CHANGES 2011 – 2012 – LARRY A. AUGSBURY:** Volpato moved, seconded by Lara to approve R-11-59. Voting yes: Lutman, Hernandez, Derrick and Lara. Passed 4-0. R-11-59 was recorded as Exhibit 7.c.

8. **AGREEMENTS:**

a. **A-11-81: AGREEMENT, RESEARCH PROPERTIES FOR NEW SHERIFF'S OFFICE – ALLEN R. SARTIN:** Lutman moved, seconded by Derrick to approve A-11-81. Voting yes: Lutman, Hernandez, Derrick and Lara. Passed 4-0. A-11-81 was recorded as Exhibit 8.a.

b. **A-11-82: AGREEMENT WITH ARTESIA TO TRADE PARCELS – ALLEN R. SARTIN:** Lara moved, seconded by Lutman to approve A-11-82. Voting yes: Lutman, Hernandez, Derrick and Lara. Passed 4-0. A-11-82 was recorded as Exhibit 8.b.

c. **A-11-83: 2008 – EDDY COUNTY – SHSGP GRANT EXTENSION #3 – JOEL ARNWINE:** Lutman moved, seconded by Volpato to approve A-11-83. Voting yes: Lutman, Hernandez, Derrick and Lara. Passed 4-0. A-11-83 was recorded as Exhibit 8.c.

d. **A-11-84: 2011 DOT HAZMAT TRAINING GRANT – JOEL ARNWINE:** Lutman moved, seconded by Lara to approve A-11-84. Voting yes: Lutman, Hernandez, Derrick and Lara. Passed 4-0. A-11-84 was recorded as Exhibit 8.d.

e. **A-11-85: MAINTENANCE/SUPPORT AGREEMENT WITH PDS FOR LARGE FORMAT/PLOTTER & MICROFILM SCANNER – DARLENE ROSPRIM:** Lutman moved, seconded by Lara to approve A-11-85. Voting yes: Lutman, Hernandez, Derrick and Lara. Passed 4-0. A-11-85 was recorded as Exhibit 8.e.

f. **A-11-86: 2012 LAW ENFORCEMENT ANNUAL FINANCIAL & OPERATING PLAN WITH U.S. FOREST SERVICE – SHERIFF ERNEST J. MENDOZA:** Lutman moved, seconded by Lara to approve A-11-86. Voting yes: Lutman, Hernandez, Derrick and Lara. Passed 4-0. A-11-86 was recorded as Exhibit 8.f.

g. **A-11-87: NM TRAFFIC SAFETY BUREAU PROJECT – EDUCATION & ENFORCEMENT PROGRAM – SHERIFF ERNEST J. MENDOZA** Lutman moved, seconded by Lara to approve A-11-87. Voting yes: Lutman, Hernandez, Derrick and Lara. Passed 4-0. A-11-87 was recorded as Exhibit 8.g.

9. **PSA-11-08: CITY OF ARTESIA – ALLEN R. SARTIN:** moved, seconded by to approve PSA-11-08. PSA-11-08 was recorded as Exhibit 9.

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

a. WARREN HARDIN ATTENDED TRAINING IN LAS CRUCES, NM:

b. DARLENE ROSPRIM & ROBIN VANNATTA ATTENDED TRAINING IN RIO RANCHO, NM:

FUTURE:

c. CYNTHIA SHARIF & PHYLLIS LUNA TO ATTEND TRAINING IN EL PASO, TX:

d. MELISSA AZZINARO TO ATTEND TRAINING IN ABQ, NM:

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

11. LEGISLATIVE ISSUES: None.

12. EMERGENCY BUSINESS: Robin Bostick reported Jamie Smylie, from Roosevelt County, would like to attend the State Fair and represent Eddy County in the Queen contest. Bostick stated Eddy County did not have a representative. The Sheriff's Posse would be the actual entity to approve the request. Bostick was asking for the blessing of the Board for Smylie to represent Eddy County. Lutman moved, seconded by Hernandez to approve the request. Voting yes: Lutman, Hernandez, Derrick and Lara. Passed 4-0. Sartin stated the reason it was brought as emergency business was the application had to be submitted before the Board's next meeting.

13. PUBLIC COMMENTS/ANNOUNCEMENTS: None.

14. COUNTY MANAGER COMMENTS/ANNOUNCEMENTS: None.

15. ELECTED OFFICIALS COMMENTS/ANNOUNCEMENTS: None.

16. COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS: Lara stated she would be attending a legislative conference to promote our area for nuclear waste storage.

Lutman stated he had received calls concerning Jones Road in Happy Valley, which he would discuss with Weldon. He expressed concerns about the use of county vehicles and requested the issue be placed on the agenda for the next meeting

Volpato reminded everyone tonight was National Night Out, and encouraged everyone to attend.

Derrick reported the Fair was a huge success despite the heat. The sales brought close to \$400K, which was a record. Derrick stated he had received calls from concerned residents in Loco Hills about the dumpster the county had placed in the area. Apparently people were dumping items other than household waste, and residents were concerned that the dumpster may be removed. Residents expressed their wishes that the dumpster remain where it was.

**17. PROJECT UPDATES:** None.

**18. CLOSED MEETING:** At 12:10 p.m., Hernandez moved, seconded by Derrick to recess the meeting and to hold a closed meeting in accordance with NMSA 10-15-1H (2), (7) and (8) to discuss personnel, pending litigation, and real property to reconvene in approximately 1 ½ hours. Voting yes: Lutman, Hernandez, Derrick and Lara. Passed 4-0.

**19. RE-OPEN:** At 2:44 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: Lutman, Hernandez, Derrick and Lara. Passed 4-0.

**20. ADJOURN:** At 2:45 p.m., Lara moved, seconded by Volpato to adjourn the meeting. Voting yes: Lutman, Hernandez, Derrick and Lara. Passed 4-0.

**EDDY COUNTY BOARD OF COMMISSIONERS**

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**CHAIRMAN**

**ATTEST:**

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**COUNTY CLERK**

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

EDDY COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A REGULAR MEETING  
OCTOBER 18, 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 October 18, 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
ANNA GALINDO	CHIEF DEPUTY TREASURER
LINDA MARTINEZ	INDIGENT CLAIMS ADMINISTRATOR
YOLANDA SING	INDIGENT CLAIMS ASSISTANT
LARRY AUGSBURY	FINANCE DIRECTOR
GAY WEST	ADMINISTRATIVE ASSISTANT
ROBERT STEWART	WARDEN
DANNY STAFFORD	MAINTENANCE SUPERVISOR
KENNEY RAYROUX	HUMAN RESOURCES DIRECTOR
FRANK WELDON	ROAD SUPERINTENDENT
STEVE MCCROSKEY	CODE ENFORCEMENT
ROBERT BRADER	FIRE SERVICE COORDINATOR
JANELL WHITLOCK	CARLSBAD CITY COUNCIL
JIM GRANTNER	P & Z COMMITTEE
GEORGIA GOAD	RURAL ADDRESSER
CATHRYNN BROWN	STATE REPRESENTATIVE
STELLA DAVIS	CARLSBAD CURRENT ARGUS
TYLER GREEN	ARTESIA DAILY PRESS

**Absent:**

JOHN CARAWAY	PROBATE JUDGE
TERRI RICHARDS	TREASURER
KAREN ROBINSON	ASSESSOR

**TIMED AGENDA:**

**8:30 A.M.**

1. **SERVICE AWARDS:** Lara presented service awards to Lucinda Cooke and Gregory Bland for 10 years, Benny Eaton and Santiago (Jimmy) Garcia for 5 years of service to Eddy County.
  
2. **BID AWARDS:**
  - a. **B-11-13: PRESENTATION OF INMATE TELEPHONE SERVICE – ROBERT STEWART:** Stewart reported four bids were received, and recommended Securus Technologies be awarded the bid. Securus was the current provider, which scored the highest on the evaluation. The service would be at no cost to the county. Lutman moved, seconded by Derrick to award B-11-13 as recommended. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0. The invitation to bid was recorded as Timed Agenda Exhibit 2.a.
  
3. **UNITED WAY CAMPAIGN – KENNEY RAYROUX:** Rayroux presented Kirstin Carlson, Director of the United Way. Carlson presented a video of the programs supported by the local United Way, and requested permission to solicit county employees to donate to United Way. She pointed out 98% of all dollars raised stayed in Eddy County. This year's campaign goal was \$760K an increase of \$140K over last year's goal. Carlson pointed out the dollar amount was based on requests from community partners plus the campaign's operating expenses. Volpato moved, seconded by Lutman to allow United Way to solicit donations from Eddy County Employees. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0.

Hernandez welcomed State Representative Cathrynn Brown to the meeting.

**12:00 P.M. BOARD OF COUNTY COMMISSIONERS WILL HAVE LUNCH AND TOUR THE EDDY COUNTY DETENTION CENTER**

**TRAILING AGENDA:**

1. & 2. **RECESS EDDY COUNTY COMMISSION MEETING & CONVENE AS INDIGENT HOSPITAL CLAIMS BOARD:** At 8:53 a.m., Derrick moved, seconded by Lara to recess the regular commission meeting and to convene as the Indigent Hospital Claims Board. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0.
  
3. **INDIGENT HOSPITAL CLAIMS BOARD:** See indigent minutes.
  
4. **RECONVENE EDDY COUNTY COMMISSION MEETING:** At 8:56 a.m., Volpato moved, seconded by Lutman to adjourn the Indigent Hospital Claims Board and reconvene the regular meeting. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0.

5. **APPROVE:**

a. **COMMISSION MEETING MINUTES FOR OCTOBER 4, 2011:** Lara moved, seconded by Derrick to approve the Commission Meeting Minutes for October 4, 2011. Voting yes: Hernandez, Derrick, Lara and Lutman. Volpato abstained. Passed 4-0.

b. **EXPENDITURE APPROVAL LIST FOR OCTOBER 18, 2011 CHECK RUN:** Lutman moved, seconded by Lara to approve the Expenditure Approval List for October 18, 2011 Check Run. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0. The Expenditure Approval List for October 18, 2011 Check Run was recorded as Exhibit 6.b.

6. **REQUEST FOR SUPPORT, RETIRE IN CARLSBAD PROJECT – ALLEN R.**

**SARTIN:** Bob Yeager, Chairman of the Retirement Initiative, introduced Marsha Drapala, Marketing Director, John Safin, with the Carlsbad DOD, and Janell Whitlock, Carlsbad Chamber of Commerce Retirement Director. Yeager outlined a four day event which would be targeted to attract retirees who had expressed interest in our community. Yeager stated participants would receive rides to the Caverns, golf excursions, and shopping incentives. The project was being supported by the City of Carlsbad, Lodger's Tax and the Chamber of Commerce. The request today was for an additional \$2500 to help fund the event. Drapala reviewed what was being done to promote the event and future plans to attract retirees to the community. Sartin questioned if the \$10K the County already contributed was being spent on this project. Drapala stated those funds were being used on this project as well as ads placed through AARP to develop the retiree data base. The request today would be spent on the special event only. It would take \$13K to advertise the event. The Carlsbad Lodger's Tax had committed \$10K, along with several community sponsorships. Lutman stated he supported the initiative and suggested the County Lodger's Board be approached for funds. Volpato suggested the money be approved through the contingency fund and if the County Lodger's Board approved the request, the money could be reimbursed. Derrick stated he would like to wait on these requests to be reviewed mid-year. Lutman moved, seconded by Volpato to approve the request with the application for reimbursement from the County Lodger's Tax. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0.

7. **APPROVE/DISAPPROVE PUBLIC CELEBRATION FOR COTTONWOOD WINERY, LLC. – ALLEN R. SARTIN:**

Lutman moved, seconded by Derrick to approve the permit. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0. The Public Celebration Permit was recorded as Exhibit 7.

8. **VIN CHECKS – ALLEN R. SARTIN:**

Sartin stated at one time, the Sheriff's Deputies were trained to check VIN's under special circumstances. Derrick explained he had received calls from several trucking companies about the length of time it took to get a VIN checked. The State Police were the ones who checked the numbers in this area, and it could take up to three weeks to get a truck checked and on the road. Sartin pointed out only certified officers were allowed to be trained for special VIN checks. Mendoza stated the last time the department was authorized to check VIN's was 2006. He had received calls from the public and would support getting his officers recertified; it was just a matter of scheduling the training. Derrick suggested the county send a letter

requesting the training for the department. Mendoza stated he would make contact with the State to set up the training, and if he did not get a response, he would bring the issue back to Sartin for assistance. Lutman expressed concern about the impact the extra work would have on the department. Waller gave a brief history about VIN checks and the impact it might have on the deputies work load. Hernandez supported the idea. Lara stated it was important to provide the service to residents; however she was frustrated at the fact that the local government would have to support the mandate because a state agency was short handed. She was very concerned about the impact it would have on the already overloaded department. Lara questioned if the State Police were short handed across the State, and would like to see some statistics on what impact it was going to have on the Sheriff's Department, and their budget before taking a position on this issue. Waller reported the State Police were short across the State. Sartin suggested the MVD track for a month the number of checks referred to the State Police in order to have better information about the work load. Volpato supported the idea, but would like to see the data in order to get the big picture. Hernandez concurred, and instructed the manager to gather data and come back to the Board in a month. In the meantime the Sheriff could check on the training issue.

9. **DISCUSSION REGARDING THE NEED FOR A LOBBYIST – ALLEN R. SARTIN:** Volpato stated after discussions with Artesia, the scope of work for the lobbyist had been narrowed down to address nuclear endeavors, and with the recent workforce reductions at WIPP, the item was more important than ever. Lara stated there were 39 jobs lost at WIPP, and 27 full time temp jobs lost, along with numerous contract jobs that had been lost. Volpato stated we need a constant presence in Washington to stop the hemorrhaging of jobs and revenue that would result from budget reductions at WIPP. Lara stated she would like to add to the services requested, all nuclear issues in and around Eddy County. Lara stated Congressman Pearce had introduced legislation that would expand the mission of WIPP. Congressman Pearce had not been able to obtain co-signers for the bill. The other New Mexico Legislators were considering it but had just recently been asked to do so. The problem with Washington was most of the legislators were not educated about WIPP and the issues we face. Volpato pointed out the request was for an RFP in order to get information and costs. Derrick stated our congressional delegation should be working for the entire State not just their district. He cautioned the Board about the role of a lobbyist, and to be careful about whom else they may be working for. Lara suggested the issue of conflict of interest be addressed in the RFP. Lutman stated he did not believe in local government paying for a lobbyist, and he would not support the project. Lara pointed out a list of government agencies in the state that have used lobbyist in the past year. Hernandez questioned if a partnership with the city should be explored. Derrick stated he had never had good luck with national lobbyists. Volpato questioned if anyone would support the RFP. Derrick stated we were not bound by the RFP and it might be interesting to get the information. Hernandez questioned how long the lobbyist would be needed. Volpato pointed out if at any point the results were not desirable the contract could be terminated, but at this point there wasn't even a contract. Lutman stated he did not agree with any part to the process and he did not want to be a part of it. Lutman moved to rescind the proposal for RFP. Volpato stated the item was for discussion not action. Hernandez stated he thought the idea needed a lot of work and discussion with the City of Carlsbad and other local entities before a decision was made. Lutman stated he would like to hear from constituents on

the subject. Sartin clarified the direction was for Lara and Volpato to contact the City and explore public opinion on the issue. He would make corrections to the RFP and it would be brought back before the Board at a later date. Lara wanted anyone who responded to the RFP be required to describe their qualifications as far as ties to Eddy County and their background in the energy field. Lara stated she had preliminary discussions with the Mayor of Carlsbad and would contact him to see if he would bring it before the Council. Derrick clarified the Mayor of Artesia and the folks up north were against the lobbyist; however, they were very supportive of WIPP.

**10. LODGERS TAX GRANT APPLICATION – ALLEN R. SARTIN:** Sartin stated the item was for information. The Lodger's Board had elected to go with a grant application approach. The procedures and the application were available on the county web site. A quarterly meeting of the Board was set tentatively for the first Thursday in January, April, July and October of 2012. Anyone who wanted to submit an application needed to do so two weeks prior to the meetings and would need to attend the meeting in order to be considered. Sartin requested the newspaper do a story on this item to help inform the public. Sartin noted there was still a vacancy on the Lodger's Tax Board.

**11. TREASURER'S FINANCIAL REPORT FOR AUGUST, 2011 – TERRI RICHARDS:** The item was for information only. The Treasurer's Report was recorded as Exhibit 11.

**12. QUARRY TILE FOR ECAC – DANNY STAFFORD:** Sartin stated he was approached by two Commissioners about replacing the old tile in the administration complex. Stafford was directed to get a quote, which was \$45K. Derrick stated he would like to wait until mid-year budget adjustments to address the request. Hernandez suggested the item be considered at mid-year.

**13. CLAIM OF LIEN APPROVAL – KENNEY RAYROUX:** McCroskey stated the property at 5704 Southfork Road was cleaned up by the county. The request was to put a lien on that property in order to recoup the cost in the amount of \$7,176.19. Lara moved, seconded by Volpato to approve the lien on the property at 5704 Southfork in the amount of \$7,176.19. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0. The lien was recorded in the Eddy County Records Book 870 Page 896 on October 21, 2011.

**14. CLAIM OF LIEN APPROVAL – KENNEY RAYROUX:** Sartin stated the property was located at 5706 Southfork Road, and the lien was in the amount of \$3,348.89. McCroskey stated the lien document referenced R-11-39 which would be corrected to R-11-40. Volpato moved, seconded by Hernandez to approve the lien in the amount of \$3,348.89 with the correction as stated. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0. The lien was recorded in the Eddy County Records in Book 870 Page 893 on October 21, 2011.

**15. RESOLUTIONS:**

**a. R-11-61: DESIGNATION OF POLLING PLACES FOR 2012 ELECTIONS & LEGAL DESCRIPTIONS OF PRECINCTS – DARLENE ROSPRIM:** Derrick

moved, seconded by Lutman to approve R-11-61. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0. R-11-61 was recorded as Exhibit 15.a.

**16. AGREEMENTS:**

a. **A-11-88: 2011 JAG GRANT AWARD THROUGH THE COUNTY OF EDDY & REGION VI DRUG TASK FORCE – SHERIFF ERNEST MENDOZA:** Lutman moved, seconded by Derrick to approve A-11-88. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0. A-11-88 was recorded as Exhibit 16.a.

b. **A-11-90: MOU WITH CITY OF CARLSBAD FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDING – SHERIFF ERNEST J. MENDOZA:** Lutman moved, seconded by Volpato to approve A-11-90. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0. A-11-90 was recorded as Exhibit 16.b.

c. **A-11-89: FIXED ASSET INVENTORY & VALUATION CONTRACT – LARRY AUGSBURY:** Augsbury recommended the county pick up a year of support and the purchase of vinyl bar code tags in addition to the contract. The additions with taxes would bring the contract to \$28,391.19. Derrick moved, seconded by Volpato to approve A-11-89. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0. A-11-89 was recorded as Exhibit 16.c.

Sartin announced at 11:50 a.m. that it was time to break for lunch at the Detention Center. Derrick moved, seconded by Lutman to adjourn until 1:15 p.m. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0.

At 1:26 p.m. Lutman moved, seconded by Derrick to reconvene the meeting. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0.

**17. TRAVEL REQUEST CONSENT AGENDA:**

**PRIOR:**

a. **KAREN ROBINSON & GEMMA FERGUSON ATTENDED A PROFESSIONAL MEETING IN ALBUQUERQUE, NM:**

**FUTURE:**

b. **KAREN ROBINSON, GEMMA FERGUSON, RHONDA HATCH & IMA LEE MELLARD TO ATTEND TRAINING & PROFESSIONAL MEETING IN RUIDOSO, NM:**

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

18. **LEGISLATIVE ISSUES:** None.

19. **EMERGENCY BUSINESS:**

a. **A-11-91: BUREAU OF JUSTICE ASSISTANCE GRANT:** Lara moved, seconded by Lutman to ratify A-11-91. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0. A-11-91 was recorded as Exhibit 19.a.

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

21. **COUNTY MANAGER COMMENTS/ANNOUNCEMENTS:** Sartin reported ABBA was in this week working on the final stages of network upgrades. The air conditioner would be replaced in the network room. The County would pay for the unit and the installation would be free. The finance project had a kick off meeting last week to set up schedules for implementation.

22. **ELECTED OFFICIALS COMMENTS/ANNOUNCEMENTS:** Representative Brown thanked the Board for all their hard work and sacrifices they make in service to the public. Brown reported there was a meeting of the Radioactive and Hazardous Material Committee here in Carlsbad last week. The committee heard updates on WIPP and the brine well south of town. She stated there was a lot of PR work left to do in Santa Fe concerning WIPP. Brown thanked the County for their letter to Fish & Wildlife concerning the Sand Dune Lizard. The legislature tried to get a memorial through last session to postpone the listing. It was defeated straight down party lines. She stated it was important for Counties to assert themselves against the federal government, and praised Eddy County for their efforts in that area. Brown stated she had committed to being a full time legislator and offered her services for anything the Board might need. Brown served on the Judiciary, Water and Agriculture, Radioactive Materials, the Science Technologies and Telecommunications, and the Legislative Ethics Committees. She also served on the Courts Corrections and Justice Committee; however she was not a voting member. Brown thanked the Board for the tour of the Detention Center and lunch. Lara questioned if there had been any progress on the railroad crossing issues. Brown reported after a few phone calls the situation had improved but reports were that it was once again deteriorating. Lutman requested Brown keep an eye out for money to help fund the loop road. Brown stated it was important that the County receive enough money back from the State to help improve our roads and maintain our infrastructure. The oil industry had indicated they would be willing to make donations to help maintain the roads they use and she would be pursuing that avenue. Hernandez thanked Brown for attending today's meeting and invited her back anytime.

23. **COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS:** Lara stated she would be flying to Washington to testify before the Blue Ribbon Commission as a representative of the Energy Communities Alliance. She would use the opportunity to promote Eddy County.

Lutman stated the Fire Chief's Board meeting was well attended and very successful. The Forrest Service and BLM both gave presentations. Over 160 acres of land was burned this fire season without one injury. Lutman thanked Devon Energy who

presented the VFD's with a gift of appreciation. He suggested the County send a letter of thanks for the contribution. He commended the Queen Department for their work during the transition after the death of their Chief and Assistant Chief. The generator had been installed and was operational, and the residents of Queen were very thankful.

Derrick stated that December 16, 2011 was the deadline for CDBG projects, and questioned if the County had any plans to apply. Rayroux stated the Malaga project was almost complete and in order to apply you had to close out any open projects. Derrick suggested Paris and North Street sewer system as a possible project. Sartin stated the requirements for CDBG were quite extensive and required a lot of staff time.

24. **PROJECT UPDATES:** Sartin stated project updates would be scheduled for the first meeting next month.
25. **CLOSED MEETING:** At 1:54 p.m., Hernandez moved, seconded by Volpato to recess the meeting and to hold a closed meeting in accordance with NMSA 10-15-1H (2), (7) and (8) to discuss personnel, pending litigation, and real property to resume the regular meeting at 4:00 p.m. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0.
26. **RE-OPEN:** At 4:27 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: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0.
27. **ADJOURN:** At 4:28 p.m., Lara moved, seconded by Lutman to adjourn the meeting. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed 5-0.

EDDY COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
CHAIRMAN

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

DATE \_\_\_\_\_