

**EDDY COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A REGULAR MEETING  
DECEMBER 6, 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 December 6, 2011 at 10:30 a.m. Lara called the meeting to order. Sartin led the Pledge of Allegiance and gave the invocation.

**Present:**

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
LARRY AUGSBURY	FINANCE DIRECTOR
GAY WEST	ADMINISTRATIVE ASSISTANT
FRANK WELDON	ROAD SUPERINTENDENT
SHAWN FUNK	INTERIM WARDEN
CAROL HENNINGTON	INFORMATION SYSTEMS SUPERVISOR
KENNEY RAYROUX	HUMAN RESOURCES DIRECTOR
MELISSA AZZINARO	HUMAN RESOURCES ASSISTANT
DANNY STAFFORD	M & O SUPERVISOR
STEVE MCCROSKEY	CODE ENFORCEMENT
GEORGIA GOAD	RURAL ADDRESSING
JOEL ARNWINE	EMERGENCY MANAGER
ROBERT BRADER	FIRE SERVICE COORDINATOR
TYLER GREEN	ARTESIA DAILY PRESS
STELLA DAVIS	CARLSBAD CURRENT ARGUS

**Absent:**

JOHN CARAWAY	PROBATE JUDGE
TONY HERNANDEZ	CHAIRMAN, DISTRICT 1
TERRI RICHARDS	TREASURER
KAREN ROBINSON	ASSESSOR

**TIMED AGENDA:**

**8:30 A.M.**

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

**a. EDDY COUNTY EXTENSION OFFICE – WOODS HOUGHTON:** Houghton passed out a written report for the Board's review. He stated this had been a hard year for agriculture and the drought had taken its toll. This year was one of the toughest in over 32 years, as the area went 18 months without moisture. Houghton reported he was working on

legislation to help the farming and ranching industries survive these tough situations. Derrick questioned if the county fair was well attended. Houghton reported livestock participation was down, largely due to the increased price of feed. He fielded questions from the Board and thanked them for their past and continued support. Lara thanked Houghton for all his hard work. The report was recorded as Timed Agenda Exhibit 1.a.

2. **REQUEST FOR SUPPORT LETTER, WEATHERIZATION PROJECT – ALLEN R. SARTIN:** Sartin stated the item would be presented at a later date.

3. **BID AWARDS:**

- a. **B-11-16: PHARMACEUTICAL SERVICES – ACTING WARDEN SHAWN FUNK:** Funk requested the bid be closed out and redone due to some deficiencies in the RFP process. Sartin stated the pricing requirement was not handled in a fair and equitable manner and needed to be fixed. He explained that pharmaceuticals were priced on a daily basis; all bidders should be required to submit prices with a fixed date range. Also language concerning miscellaneous services needed to be added to the RFP. Sartin stated he had met with staff, reviewed the process, and felt the best course of action was to rebid the item. Lutman moved, seconded by Derrick to close B-11-16 and directed staff to issue a new RFP to correct the deficiencies as discussed. Voting yes: Lara, Lutman, and Derrick. Volpato abstained. Passed 3-0.

- b. **B-11-17: RFP TO DRILL WATER WELL AT SUN COUNTRY FIRE STATION – JOEL ARNWINE:** Brader recommended the bid be awarded to Hopper Pump and Drilling as sole bidder. The well would provide domestic water for the station. Sartin stated there was a contract associated with this bid that the Board would be asked to consider later in the meeting. Derrick moved, seconded by Volpato to award B-11-17 as recommended. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0. The invitation to bid was recorded as Timed Agenda Exhibit 3.b.

- c. **B-11-18: 55-TON LOWBED TRAILER – FRANK WELDON:** Weldon recommended the bid be awarded to Sierra Machinery. The company offered a shorter build out date, with local parts and service. Lutman moved, seconded by Derrick to award B-11-18 as recommended. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0. The invitation to bid was recorded as Timed Agenda Exhibit 3.c.

## **TRAILING AGENDA:**

1. **APPROVE:**

- a. **COMMISSION MEETING MINUTES FOR NOVEMBER 15, 2011:** Derrick moved, seconded by Volpato to approve the Commission Meeting Minutes for November 15, 2011. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0.

- b. **EXPENDITURE APPROVAL LIST FOR DECEMBER 6, 2011 CHECK RUN:** Volpato moved, seconded by Derrick to approve the Expenditure List for December 6, 2011 Check Run. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0. The Expenditure Approval List for December 6, 2011 Check Run was recorded as Exhibit 1.b.

c. **PURCHASE CARD EXPENDITURE LIST FOR OCTOBER, 2011:** Derrick moved, seconded by Lutman to approve the Purchase Card Expenditure List for October, 2011. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0. The Purchase Card Expenditure List for October, 2011 was recorded as Exhibit 1.c.

Sartin requested the Board choose items from the expenditure approval lists to have staff provide supporting documentation for the purchases. He explained the auditor had suggested this as an internal control. This procedure would begin in January.

2. **ELECT CHAIRMAN & VICE-CHAIRMAN FOR 2012 EDDY COUNTY BOARD OF COMMISSIONERS:** Volpato moved, seconded by Derrick to nominate Roxanne Lara as Chairperson for 2012. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0.

Derrick moved, seconded by Volpato to nominate Lutman as Vice-Chairman. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0.

3. **2012 COMMITTEE, BOARD & COMMISSION APPOINTMENT DESIGNATIONS – ALLEN R. SARTIN:** Sartin asked the Board to review the Boards and Committees, and submit changes and suggestions by next Tuesday. Volpato and Derrick stated they would be willing to keep their current appointments. Lutman stated he would like to resign from the Fire Board and let another Commissioner have that opportunity. Sartin reported the Lodger's Tax, Freeholder's, and Land Use Boards would all have vacancies.
4. **ASSIGNMENT OF FLAG DUTIES – ALLEN R. SARTIN:** Sartin stated the American Legion Riders had requested to take over the flag duties for the flag at the corner of Greene and Canyon. Sartin stated staff had been doing the job for the last year and supported the proposal. The Board agreed and directed Sartin to approve the request.
5. **FINANCE SPECIALIST (CAPITAL ASSET) STAFF POSITION PROPOSAL – LARRY A. AUGSBURY:** Augsbury requested an additional full-time employee to track fixed assets. Sartin stated the auditors had recommended the County get a handle on fixed assets. In response, the Board had approved a contract with a company to audit and provide a base list of assets. He stated in his experience, an organization needed an employee dedicated to maintain fixed assets. Past practices by the County do not satisfy the auditor's requirement for internal control. The audit findings focused on this as an area of great concern. Augsbury pointed out the federal requirements to maintain capital assets and the cumbersome nature of the task. Lutman stated he would like to explore the possibility of a maintenance contract with the company conducting the initial audit, and was not in favor of a full-time employee. Volpato agreed there was a need for oversight and liked the idea of a maintenance contract. Volpato added the request for additional personnel should be considered at budget time. Derrick agreed. Sartin stated the request was in response to the audit findings. Sartin stated staff would explore the possibility of a maintenance contract and come back to the Board with more information.
6. **UPDATE ON CITY OF CARLSBAD REVISED ZONING ORDINANCE 2011-15 – KENNEY RAYROUX:** Goad reported after review, nothing in the ETZ portion of the ordinance had changed.

7. **PRESENTATION OF EXEMPTION PLAT FOR ARTESIA SHOOTING RANGE LAND DIVISION – KENNEY RAYROUX:** Goad stated once the plat was approved, she would start the bid process to get the slab poured. Volpato moved, seconded by Derrick to approve the plat as drawn and directed the Chairperson to sign it. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0.
8. **TRANSFER OF TWO (2) PATROL UNITS TO THE NEW MEXICO LAW ENFORCEMENT ACADEMY – SHERIFF ERNEST J. MENDOZA:** Lutman moved, seconded by Volpato to approve the request. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0.
9. **PURCHASE REPLACEMENT TANKER FOR COTTONWOOD VFD – JOEL ARNWINE:** Brader reported the department had the money from the state fire fund for the purchase of a replacement tanker. The State Fire Marshall had approved the request and the item was for the Board's information.
10. **PURCHASE SECOND COMMAND VEHICLE – JOEL ARNWINE:** Chief David Looney, from Otis VFD, stated the truck was needed to better serve citizens and the volunteers. Volunteers were currently using their own vehicles to respond to fires, accidents, and fire department business. Brader reported the department had funds in their 40% fire excise money to purchase the vehicle. Lutman moved, seconded by Volpato to approve the request up to \$50K to be taken out of 40% fire excise money. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0.
11. **RESOLUTIONS:**
  - a. **R-11-66: 2012 HOLIDAY SCHEDULE – ALLEN R. SARTIN:** Derrick moved, seconded by Lutman to approve R-11-66. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0. R-11-66 was recorded as Exhibit 11.a.
  - b. **R-11-67: OPEN MEETINGS ACT FOR 2012 – ALLEN R. SARTIN:** Derrick moved, seconded by Lutman to approve R-11-67. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0. R-11-67 was recorded as Exhibit 11.b.
  - c. **R-11-70: USE OF FACSIMILE SIGNATURE STAMP & AUTHORIZATION FOR COUNTY MANAGER TO SIGN ON BEHALF OF THE COMMISSION CHAIRMAN - 2012 – ALLEN R. SARTIN:** Lutman moved, seconded by Derrick to approve R-11-70. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0. R-11-70 was recorded as Exhibit 11.c.
  - d. **R-11-71: DESIGNATION/CONSENT OF PRIMARY EDDY COUNTY CENTRAL PURCHASING OFFICE & PURCHASING OFFICER – LARRY A. AUGSBURY:** Volpato moved, seconded by Lutman to approve R-11-71. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0. R-11-71 was recorded as Exhibit 11.d.

## 12. AGREEMENTS:

### a. A-11-62(a): 2010/11 ANNUAL AUDIT CONTRACT AMENDMENT – LARRY

A. AUGSBURY: Augsbury explained the original audit was bid for a normal audit. National standards required the governmental entity to prepare its own financial statements. Eddy County was unable to perform this task and requested the auditors prepare the documents. The additional 74 hours were to expend the extra time to comply with GASB34 and a variety of other things. Had the county been able to prepare our own financials, the company would just be testing not actually preparing. Sartin pointed out the company absorbed around \$25K for the previous year's audit. Lara questioned if the changes being made to the financial practices would enable the county to perform these tasks next year. Sartin stated with the new software in place, the finance department would be able to provide preliminary documents to the auditor that would help the department write the documents. The computerized system would help; however, there would still be a question of work load and staffing. Lutman questioned how many companies submitted a bid for the audit. Augsbury explained two companies had bid and ACG had been under \$50K. The amount was below the requirement for a formal bid, so they were given the contract. Lutman expressed concern that if the audit had included the extra work then the other company might have been competitive. Tabor stated the bottom line was they bid a job and they should do it for the agreed upon price, unless the services were above and beyond expectations. Derrick had reservations about amending an approved contract. He expressed concern that the other company was not given equal consideration. Sartin stated with the additional amount, the combined total was less or equal to the other company's bid. The second company's bid was also incomplete. Lutman wanted this item to be reviewed thoroughly before a decision was made. Sartin stated he would bring more information about the bid and contract requirements back to the Board for further review. Derrick moved, seconded by Lutman to table A-11-62(a) until the next meeting. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0.

### b. A-11-98: OEM COPY MACHINE SERVICE CONTRACT – JOEL ARNWINE:

Lutman moved, seconded by Volpato to approve A-11-98. Volpato would like to see the county under one service contract in an effort to save money. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0. A-11-98 was recorded as Exhibit 12.b.

### c. A-11-101: 2007-EDDY COUNTY – SHSGP GRANT EXTENSION #3 – JOEL

ARNWINE: Volpato moved, seconded by Derrick to approve A-11-101. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0. A-11-101 was recorded as Exhibit 12.c.

### d. A-11-102: SIGN CONTRACT FOR DRILLING WATER WELL AT SUN

COUNTRY FIRE STATION – JOEL ARNWINE: Derrick moved, seconded by Lutman to approve A-11-102 with direction for the Manager to sign any change orders within 10%. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0. A-11-102 was recorded as Exhibit 12.d.

### e. A-11-103: 2011 EMERGENCY MANAGEMENT PERFORMANCE GRANT

APPLICATION – JOEL ARNWINE: Lutman moved, seconded by Volpato to approve A-11-103. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0. A-11-103 was recorded as Exhibit 12.e.

**f. A-11-104: NM TRAFFIC SAFETY PROJECT – OPERATION BUCKLE DOWN 12-OP-RF-032 – SHERIFF ERNEST J. MENDOZA:** Lutman moved, seconded by Derrick to approve A-11-104. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0. A-11-104 was recorded as Exhibit 12.f.

**g. A-11-105: NM TRAFFIC SAFETY PROJECT – OPERATION DWI 12-AL-K8-032 – SHERIFF ERNEST J. MENDOZA:** Volpato moved, seconded by Lutman to approve A-11-105. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0. A-11-105 was recorded as Exhibit 12.g.

**h. A-11-106: NM TRAFFIC SAFETY PROJECT – CLICK IT OR TICKET MOBILIZATION 12-OP-CIOT-032 – SHERIFF ERNEST J. MENDOZA:** Derrick moved, seconded by Volpato to approve A-11-106. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0. A-11-106 was recorded as Exhibit 12.h.

**21. CLOSED MEETING:** At 12:33 p.m., Lara moved, seconded by Derrick 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: Lara, Lutman, Volpato and Derrick. Passed 4-0.

**22. RE-OPEN:** At 1:35 p.m., Lara moved, seconded by Lutman to reconvene in open session and to certify that only the items listed in the motion to close the meeting were discussed in accordance with NMSA 10-15-1H (2), (7) and (8). Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0.

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

**a. J. ARNWINE ATTENDED A CONFERENCE IN LAS VEGAS, NV:**

**b. ECSO CAPTAIN ATTENDED TRAINING IN ABQ, NM:**

**c. TWO (2) ECSO DEPUTIES ATTENDED TRAINING IN LAS CRUCES, NM:**

**d. ECSO SERGEANT & DEPUTY ATTENDED TRAINING IN SANTA FE, NM:**

**e. JUDY PRESSETT ATTENDED TRAINING IN ABQ, NM:**

**FUTURE:**

**f. ALL DEPARTMENTS TO ATTEND NMAC COUNTY COLLEGE IN SANTA FE, NM:**

**g. ALL DEPARTMENTS TO ATTEND NMAC LEGISLATIVE CONFERENCE IN SANTA FE, NM:**

**h. LARRY AUGSBURY TO ATTEND TRAINING IN NEW ORLEANS, LA:**

**i. JOEL ARNWINE TO ATTEND A MEETING IN ABO, NM:**

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

**14. LEGISLATIVE ISSUES:** Sartin reminded everyone of the NMAC meeting in January.

**15. EMERGENCY BUSINESS:** None.

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

**17. COUNTY MANAGER COMMENTS/ANNOUNCEMENTS:** Sartin reported there would be a workshop on Thursday that had been advertised as a special meeting to review the audited financials. Training would be provided to staff on how to complete budget change forms.

Sartin reported the packet for today's Commission meeting was available on the web site.

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

**19. COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS:** Derrick stated the weather policy worked well this morning and probably prevented some accidents.

Lara reported the Midwestern Association of Governments was touring WIPP today.

Lara reminded everyone that the DWI Christmas party and recognition of officers would be held on Saturday.

**20. PROJECT UPDATES:** None.

**21. CLOSED MEETING:** At 1:45 p.m., Lara moved, seconded by Lutman 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: Lara, Lutman, Volpato and Derrick. Passed 4-0.

**22. RE-OPEN:** At 2:30 p.m., Lara 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, Volpato and Derrick. Passed 4-0.

Volpato moved, seconded Derrick to direct Sartin to review the IMS licenses for the Sheriff's Department. Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0.

23. **ADJOURN:** At 2:32 p.m., Derrick moved, seconded by Lutman to adjourn the meeting.  
Voting yes: Lara, Lutman, Volpato and Derrick. Passed 4-0.

**EDDY COUNTY BOARD OF COMMISSIONERS**

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**CHAIRMAN**

**ATTEST:**

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**COUNTY CLERK**

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