

**EDDY COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A REGULAR MEETING  
JULY 6, 2010**

**BE IT REMEMBERED** that the Eddy County Board of Commissioners held a regular meeting in Room 211 of the Eddy County Administration Complex on July 6, 2010 at 8:30 a.m. Volpato called the meeting to order. Sartin led the Pledge of Allegiance and gave the invocation.

**Present:**

JACK VOLPATO	CHAIRMAN, DISTRICT 4
LEWIS DERRICK	COMMISSIONER, DISTRICT 2
GUY LUTMAN	COMMISSIONER, DISTRICT 3
ROXANNE LARA	COMMISSIONER, DISTRICT 5
TONY HERNANDEZ	VICE-CHAIRMAN, DISTRICT 1
CAS TABOR	COUNTY ATTORNEY
ALLEN SARTIN	COUNTY MANAGER
ROBIN VANNATTA	CHIEF DEPUTY CLERK
RONDA NELSON	DEPUTY CLERK
ERNEST MENDOZA	SHERIFF
KENT WALLER	CHIEF DEPUTY SHERIFF
KAREN ROBINSON	COUNTY ASSESSOR
CAROL HENNINGTON	IT DIRECTOR
ROBERT STEWART	WARDEN
SHAWN FUNK	DEPUTY WARDEN
KENNEY RAYROUX	HUMAN RESOURCES DIRECTOR
LINDA MARTINEZ	INDIGENT CLAIMS ADMINISTRATOR
YOLANDA SING	INDIGENT CLAIMS ASSISTANT
TINA PARRISH	PURCHASING ADMINISTRATOR
FRANK WELDON	ROAD SUPERINTENDENT
JIM GRANTNER	LANDFILL COMMITTEE
YVONNE BASABILVAZO	COUNTY PLANNER
STEVE MCCROSKEY	CODE ENFORCEMENT
DEBBIE HOFER	HEALTH COUNCIL CHAIRPERSON
PHYLLIS LUNA	DWI DEPUTY COORDINATOR
LOUISE TRACY	FLOOD COMMISSIONER
DANNY STAFFORD	M & O SUPERVISOR
PHILLIP BURCH	ARTESIA MAYOR
JIM GRANTER	LANDFILL COMMITTEE
STELLA DAVIS	CARLSBAD CURRENT ARGUS
MIKE JAXSON	KSVP RADIO

**Absent:**

TERRI RICHARDS	TREASURER
DARLENE ROSPRIM	COUNTY CLERK
CHARLENE WRIGHT	PROBATE JUDGE

**TIMED AGENDA:**

**8:30 A.M.**

1. **SERVICE AWARDS:** Lutman presented service awards to Jeri Burns, Beate Denninger and Roger Maxwell for ten years of service to Eddy County.
2. **ACKNOWLEDGMENT OF THE JDC CERTIFICATION BY CYFD - ALLEN R. SARTIN:** Sartin presented Mike Ingram with the certification award and thanked everyone for their hard work. Ingram recognized Officers Carter, Fuentes and Rodriguez of the JDC staff.
3. **UPDATES FROM PURCHASE SERVICE AGREEMENTS:**
  - a. **EDDY COUNTY FAIR BOARD - JOEL BELL:** Bell presented an invitation for the Commission to ride in the Fair Parade on July 26, 2010. He thanked the Board for their support and gave a brief update on preparations for the fair. Bell reported a 99.9% graduation rate for kids that participated in 4-H and FFA programs over the last 20 years. He announced Eddy County had produced more state officers and presidents than any other county. Volpato thanked Bell for his work with 4-H and FFA. Derrick questioned how many would participate in this year's fair. Bell explained the State had new tagging requirements making it difficult for local kids to show animals; however over 300 animals had been tagged for the fair to date. Bell announced after 20 years on the Fair Board, including 12 as President, he would retire at the end of his term.
  - b. **CARLSBAD CHARACTER COUNTS! - JEAN YOUNG:** Young thanked the Board for their support and gave a brief history of the program. She reported the goal for this year was to place Character Counts Banners at every entrance to the City. Mini grants for each school were awarded on a per-student basis to help purchase Character Counts recognition awards. Lutman commended the staff and volunteers of Character Counts.
4. **FUNDING REQUEST, ESPERANZA HOUSE - ALLEN R. SARTIN:** Sartin explained the request for funding had been submitted after the budget was complete. Michael Turner, with Esperanza House, gave a brief overview of the services provided to the City of Artesia since 2007. Turner stated 79% of State funding had been lost over the last two years and the program was looking for alternate funding sources in order to continue to provide service to area residents. He explained the services were provided at the request of the Eddy County Sheriff's Office and the victims were never billed. Sheriff Mendoza stated the services were invaluable when investigating sexual and child abuse cases. Turner requested annual funding of \$20K which would be proportionate to the funding received from the City of Artesia. Turner explained the request was to cover services rendered not a donation. Lara questioned the number of staff available to provide services. Turner explained two onsite staff members were available along with several nurses on call.

Lara questioned if the City of Roswell and Chaves County provided funding for the program. Turner stated that both entities had approved funding. Volpato requested a breakdown of funding sources. Sartin explained the Board would not make a decision today and requested Turner provide a breakdown of funding sources in writing within the next week so the Board could make an informed decision on the request.

**5. UPDATE REGARDING MOU BETWEEN CITY OF ARTESIA & THE EDDY COUNTY FLOOD COMMISSIONER - LOUISE TRACY:**

Tracy gave a brief history of the relationship between the City of Artesia and the Flood Commissioner. In 1964 an ordinance was adopted which indicated the City of Artesia would be responsible for the channel within the city limits. Tracy felt it was very important to follow the law and basic accounting practices. In order to expend monies, a purchase order or contract must be in place. After investigation it was determined that the land within the city limits was owned by the City of Artesia. Tracy was unable to find a right-of-way agreement which would allow a contractor to enter City property to perform the work that was needed. The City of Artesia indicated they would not enter into a contract with the Flood Commissioner to maintain the low flow channel at this time; however, they may be interested in 2 or 3 years. Tracy expressed concern about the work which needed to be done within the city limits and the City's unwillingness to enter into an agreement. She requested use of county counsel to help resolve the right-of-way issue and protect the rights of the County or the contractor who would be entering City property. Tracy stated she would request to be placed on the agenda for the Artesia City Council meeting to inform them of recent developments. The Flood Commissioners comments were recorded as Exhibit 5.

**6. BID AWARDS:**

**a. B-10-07: EDDY COUNTY FEMALE & JUVENILE DETENTION CENTERS - DANNY STAFFORD:**

Stafford recommended the bid be awarded to Greer Construction. Sartin stated the award should be contingent upon a negotiated contract. Lutman moved, seconded by Hernandez to award B-10-07 to Greer Construction contingent upon a contract. Lara was pleased that a local contractor had been recommended. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. Bid minutes and invitation to bid were recorded as Timed Agenda Exhibit 6.a.

**b. B-10-12: EDDY COUNTY FEMALE & JUVENILE DETENTION CENTERS CELL PACKAGE - DANNY STAFFORD:**

Stafford recommended the bid be awarded to Fiber Bond as low bidder contingent upon a negotiated contract. Volpato moved, seconded by Derrick to award B-10-12 as recommended contingent upon a contract. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. Bid minutes and invitation to bid were recorded as Timed Agenda Exhibit 6.b.

c. **B-10-08: USED 3000 GALLON WETSID TANKER FIRE APPARATUS - ROBERT BRADER:** Brader stated the truck would go to the Queen Fire Department. The department had been saving fire funds in order to make the purchase. He reported written approval was needed from the State for the purchase. Lutman moved, seconded by Lara to award B-10-08 to the sole bidder OSCO Tank & Truck Sales contingent upon approval by the State. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. Bid minutes and invitation to bid were recorded as Timed Agenda Exhibit 6.c.

**TRAILING AGENDA:**

1. & 2. **RECESS EDDY COUNTY COMMISSION MEETING & CONVENE AS INDIGENT HOSPITAL CLAIMS BOARD:** At 9:42 a.m., Lara moved, seconded by Derrick to recess the regular meeting and convene as the Indigent Hospital Claims Board. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.
3. **INDIGENT HOSPITAL CLAIMS BOARD:** Indigent Board Meeting.
4. **RECONVENE EDDY COUNTY COMMISSION MEETING:** At 9:46 a.m., Volpato moved, Lara seconded by to adjourn the Indigent Hospital Claims Board and reconvene the regular meeting. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.
5. **APPROVE:**
  - a. **COUNTY COMMISSION MEETING MINUTES FOR SPECIAL JOINT MEETING ON MAY 26, 2010:** Derrick moved, seconded by Volpato to approve the County Commission Minutes for Special Joint Meeting on May 26, 2010. Voting yes: Lutman, Volpato, Derrick and Lara. Passed 4-0. Hernandez abstained.
  - b. **COUNTY COMMISSION MEETING MINUTES FOR JUNE 2, 2010:** Hernandez moved, seconded by Lutman to approve the County Commission Minutes for June 2, 2010. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.
  - c. **COMMISSION MEETING MINUTES FOR SPECIAL MEETING ON JUNE 8, 2010:** Lara moved, seconded by Derrick to approve the County Commission Minutes for Special Meeting on June 8, 2010. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.
  - d. **COMMISSION MEETING MINUTES FOR SPECIAL MEETING ON JUNE 15, 2010:** Derrick moved, seconded by Hernandez to approve the County Commission Minutes for Special Meeting on June 15, 2010. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.
  - e. **COMMISSION MEETING MINUTES FOR SPECIAL MEETING ON JUNE 29, 2010:** Lara moved, seconded by Hernandez to approve the County Commission Minutes for

**f. EXPENDITURE APPROVAL LIST FOR JUNE 24, 2010 CHECK RUN:** Hernandez moved, seconded by Derrick to approve the Expenditure Approval List for June 24, 2010 Check Run. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. The Expenditure Approval List for June 24, 2010 Check Run was recorded as Exhibit 5.f.

**g. EXPENDITURE APPROVAL LIST FOR JULY 6, 2010 CHECK RUN:** Lutman moved, seconded by Lara to approve the Expenditure Approval List for July 6, 2010 Check Run. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. The Expenditure Approval List for July 6, 2010 Check Run was recorded as Exhibit 5.g.

**h. PURCHASE CARD EXPENDITURE APPROVAL LIST FOR MAY, 2010:** Lutman asked for clarification on the dumpster pulls in Happy Valley. Lutman moved, seconded by Derrick to approve the Purchase Card Expenditure Approval List for May, 2010 contingent upon Happy Valley clarification. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. The Purchase Card Expenditure Approval List for May, 2010 was recorded as Exhibit 5.h.

**6. APPROVE/DISAPPROVE PUBLIC CELEBRATION PERMIT FOR COTTONWOOD WINERY, LLC - ALLEN R. SARTIN:** Dale Taylor reported the event was for the Southwest Recreation Association and would be held on July 24<sup>th</sup>. Taylor explained SRA was made up of about 250 FLETC Officers. Lara moved, seconded by Derrick to approve the Celebration Permit for Cottonwood Winery. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. The Permit was recorded as Exhibit 6.

**7. APPROVE/DISAPPROVE PUBLIC CELEBRATION PERMIT FOR COTTONWOOD WINERY, LLC - ALLEN R. SARTIN:** Taylor stated bands from Albuquerque and Los Angeles were scheduled to play the event. Lutman moved, seconded by Derrick to approve the Celebration Permit for Cottonwood Winery for the September 4<sup>th</sup> and 5<sup>th</sup> event. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. The Permit was recorded as Exhibit 7.

**8. APPEAL, CODE ENFORCEMENT ACTION R-10-40 - ALLEN R. SARTIN:** Sartin reported the property owner was not present, however, he provided the Board with a written statement. Mr. Alvarez indicated work had stopped due to health issues. Sartin stated Mr. Alvarez intended to resume work; however there was no time line as to when the cleanup would be done. McCroskey reported the property was in violation of the county ordinance and indicated no visible progress had been made toward clean up. Volpato questioned if the property was grandfathered in when the ordinance was passed and expressed concern that the owner did not provide a time line for cleanup. Sartin stated the ordinance did not provide for that possibility. Lutman urged the Board to be consistent when dealing with appeals. Lutman moved, seconded by Lara to deny the appeal. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.

9. **PRESENTATION OF THE 2008/09 AUDITED FINANCIAL REPORTS - ALLEN R. SARTIN:** Sartin stated the report had been filed and accepted by the State. The Auditor provided the county with an unqualified opinion. Sartin reviewed the report and fielded questions from the Board. Volpato moved, seconded by Derrick to accept the 2008/09 Audited Financial Report. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. The Financial Report was recorded as Exhibit 9.
10. **AWARD 2009/10 AUDIT - ALLEN R. SARTIN:** Sartin recommended the award be given to Accounting & Consulting Group, LLP as low bidder. Sartin pointed out the firm was local and should be more accessible when issues arose. Lutman moved, seconded by Derrick to award the 2009/2010 Audit to Accounting & Consulting Group, LLP. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.
11. **PRESENTATION OF THE COMPUTER NETWORK ANALYSIS REPORT - ALLEN R. SARTIN:** Sartin stated a full report was available for review. He introduced Al Sandoval with ABBA Technologies, who prepared the background and analysis report. Sartin stated he supported a number of the proposals made by Sandoval and would like to move forward with the next phase of the project. Volpato questioned if the existing facility would house the new system. Sartin explained 5 to 6 new servers would be set up in the IT Department. Volpato asked for an explanation of the Virtual Concept mentioned in the report. Sandoval explained existing servers would be consolidated onto fewer larger servers. Virtual servers would be created and software would then be added to logically connect applications. If the physical server goes down the software would automatically move operations to another server and continue operations. Sartin stated the first step was to make sure all the data, software and configurations were backed up both locally and off-site in case of a disaster. He explained the operation was similar to old mainframe virtual concepts which would maximize and allocate resources. Sandoval thanked Hennington and the IT Department for their cooperation during the analysis. Lutman moved, seconded by Volpato to adopt ABBA Technologies proposal. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.
12. **TREASURER'S FINANCIAL REPORT FOR MAY, 2010 - TERRI RICHARDS:** Sartin stated the report was an FYI item for the Board.
13. **REVENUE REPORT - DEBORAH PENALUNA:** Sartin reported the GRT was down \$265K. Last month the GRT was in the positive for the first time in 10 months. Oil and Gas revenues were very strong and in over budget.
14. **APPOINT A LABOR STANDARDS OFFICE FOR PROJECT #07-C-NR-I-07-G-25 MALAGA WATER SYSTEMS IMPROVEMENTS - KENNEY RAYROUX:** Basabilvazo stated that the CDBG required appointment of a Labor Standards Officer. Lutman moved, seconded by Derrick to appoint Basabilvazo as the Labor Standard Officer. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.
15. **AGREEMENTS:**

**a. A-10-81: MEMORANDUM OF AGREEMENT BETWEEN THE NEW MEXICO DEPARTMENT OF HEALTH & EDDY COUNTY - CANDACE AUTRY:** Debbie Hofer, Chairperson of the Health Council, stated the grant would help with the suicide prevention program. She presented the Board with a backpack and literature provided to participants. Volpato moved, seconded by Lara to approve A-10-81. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. A-10-81 was recorded as Exhibit 15.a.

**b. A-10-85: USDA AGREEMENT FOR WILDLIFE MANAGEMENT SERVICES - ALLEN R. SARTIN:** Derrick moved, seconded by Hernandez to approve A-10-85. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. A-10-85 was recorded as Exhibit 15.b.

**c. A-10-89: PURCHASE SERVICE AGREEMENT BETWEEN EDDY COUNTY & PERMIAN BASIN REGIONAL TRAINING CENTER - ROBERT BRADER:** Brader introduced Traci Arnwine, the Executive Director of the Permian Basin Training Center. He reported the agreement had been reworked to specify actual services provided. The agreement would be paid for from fire excise funds. Lutman moved, seconded by Hernandez to approve A-10-89. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. A-10-89 was recorded as Exhibit 15.c. Arnwine thanked the Board for their support.

**d. A-10-91: MEMORANDUM OF UNDERSTANDING SETTING FORTH EMERGENCY & NON-EMERGENCY MUTUAL AID ASSISTANCE - ROBERT BRADER:** Brader explained Care Plus Ambulance would provide facility to facility transfers. The County was the fiscal agent for funds from the State, the agreement would allow the county to release those funds. Lutman moved, seconded by Derrick to approve A-10-91. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. A-10-91 was recorded as Exhibit 15.d.

**e. A-10-92: GRANT AGREEMENT A-10-792 BETWEEN STATE OF NEW MEXICO DFA LOCAL GOVERNMENT DIVISION & EDDY COUNTY TO PLAN, DESIGN & CONSTRUCT A SHOOTING RANGE IN NORTH EDDY COUNTY - KENNEY RAYROUX:** Basabilvazo reported the agreement was to re-appropriate State funds. Derrick moved, seconded by Lara to approve A-10-92. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. A-10-92 was recorded as Exhibit 15.e.

**f. A-10-93: TRAFFIC SAFETY EDUCATION & ENFORCEMENT PROGRAM-PROJECT #10-EE-05-032 - SHERIFF ERNEST J. MENDOZA:** Mendoza reported the grant would be used to purchase new radar equipment and education. Lutman moved, seconded by Derrick to approve A-10-93. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. A-10-93 was recorded as Exhibit 12.f.

**16. PURCHASE OF SERVICES AGREEMENT CONSENT AGENDA:** Sartin stated the PSA agreements were held flat and were consistent with what the Board approved in the budget. Lutman questioned if all the entities had submitted a written request. Sartin explained a letter was sent to each organization at the beginning of the budget process.

- a. **PSA-10-01: EDDY COUNTY FAIR BOARD:**
- b. **PSA-10-02: CARLSBAD DOD:**
- c. **PSA-10-03: CARLSBAD CHAMBER OF COMMERCE:**
- d. **PSA-10-04: NEW MEXICO STATE MOBILE LIBRARY:**
- e. **PSA-10-05: VILLAGE OF HOPE:**
- f. **PSA-10-06: VILLAGE OF LOVING:**
- g. **PSA-10-07: OPPORTUNITY HOUSE INC.:**
- h. **PSA-10-08: CITY OF ARTESIA:**
- i. **PSA-10-09: ARTESIA HORSE COUNCIL:**
- j. **PSA-10-10: CARLSBAD MAINSTREET:**
- k. **PSA-10-11: ARTESIA MAINSTREET:**
- l. **PSA-10-12: PAWS & CLAWS-NORTH SPAY & NEUTER PROGRAM:**
- m. **PSA-10-13: NOAH'S ARK- SOUTH SPAY & NEUTER PROGRAM:**
- n. **PSA-10-14: EDDY COUNTY SHERRIF'S POSSE:**
- o. **PSA-10-15: SOUTHEAST NEW MEXICO COMMUNITY ACTION CORP:**
- p. **PSA-10-16: CITY OF CARLSBAD:**
- q. **PSA-10-17: CARLSBAD CHARACTER COUNTS!:**
- r. **PSA-10-18: CARLSBAD COMMUNITY KITCHEN:**
- s. **PSA-10-19: CARLSBAD SOIL & WATER CONSERVATION DISTRICT:**
- t. **PSA-10-20: ARTESIA DRUG/CRIME COALITION:**
- u. **PSA-10-21: KID'S SAFEHOUSE OF EDDY COUNTY:**
- v. **PSA-10-25: ARTESIA DOD:**
- w. **PSA-10-26: CARLSBAD HONOR GUARD:**

Lara moved, seconded by Hernandez to approve PSA-10-01 – PSA-10-21 and PSA-10-25 – PSA-10-26. Lutman requested a total of the money approved for PSA's. Sartin stated the total was over a million dollars. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0. PSA-10-01 – PSA-10-21 and PSA-10-25 – PSA-10-26 were recorded as Exhibits a – w, respectively.

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

- a. **DEBBIE LUGINBYHL & CECILIA SALCIDO ATTENDED MANDATORY TRAINING FOR ADE NEW PLATFORM IN ROSWELL, NM:**
- b. **TWO (2) DEPUTIES ATTENDED LEGAL & LIABILITY ISSUES IN SCHOOLS IN RIO RANCHO, NM:**
- c. **ONE (1) DEPUTY ATTENDED NM DARE OFFICER ASSOCIATION IN-SERVICE TRAINING CONFERENCE IN RIO RANCHO, NM:**

**FUTURE:**

- d. **PHYLLIS LUNA TO ATTEND NEW MEXICO BEHAVIORAL HEALTH CREDENTIALING BOARD MEETING IN ABQ, NM:**

**e. KAREN ROBINSON TO ATTEND NMAC EXECUTIVE BOARD MEETING IN SANTA FE, NM:**

**f. KAREN ROBINSON TO ATTEND NMAC PROPERTY TAX COMMITTEE MEETING IN ABQ, NM:**

**g. KAREN ROBINSON TO ATTEND NMAC EXECUTIVE/BOARDS MEETING IN LAS VEGAS, NM:**

**h. ROBIN VAN NATTA TO ATTEND POWER PROFILE TRAINING IN LAS CRUCES, NM:**

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

**18. EMERGENCY BUSINESS:** None.

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

**20. COUNTY MANAGER COMMENTS/ANNOUNCEMENTS:** Sartin reported the PILT payment had been received in the amount of \$3,110,056.

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

**22. COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS:** Lutman thanked the driver of the fire truck in the 4<sup>th</sup> of July parade. He commended Emergency Management for a successful exercise on the 4<sup>th</sup> of July. Brader explained the team set up and managed the City's celebration at the beach. Grant money was used to pay overtime which saved the City a tremendous amount of money. There were 150 to 200 people who participated in the exercise. Brader reported the event went off without a hitch and the drill was successfully completed.

Lutman thanked Sartin for the debt comparison report.

Lara reported Caitlyn Frederick and Krista Marrs both of Carlsbad were chosen at Girls State to attend Girls Nation. Congressman Teague's office was helping the girls with their presentation.

**23. PROJECT UPDATES:** None.

**24. CLOSED MEETING:** At 11:08 a.m., Volpato 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 at 12:30 p.m. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.

**25. RE-OPEN:** At 1:24 p.m., Volpato 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, Volpato, Hernandez, Derrick and Lara. Passed 5-0.

**26. ADJOURN:** At 1:25 p.m., Derrick moved, seconded by Volpato to adjourn the meeting. Voting yes: Lutman, Volpato, Hernandez, Derrick and Lara. Passed 5-0.

**EDDY COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
**CHAIRMAN**

**ATTEST:**

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

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