

Board of County Commissioners

700 N. Main St.
Clovis, NM 88101

Tuesday, September 15, 2015

Regular Meeting

Clovis-Carver Library: North Annex

1 I – CALL TO ORDER

Attendee Name	Title	Status	Arrived
Wendell E. Bostwick	Vice Chairman	Present	9:00 AM
Ben McDaniel	Chairman	Present	9:00 AM
Tim L. Ashley	Commissioner	Present	9:00 AM
Chet Spear	Commissioner	Present	9:00 AM
Angelina Baca	Commissioner	Present	9:35 AM

2 Invocation

3 Pledge of Allegiance

4 Approval of Agenda

5 Bostwick Motioned to approve Agenda.

6 **RESULT: ADOPTED BY VERBAL VOTE [UNANIMOUS]**
7 **MOTION:** Wendell E. Bostwick, Vice Chairman
8 **SECOND:** Tim L. Ashley, Commissioner
9 **AYES:** Wendell E. Bostwick, Ben McDaniel, Tim L. Ashley and Chet Spear
10 **ABSENT:** Angelina Baca

11 II – Minutes Approval

12 Changes Made to Minutes - County Clerk's Office

13 1. Request Approval of Special Commission Meeting Minutes of August 26, 2015

14 McDaniel Motioned to approve Special Meeting Minutes.

15 **BY VERBAL VOTE [3 TO 0]**
16 **MOTION:** Ben McDaniel, Chairman
17 **SECOND:** Chet Spear, Commissioner
18 **AYES:** Ben McDaniel, Tim L. Ashley and Chet Spear
19 **ABSTAIN:** Wendell E. Bostwick
20 **ABSENT:** Angelina Baca

21 2. Request Approval of Regular Commission Meeting Minutes of September 1, 2015

22 Spear Motioned to approve Regular Meeting Minutes.

23 **RESULT: APPROVED BY VERBAL VOTE [3 TO 0]**
24 **MOTION:** Chet Spear, Commissioner
25 **SECOND:** Tim L. Ashley, Commissioner
26 **AYES:** Ben McDaniel, Tim L. Ashley and Chet Spear
27 **ABSTAIN:** Wendell E. Bostwick
28 **ABSENT:** Angelina Baca

29 3. Request Approval of Indigent Meeting Minutes of September 1, 2015

30 Ashley Motioned to approve Indigent Meeting Minutes.

31 **RESULT: APPROVED BY VERBAL VOTE [3 TO 0]**
32 **MOTION:** Tim L. Ashley, Commissioner
33 **SECOND:** Ben McDaniel, Chairman
34 **AYES:** Ben McDaniel, Tim L. Ashley and Chet Spear
35 **ABSTAIN:** Wendell E. Bostwick
36 **ABSENT:** Angelina Baca

37 III – PROCLAMATIONS

38 1. Request Proclamation for National Childhood Cancer Awareness Month September 39 2015 – Deanna Bouillon

40 Deanna Bouillon read aloud the Proclamation for the National Childhood Cancer Awareness Month-
41 September 2015 which therefore proclaimed September 2015 as Childhood Cancer Awareness Month.
42 Bostwick and McDaniel stated, " May it be proclaimed."

43 IV – PRESENTATIONS

44 1. Presentation on Broadview Energy Projects – Jesse Hopkins-Hoel and Michael Moore

45 Jesse Hopkins-Hoel, from National Renewable Solutions, and Ward Marshall, from Pattern
46 Development, gave a presentation on the Broadview Energy Projects. The gentlemen briefly explained
47 the background of the companies involved and outlined the steps they have taken to get this project up
48 and running as well as the projected scheduling dates. This project has qualified for both state and
49 federal tax credits and they have pre-certified their resource with California in order for California to
50 accept their project as a renewable energy resource. California utilities have signed two separate 20+
51 year power sale agreements and they are working on a third contract. They stated that approximately
52 95,000 acres have been leased, most of which lies within Curry County. An economic impact study is
53 underway, but they approximate this project will generate 250 construction jobs as well as 8 to 10
54 permanent job opportunities. They predict approximately \$10 million will be injected into the local

1 economy from hotels, food, gas and other essentials. The project will repair the roads, with strict
2 guidelines and timetables, to repair the roads to the same or better than the roads were when the
3 project starts. There is also a structured plan to reduce and mitigate impacts to the Lesser Prairie
4 Chicken.

5 **V – CONSENT AGENDA**

6 **1. Request Approval of Accounts Payable Checks #118153 thru #118240; Direct Deposit**
7 **Checks #43379 thru #43539; Payroll Checks #52381 thru #52382; Accounts Payable**
8 **Check #8 and Purchase Card Expenditures For a Total of \$681,344.60 - Carol A. Pipes**

9 **2. Request Approval of Sending Letter to the New Mexico Department of Transportation**
10 **for a Traffic Study on US 70 and CR 4; US 60/84 and CR G; and NM 311 and NM 245 –**
11 **Lance A. Pyle**

12 **3. Request Approval to Change the Tuesday, October 20, 2015 Commission Meeting to**
13 **Tuesday, October 27, 2015 at 9:00 a.m. to Allow Additional Time for Request for Proposal**
14 **(RFP) Evaluations, Negotiations and Contract Preparation – Lance A. Pyle**

15 **4. Request Approval of Professional Services Contract with Triadic Enterprises, Inc. of**
16 **Deming, NM for the Printing, Folding, Sorting, and Mailing of Curry County's Tax Bills for**
17 **2015; Cost Per Tax Bill is Eighteen and One-half Cents (\$0.185) with the Total Contract**
18 **Not to Exceed Five Thousand Five Hundred Dollars (\$5,500.00) Excluding Gross Receipts**
19 **Tax; Additionally County will Reimburse Triadic for Postage Rates Secured at the Best**
20 **Rate Available - Carol A. Pipes**

21 **5. Request Approval of Contract for Professional Services with Towne Crier, Inc., Clovis,**
22 **NM for the Maintenance, Repairs and Replacement of Surveillance Equipment in the**
23 **Curry County Court House, Adult Detention Center, Juvenile Detention Center and Other**
24 **County Facilities for a Term of September 1, 2015 Through August 31, 2016 in Total**
25 **Compensation Under Terms of Contract Not to Exceed Fifty Thousand Dollars**
26 **(\$50,000.00) Exclusive of Gross Receipts Tax - Carol A. Pipes**

27 **6. Request Approval of Transfer of 2010 Chevrolet Tahoe Patrol Vehicle VIN**
28 **#1GNUKA309AR181615 With Prisoner Cage and Emergency Equipment Specifically**
29 **Designed for the Vehicle to Melrose Police Department Per Section 13-6-2 of the NM**
30 **Procurement Code - Carol A. Pipes**

31 **7. Request Approval of Engineering Task Order #1 for CR G from CR 3 to CR 6 and Task**
32 **Order #2 for CR 19 from NM 209 to NM 108 for Capital Outlay Project 14-2052 with Cost**
33 **Estimates from Larkin Group NM, Inc. in the Total Amount of \$11,860 - Dennis Fury**
34 **Ashley Motioned to place items on Consent Agenda.**

RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOTION:	Tim L. Ashley, Commissioner
SECOND:	Wendell E. Bostwick, Vice Chairman
AYES:	Bostwick, McDaniel, Ashley, Spear and Baca

39 **Bostwick Motioned to approve items on Consent Agenda.**

RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOTION:	Wendell E. Bostwick, Vice Chairman
SECOND:	Tim L. Ashley, Commissioner
AYES:	Bostwick, McDaniel, Ashley, Spear and Baca

44 **VI – REPORTS OF BOARDS, COMMITTEES, DEPARTMENTS AND PRESENTATIONS**

45 **1. Presentation of Events Center and Fairgrounds Financial Statements July 2015 –**
46 **Joelle Reed**

47 Joelle Reed and Rick Hontz, from Spectra Management formally Global Spectrum, came to the podium
48 to present and discuss the financial statement for the Curry County Fairgrounds and Events Center
49 through end of July 2015. Ms. Reed also presented the 2015 Curry County Fair Report stating that the
50 2015 fair was a huge success. Ms. Reed stated that part of the success was from them working on both
51 the revenues and expenses. She compared 2014 numbers to 2015 and also to the projected 2015
52 budget. The attendance for this year's fair was 39,325 which was 325 more than the attendance in
53 2014. The gross revenue of 2015 was \$255,790, which was \$19,601 over 2014 and an increase of \$6,285
54 more than what was projected as revenue in the 2015 budget. Expenses were cut drastically. The 2015
55 expenses came to \$122,656, which was \$79,062 less than the 2014 expenses and \$4,949 less than what
56 was projected for the 2015 budget. The operating income was \$64,373, which was \$22,769 less than
57 the amount in 2014 and \$11,618 less than the 2015 projected budget amount.

58 **VII – ACTION ITEMS**

59 **1. Discussion and Request Action on Resolution #2015-44 Establishing Fees for the**
60 **Production of Documents and Other Written and Electronic Media – Lance A. Pyle**

61 Pyle stated that the County receives numerous requests for documents either under the New Mexico
62 Inspection of Public Records Act or the Freedom of Information Act and this Resolution allows the
63 County to update their fees in order to stay in compliance with State and Federal laws as well as offset
64 the costs and expenses pertaining to such requests. This Resolution will rescind the following
65 Resolutions: 2009-22, 2009-52, 2015-02 and any other enactments pertaining to fees, charges and/or

1 costs. Every department has reviewed the Resolution and the only changes/modifications to the
2 Resolution came from the County Clerk's and County Assessor's Offices. **Bostwick Motioned to adopt**
3 **the Resolution.**

4	RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
5	MOTION:	Wendell E. Bostwick, Vice Chairman
6	SECOND:	Chet Spear, Commissioner
7	AYES:	Bostwick, McDaniel, Ashley, Spear and Baca

8 **2. Discussion and Request Action on Resolution #2015-45 Authorizing the Manager to**
9 **Approve Certain Line Item Transfers – Lance A. Pyle**

10 Pyle prepared a Resolution which will allow the County Manager the approval to do line item transfers
11 with-in department funds. **Bostwick Motioned to approve Resolution #2015-45.** McDaniel
12 seconded. Discussion ensued and it was reiterated that this process is already in place, this resolution is
13 formalizing the process. **Bostwick altered his Motion to state that a Commissioner will sign**
14 **line items transfers within the Administration Department.** McDaniel altered his second.

15	RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
16	MOTION:	Wendell E. Bostwick, Vice Chairman
17	SECOND:	Ben McDaniel, Chairman
18	AYES:	Bostwick, McDaniel, Ashley, Spear and Baca

19 **3. Discussion and/or Action on Letter from the Village of Grady on Three (3) Industrial**
20 **Revenue Bonds Anticipated Maximum Aggregate Amount of \$740,000,000 – Lance A.**
21 **Pyle**

22 Pyle stated that the Village of Grady has scheduled a Special Meeting on September 28th to discuss and
23 consider three Industrial Revenue Bonds (IRB) for an aggregate amount of \$74,000,000. The Bonds'
24 projects would consist of leased land, easements, and other property rights and all necessary and useful
25 facilities and equipment for wind farm projects, including all supporting towers, nacelles, rotors and
26 improvements for the generation and transportation of electricity. The Bonds' term would not exceed
27 30 years, which means that the real and related personal property financed by the Bonds would be
28 exempt from property taxation for that term. Pyle asked if the Commission would like him to attend the
29 Special Meeting and send a letter requesting to be included a payment in lieu of taxes (PILOT) program.
30 **Bostwick Motioned to have Manager Pyle send a letter of concern to the Village of Grady and for him**
31 **to attend the Special Meeting with the residents of Grady.**

32	RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
33	MOTION:	Wendell E. Bostwick, Vice Chairman
34	SECOND:	Ben McDaniel, Chairman
35	AYES:	Bostwick, McDaniel, Ashley, Spear and Baca

36 **4. Discussion and Request Action on Resolution #2015-46 Opposing the Lifting of**
37 **Sanctions Against Iran – Wendell Bostwick**

38 Bostwick spoke about concerns regarding not only the impact on Curry County, but the impact the
39 entire state of New Mexico would have if the Iranian sanctions are lifted. Discussion ensued regarding
40 modifying the Resolution to include items that are pertinent to Curry County and not just the oil issues.
41 **Bostwick Motioned to pass the Resolution to oppose lifting the sanctions against Iran by**
42 **adding the following: WHEREAS, these issues need to be addressed today rather than**
43 **10 years from now; and WHEREAS, Cannon Air Force Base is a vital part of our**
44 **community and that operation effects the citizens of Curry County; and WHEREAS, any**
45 **increase in activity in the Middle East can have a direct and detrimental effect to our base**
46 **personnel and our constituents.**

47	RESULT:	APPROVED BY ROLL CALL VOTE [3 TO 2]
48	MOTION:	Wendell E. Bostwick, Vice Chairman
49	SECOND:	Chet Spear, Commissioner
50	AYES:	Wendell E. Bostwick, Tim L. Ashley and Chet Spear
51	NAYS:	Ben McDaniel and Angelina Baca

52 **5. Discussion, Action and Direction on Renewable Energy Opportunity in Curry County –**
53 **Wendell Bostwick**

54 Bostwick disclosed, under the New Mexico Governmental Conduct Act, that he and his family have a
55 potential interest in a matter that may be brought before the Commission at a later date regarding a
56 renewable energy developer.
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1 **6. Discussion and/or Action on Approaching the City of Clovis on a Partnership on**
2 **Abandoned/Blight Properties - Tim L. Ashley**

3 Ashley spoke about the possibility of the County and City working together to clean up and/or demolish
4 blighted properties and abandoned properties. **Ashley Motioned to have Manager Pyle to meet with**
5 **the City of Clovis regarding the possibility of a cooperative effort to clean up blighted properties.**

6	RESULT:	APPROVED BY VERBAL VOTE [UNANIMOUS]
7	MOTION:	Tim L. Ashley, Commissioner
8	SECOND:	Ben McDaniel, Chairman
9	AYES:	Bostwick, McDaniel, Ashley, Spear and Baca

10 **7. Discussion and/or Action on Bond Proposal and Payment of \$70,270 to First American**
11 **Financial Advisors, Inc. – Chet Spear**

12 Spear stated that after speaking to County Attorney Doerr and Manager Pyle they have come to an
13 amicable agreement that all actions taken by the 2014 Curry County Board of Commissioners regarding
14 the 2014 Bond Proposal, and the adoption of that Bond, was done legally and properly at the November
15 2014 meeting. Doerr stated that all information pertaining to the Bond was presented in open
16 meetings, including the payment and expenses of the cost of the issuance of the Bond, including the
17 \$70,000 payment to First American Financial Associates, Rob Burpo. Burpo was engaged by the County
18 and the County should have had some type of signed agreement. Steps have now been taken to make
19 sure that this will not happen again. The Bond documents and the Resolution clearly had a provision
20 stating that once the Bond was adopted by the County, the Treasurer had authorization to pay the cost
21 and expenses of procuring the Bond, which included the \$70,000.

22 **VIII – COUNTY COMMISSIONER'S REPORTS**

23 Spear met with Manager Pyle and Ben Roberts at the fairgrounds to view possible areas for ramps and
24 other items to make the fairgrounds more handicap accessible. He also met with Wilma Fulgham to
25 discuss improvements on the "Old House". Spear also met with Mo Espinoza, Chief of Security, at the
26 Adult Detention Center, to view and discuss changes in security and procedures.

27 Bostwick attended the Mult-Line Insurance Board Meeting.

28 **IX – COUNTY MANAGER'S REPORT**

29 **1. Notification from Department of Finance & Administration Local Government Division**
30 **of Fiscal Year 2016 Final Budget Approval**

31 Pyle read from a letter dated September 1, 2015, from the State of New Mexico Department of Finance
32 and Administration, Local Government Division (LGD) stating that the final budget for Fiscal Year 2016
33 has been examined and reviewed. LGD finds that the budget was developed in accordance with
34 applicable statutes and budgeting guidelines and sufficient resources appear to be available to cover
35 budgeted expenses and LGD certifies the Fiscal Year 2016 budget. State statute requires that all
36 revenue sources be expended only for public purposes, and if applicable, in accordance with the
37 Procurement Code, Chapter 13, Article 1, NMSA 1978. The use of public revenue is governed by Article
38 9, Section 14 of the Constitution of the State of New Mexico. The letter also stated that NMSA, 1978,
39 Section 6-6-6 (2001) provides that the approved budget is binding on local officials and governing
40 authorities; and any official or governing authority approving claims or paying warrants in excess of the
41 approved budget or available funds will be liable for the excess amounts.

42 **2. Letter from State of New Mexico Department of Finance & Administration Local**
43 **Government Division on Juvenile Adjudication Fund (JAF) Grant Agreement No. 15-J-06**

44 Pyle received a letter from the State of New Mexico Department of Finance and Administration, Local
45 Government Division (LGD), dated September 4, 2015, that stated the Juvenile Adjudication Fund (JAF)
46 Grant Agreement No. 15-J-6 is formally closed. It also stated that the Grant Agreement is complete and
47 \$2,030 be reverted back to the JAF and all records relating to the Grant Agreement must be retained for
48 six years from the date of the letter.

49 **3. Letter from New Mexico Department of Transportation on US 60/84 and NM 467/CR N**
50 **Intersection**

51 Pyle stated that he received a letter from the New Mexico Department of Transportation (NMDOT),
52 dated September 10, 2015, which stated that the NMDOT District 2 Traffic Section completed a traffic
53 signal warrant study and turning movement analysis for the intersection of US 60/84 and NM 467/CR N.
54 The letter stated that three warrants were met (#1 - eight-hour vehicular volume, #2- four-hour
55 vehicular volume and #3- peak hour), but warrant #7 (crash experience) was not met and warrant
56 numbers 4, 5, 6, 7, 8 and 9 were not evaluated. They stated that based on the findings of the traffic
57 study and turning movement analysis, they will recommend, to ADE Engineering Support Ryan Porter,
58 that a future project be placed on the STIP for the construction of a traffic signal. The traffic section will
59 also recommend to the State Traffic Service Engineer to have this intersection placed on the signal
60 priority list. Also mentioned is that a left turn lane is not currently required, but the District 2 Traffic
61 Section will continue to monitor the intersection for increased turning movements and crash data.

62 Pyle also mentioned the following: 1) The audit is moving forward and an audit team will be here the
63 week of September 28th. They hope to complete all the field work during that week; 2) The
64 construction on 417 Gidding is moving forward and Pyle has scheduled periodic walk-throughs for each

1 Commissioner to attend in order to try to eliminate any delays in construction; and 3) The next public
2 Comprehensive Planning Meeting will be on October 8th.

3 **X – INDIGENT BOARD MEETING**

4 **Spear Motioned to enter Indigent Board Meeting at 11:59 am.**

5	RESULT:	ADOPTED BY VERBAL VOTE [UNANIMOUS]
6	MOTION:	Chet Spear, Commissioner
7	SECOND:	Tim L. Ashley, Commissioner
8	AYES:	Bostwick, McDaniel, Ashley, Spear and Baca

9 **Ashley Motioned to approve items as presented.**

10	RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
11	MOTION:	Tim L. Ashley, Commissioner
12	SECOND:	Angelina Baca, Commissioner
13	AYES:	Bostwick, McDaniel, Ashley, Spear and Baca

14 **Bostwick Motioned to exit Indigent Board Meeting at 12:00 pm.**

15	RESULT:	ADOPTED BY VERBAL VOTE [UNANIMOUS]
16	MOTION:	Wendell E. Bostwick, Vice Chairman
17	SECOND:	Tim L. Ashley, Commissioner
18	AYES:	Bostwick, McDaniel, Ashley, Spear and Baca

19 **XI – FUTURE AGENDA ITEMS**

20 Spear would like to direct the County Manager to initiate a Request For Proposal (RFP) for the Adult
21 Detention Center project.

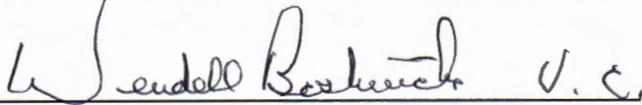
22 **XII – PUBLIC INPUT FOR WHICH NO ACTION WILL BE TAKEN**

23 Candace Morrison came to the podium to correct a statement made at the September 9, 2015 meeting.
24 She inadvertently stated on September 9th that Curry County had an overall decrease in property taxes
25 of 2.777 percent, when in actuality there was an overall increase of 2.777 percent. She stated that each
26 district had slight increases, except for Texico, theirs was a 9 percent increase. She apologized and
27 stated that the tax rates were correct, her spreadsheet was incorrect and no actions need to be taken.

28 **XIII – ADJOURNMENT**

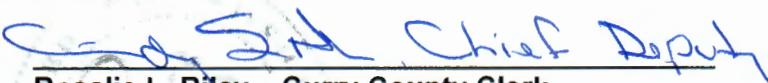
29 This meeting was adjourned by Ben McDaniel at 12:11 pm.

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31 **BOARD OF CURRY COUNTY COMMISSIONERS**

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35 **Ben McDaniel – Chairman**

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37 **ATTEST:**

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40 **Rosalie L. Riley – Curry County Clerk**

41 In compliance with the Americans with Disabilities Act of 1990, the County will provide appropriate
42 auxiliary aids and services to afford an individual with a disability an equal opportunity to participate in
43 any public meeting held by the County. A minimum of 48 hours advance notice is requested.

44
45 **IN ATTENDANCE:**

Rosalie Riley	Cindy Smith	Jesse Hopkins-Hoel	Ward Marshall
Elmer White	Larry Defever	Jimmy Schell	Debbie Spriggs
Candace Morrison	Lance A. Pyle	Carol Pipes	Rick Hontz
Joelle Reed	Paul Stout	Hoyt Pattison	Todd Northcutt
Storm Gerhart	Darlene Gerhart	Leona Powell	Sandra Stewart
Deanna Bouillon	Mike Reeves	Eddie Harrington	Misty Bertral
Hanz Cannon	Bob Sandoval	Gene Hendrick	Angelina Baca
Eva Woods	Stephen Doerr		