

Board of County Commissioners

700 N. Main St.
Clovis, NM 88101

Thursday, February 5, 2015

Regular Meeting

Clovis-Carver Library: North Annex

1 I – CALL TO ORDER

Attendee Name	Title	Status	Arrived
Wendell E. Bostwick	Commissioner	Present	9:00 AM
Ben McDaniel	Commissioner	Present	9:00 AM
Tim L. Ashley	Commissioner	Remote	9:03 AM
Chet Spear	Commissioner	Present	9:00 AM
Angelina Baca	Commissioner	Present	9:00 AM

2 Invocation

3 Pledge of Allegiance

4 Approval of Agenda

5 Ashley Moran said Dyron Murphy needed to be added as a presenter for Item 2 under presentations.

6 Motion to approve agenda as amended.

RESULT:	ADOPTED BY VERBAL VOTE [UNANIMOUS]
MOTION:	Wendell E. Bostwick, Commissioner
SECOND:	Angelina Baca, Commissioner
AYES:	Wendell E. Bostwick, Ben McDaniel, Chet Spear, Angelina Baca
ABSENT:	Tim L. Ashley

12 II – Minutes Approval

13 Changes Made to Minutes - County Clerk's Office

14 1. Request Approval of Regular Commission Meeting Minutes of January 6, 2015

15 Motion to approve.

RESULT:	APPROVED BY VERBAL VOTE [UNANIMOUS]
MOTION:	Wendell E. Bostwick, Commissioner
SECOND:	Chet Spear, Commissioner
AYES:	Wendell E. Bostwick, Ben McDaniel, Chet Spear, Angelina Baca
ABSENT:	Tim L. Ashley

21 2. Request Approval of Indigent Board Meeting Minutes of January 6, 2015

22 Motion to approve.

RESULT:	APPROVED BY VERBAL VOTE [UNANIMOUS]
MOTION:	Wendell E. Bostwick, Commissioner
SECOND:	Ben McDaniel, Chairman
AYES:	Wendell E. Bostwick, Ben McDaniel, Chet Spear, Angelina Baca
ABSENT:	Tim L. Ashley

28 III – RECOGNITION OF VISITORS AND PUBLIC INPUT FOR WHICH NO ACTION WILL BE TAKEN

30 Steve Doerr announced Commissioner Ashley had joined the meeting by phone at 9:03 a.m.

31 Chris Chavez said he was curious to know why the police department has new cars in the community
32 when the roads are so bad. He said instead of filling the holes in the roads, we should be redoing the
33 roads. He said he had come across several potholes that have been filled but the traffic keeps pushing
34 all the stuff down and he is curious to know why the police have new cars. McDaniel agreed the streets
35 are bad after all the snow and ice but said the County does not have control of roads in the city.
36 Bostwick asked if he was talking about county roads or roads in the city. Chaves said his concern was
37 with city roads. Bostwick suggested he take his concerns to the Clovis City Commission meeting this
38 afternoon. He agreed it is a challenge when we get the moisture.

39 IV – PROCLAMATIONS

40 Request Proclamation for February 2015 as American Heart Month in Curry County - Jena Wilbanks

42 Wilbanks presented the Proclamation for February 2015 as American Heart Month in Curry County. The
43 proclamation was from the Curry County Health Council.

44 V – PRESENTATIONS

45 1. Update on Curry County Healthy Kids Program - Mitch Gray

46 Gray gave an update on the Healthy Kids Program and their three areas of focus, the school system, the
47 built environment, and the food system. He explained the 5210 challenge to encourage children to eat
48 five fruits and vegetables a day, have two hours or less of screen time a day, one hour of physical
49 activity, and drink a lot of water. He said Tuesday morning they hosted wellness training in Clovis for

1 school districts in our region where seven school districts attended and said they are helping schools
2 update their policies and make them more practical and useable. He said they are working with three
3 schools to support a school gardening initiative. He reported on the Liebelt Channel Trail and said the
4 goal is to begin connecting the stationary trails throughout the city. They have applied for over
5 \$700,000 to make this happen. The Love Local campaign partners with the Farm to Table campaign
6 from Santa Fe and highlights local farmers and growers in the school systems. Hopefully in the future
7 they can begin selling to the school systems and support the local economy and highlight healthy
8 options in the community. He said last school year eight schools or 53 percent of schools in our county
9 participated in the 5210 21-day challenge. Over 2,700 students representing 59 percent of our student
10 population participated in the challenge and this year they anticipate 70-80 percent. They will be
11 putting signs on 11 of 12 elementary school playgrounds that welcome children to play where before
12 they had no trespassing signs, which is contrary to the open playground policy. He said two schools
13 have walking trails and they have made interactive signs for those trails. He said the Patchwork Farms
14 Community Garden is located at the hospital and last year they donated over 50 pounds of produce,
15 over 75 ears of corn. They expect to expand that work quite a bit this year into more community
16 partners, using it for school field trips as well as educating farmers on best practices for selling to
17 restaurants or schools. Spear asked how long the Liebelt Trail would be, and Gray said it was just over a
18 mile and runs from Bob Spencer behind the high school softball field, down 21st Street, to the
19 intersection of Mitchell and 21st. From there they hope to be able to cross the intersection, hit Green
20 Acres, which would take you to Marshall Middle School. From there the proposal is to put way-finding
21 signs to help people stay off major streets but get to Hillcrest Park and pick up the trail and then way-
22 finding signs to CCC. Spear asked why not put signs on all 12 playgrounds. Gray said Lockwood
23 Elementary does not have open playgrounds because of some vandalism issues. Spear said he was not
24 aware of the open playgrounds and asked if it was advertised. Gray said they were working with the
25 schools on a marketing plan. McDaniel thanked Gray for his leadership. Baca asked if there was a third
26 school for the gardens, and Gray said he had been told there would be a third one added in addition to
27 Lockwood and Gattis but do not know details yet and they will also be working with Texico.

28 **2. Presentation from Dyron Murphy Architects, P.C., on Proposal for the Curry County**
29 **Courthouse Renovations Conceptual Design - Nitish Suvarna and Don Dwore**

30 Dyron Murphy, principal of Dyron Murphy Architects, Nitish Suvarna, architect, and Don Dwore,
31 courthouse consultant architect, introduced themselves for the presentation. Murphy gave an overview
32 of the project to renovate the existing courthouse. He said the majority of the team is out of
33 Albuquerque and Dyron Murphy is the prime contractor on the project. He said they have worked on
34 various types of justice facilities and though their primary market is Native American, they have done
35 work with state and local governments as well. Dwore said the majority of his experience has been in
36 courthouses and justice facilities and everything from a one-room courthouse, historic courthouses, to
37 1.1 million square feet, 73 courtrooms. Murphy said the team is very experienced not only in justice
38 facilities but renovations as well. Baca asked if the design included environmental friendly and cost
39 effective aspects such as solar heating and cooling. Murphy said as part of their culture, they include a
40 sustainable approach and try to pull in more natural light and fresh air and have done solar as well as a
41 whole range of strategies. He said especially with an older type of facility it makes sense in terms of an
42 overall perspective of maintenance and long-term operating costs and said they will include many of
43 those types of design strategies. Baca asked how they approach the older structure from a design
44 perspective and asked if they are taking into consideration the adjacent juvenile facility and the Dan
45 Buzzard building. She asked if it would be wise to look at it as a whole to get some perspective of what
46 costs are involved and how we can tie them all together. Pyle said the agreement was just pertaining to
47 the historic courthouse but could be modified to include those buildings if they were agreeable.
48 Bostwick said when you look at the three facilities there is a little bit of a challenge because it is all tied
49 together and we are only looking at one aspect of it right now, but he said when we get through he
50 envisions we will have to look at everything and thinks it is proper we look at the juvenile facility since it
51 is tied to the courthouse. He said they all have to end up meshing. He asked whether there would be
52 estimates for renewable energy sources versus traditional. Murphy said much of that will come out of
53 those early sessions of the design workshops. He said what they really want to do is nail down what our
54 vision is in terms of those types of strategies and said what they do is a big brainstorming session where
55 they throw everything on the table and see what is going to work in our best interest in terms of cost
56 and long-term performance. He said that approach will be part of it. Bostwick said he tries to watch the
57 dollars and it may cost more initially but that is long-term planning and good investments. He asked if
58 the firm had done any work on a historically protected building in the past. Murphy said many of their
59 clients do have older buildings but clients had elected not to spend their budget to renovate and said
60 the process for the State Historic Preservation Office can be costly and time consuming. Dwore said he
61 has worked in many counties around the country on historic courthouses and buildings. He said our
62 building is going to take a lot of study and the critical thing is to give options on how to make it a
63 courthouse that will satisfy the needs of a courthouse in the 21st century. He said they will give various
64 options of cost with least expensive, medium, and most expensive and the reasons why and the goods

1 and bads. He said there is nothing like a nice, new courthouse. He said every option will have a cost,
2 they will explain the reasons, and you will have a choice. He said critical to bringing our building into the
3 21st century is life safety, ADA, circulation problems, getting the fourth courtroom, and they will show
4 how all those work. Spear said he appreciated having options.

5 **VI – CONSENT AGENDA**

6 **1. Request Approval of Payroll Direct Checks #40548 thru 40884; Payable Checks**
7 **#115888 thru 116113; Payroll Checks #52296 thru 52302; Purchase Card Expenditures 11-**
8 **16-14 thru 12-15-14 for a Total of \$1,366,732.44 - Carol Pipes**

9 **2. Request Approval to Execute a Journal Entry Expensing to Line Item #818-12-5310**
10 **Bond Professional Fees and Crediting the \$10,000 Dollars From Commission Budget**
11 **Line Item #401-12-5610 Professional Fees Paid to SDV Construction, Inc., in November**
12 **and Early December for Work Related to the 417 Gidding Project Prior To Receipt of**
13 **Bond Proceeds on December 23, 2014 - Carol A. Pipes**

14 **3. Request Approval of Modifications to the 2015 Curry County Committee Assignments**
15 **of Removing the Ned Houk Park Board, Removing Patricia Bazar and Joe Strickland from**
16 **the Retired Senior Volunteer Program and Foster Grandparent Advisory Council and**
17 **Adding Erin Burch and Renee Mestas, Adding the Source Water Protection Plan**
18 **Committee with Commissioner Chet Spear as the Member and Changing Name from**
19 **Wellness Council to Health Council - Lance A. Pyle**

20 **4. Request Ratification of Commission Line Item Transfer of \$2,265 from Line Item #401-**
21 **12-5611 Construction to Line Item #401-12-5211 Property/Liability Insurance - Lance A.**
22 **Pyle**

23 **5. Request Ratification of Commission Line Item Transfer of \$30,000 from Line Item 401-**
24 **12-5611 Construction to Line Item 401-12-5310 Professional Services - Lance A. Pyle**

25 **6. Request Approval of Professional Services Agreement with Management Associates,**
26 **Inc., to Provide Advice and Assistance to the County as Chief Spokesperson in**
27 **Negotiations, Representing in Mediation, if necessary, and Represent in Labor Relations**
28 **Matters at \$150.00 Per Hour, Plus Costs and Expenses for a Term of April 1, 2015,**
29 **through March 31, 2016 - Lance A. Pyle**

30 **7. Request Approval of Contract for Professional Services with Roosevelt General**
31 **Hospital Melrose Clinic for Pre-Employment Physical Examinations at \$125.00 for Each**
32 **Exam Performed for a Term of February 5, 2015, to February 5, 2017 - Lance A. Pyle**

33 **8. Request Approval of Amendment to Contract for Professional Services with Mitch**
34 **Gray Increasing amount by \$650.00 for a Total Amount of \$3,789.00 for Boys Council**
35 **Program through June 30, 2015 - Deanna Bouillon**

36 **9. Request Approval of Local Government Road Fund Application for School Bus**
37 **Program for Fiscal Year 2015/2016 for \$173,202.22 With Curry County's Share of 25%;**
38 **\$43,300.55. The Project Will Improve Various Texico School Bus Routes - David Corbin**

39 **10. Request Approval of Local Government Road Fund Application for CAP Program for**
40 **Fiscal Year 2015/2016 for \$501,416.24 With Curry County's Share of 25%; \$125,354.06.**
41 **This Project Will Improve Various County Roads - David Corbin**

42 **11. Request Approval of Local Government Road Fund Application for COOP Program**
43 **for Fiscal Year 2015/2016 for \$173,202.22 With Curry County's Share of 25%; \$43,300.55.**
44 **The Project Will Improve Various County Roads - David Corbin**

45 **12. Request Approval to Enter into Department of Health Assurances and Cooperative**
46 **Agreement Between Curry County DWI Program and Department of Health Epidemiology**
47 **and Response Division Effective July 1, 2015, to June 30, 2016 - Deanna K. Bouillon**

48 **13. Request Approval for Curry County to Enter into the Statement of Assurances**
49 **Agreement with New Mexico Local DWI Grant and Distribution Program and Adhere to all**
50 **Provisions of the New Mexico Local DWI Grant Program Act for Project Year 16: July 1,**
51 **2015, to June 30, 2016 - Deanna K. Bouillon**

52 **Motion to place items on Consent Agenda.**

RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOTION:	Wendell E. Bostwick, Commissioner
SECOND:	Chet Spear, Commissioner
AYES:	Bostwick, McDaniel, Ashley, Spear, Baca

57 **Motion to approve items on Consent Agenda.**

RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOTION:	Chet Spear, Commissioner
SECOND:	Wendell E. Bostwick, Commissioner
AYES:	Bostwick, McDaniel, Ashley, Spear, Baca

62 **VII – REPORTS OF BOARDS, COMMITTEES, DEPARTMENTS AND PRESENTATIONS**

63 **1. Update on Lesser Prairie Chicken Challenges - Wendell Bostwick**

64 Bostwick gave a summary of some communication from Karen Budd-Falen regarding the lesser prairie

1 chicken where she said they were waiting on a decision regarding where the cases will be heard. He
2 said there is an attempt to transfer the Texas Permian Basin case to Oklahoma to be part of the LPC
3 case. He said there was a district court in Oregon that dismissed a case which should help our prairie
4 chicken case. He said he had a request to meet with the Land Office to give an update and read:
5 "Despite five-plus years of meetings and negotiations and thousands of dollars of work by the states of
6 New Mexico, Kansas, Oklahoma, Texas, and Nebraska to create and implement a legally compliant
7 range-wide plan and candidate conservation agreement with assurances for the LPC, the Fish & Wildlife
8 Service listed it as a threatened species on April 14, 2014. Numerous cases were filed based on the FWS
9 LPC listing decision. As described in the attached table, all parties to the litigation, regardless of case,
10 are awaiting a decision from the Washington, D.C., multi-district litigation panel regarding whether it
11 will consolidate some of the plaintiffs' claims related to whether the LPC listing, as required by the multi-
12 district court Endangered Species Act settlement agreement between the US Fish & Wildlife Service,
13 National Marine Fisheries Service, Center for Biological Diversity, and WildEarth Guardians, violated the
14 ESA. Specifically those claims relate to whether the settlement agreement violated the ESA because it
15 requires the FWS to list certain species as either threatened or endangered or requires that the species
16 be eliminated from ESA consideration." He said we are still waiting on that decision and said he
17 presented that to the land commissioners. He said he also had a listing of the various cases and litigants
18 and said they will be trying to set up a meeting with the governor and the Land Office regarding
19 intermingled lands. He said the regulations are being changed for grazing permits which generate
20 income for the state budget and the school trust lands provide about 50 percent of our school funding.
21 He said it is a taking by regulation and said he believes we are better off having management practices
22 fall under our state agencies and not the federal government. He said with the rain we got last year we
23 are expecting an increase in population in the prairie chickens this year. Bostwick referred to
24 information from Farmer's Electric and said the normal cost of an overhead line is \$43,000 and an
25 underground line is over \$200,000. He said this does not just affect the rural people, it affects Texico
26 because of the proximity of the LEKs to town as well as Melrose, Clovis, and Grady, and he said in
27 addition there will be the cost of going through an environmental study. He said it is a community issue
28 and will affect everyone in the county. He said when they come to endangering the LPC in March it will
29 only get worse and said the fine for disturbing an endangered species is \$25,000. Baca said this
30 regulation came about a couple years ago in the midst of our drought and asked if there will be another
31 study. Bostwick said nine counties joined in the original study. He said USFWS chooses whether a study
32 is valid or not. He said their studies are not based on science or peer review and their agenda is to
33 control our lands and habitats. He said NM Game & Fish do their studies on an annual basis and
34 constantly monitor the numbers but US Fish & Wildlife do not accept our numbers and have other
35 criteria they look at. Baca asked about the fees the Budd-Falen law offices are charging and asked Doerr
36 if we were going to get a contract for the amount they were going to charge for the suit we were
37 supposed to get into. She asked if it was for the prairie chicken or the land issue. Doerr said this is a
38 completely separate contract and issue more in line with public hearings pertaining to land use. He said
39 Budd-Falen brings in a lot of the information and legal knowledge pertaining to federal and state acts
40 that limit and restrict private property because of things like the LPC, but this is to provide information
41 and conduct public meetings on the land use issues. Baca asked if this is the same attorney that is doing
42 the suit on the LPC, and Doerr said it is. Baca asked if we ever got a price breakdown of how much they
43 are going to charge us. Doerr said he did not know if that was sent off and said he had not been asked
44 to follow up on that. Baca said she thought it was important to know that and said one of her concerns
45 when she spoke to the Commission was that we know what her billing is. Bostwick said one of the
46 reasons we aligned with the major oil companies is there are bigger players who carry the ball and look
47 to the counties for support, documentation, and testimony more than a dollar bill. He said he would be
48 careful asking for a number because you might get a number and a bill when in the end all is needed is
49 support. Doerr said last year Curry County opted to join a different lawsuit but said this is a separate
50 issue. He said she was contacted because of her knowledge of what you can do and what happens if the
51 federal government comes in on land that doesn't have any kind of land use and was more of just
52 general knowledge of what could happen versus anything directed at the specific issue of the LPC. He
53 said he will provide the Commissioners with the information in an email. Bostwick said he will share this
54 recent email that has the various plaintiffs, the courts, and the cause of action. Spear said he and
55 Bostwick attended a land use planning conference in October and said if we don't have a land use plan,
56 the federal authority can come in and do what they want, but if we have one, they must consult with us.
57 He said the purpose of having these briefings by this firm is to assure the residents in the county this has
58 nothing to do with zoning but it is just to make the federal government pay attention to our plan. He
59 said last year he recalled Baca coming before the Commission and asking the questions about cost and
60 said the Commissioners asked Doerr to contact Budd-Falen and find out what she was going to charge
61 for the lawsuit. Doerr said he would review everything and get back with the Commissioners. Bostwick
62 said in the contract today she establishes her firm rates. Spear said the request was made to the
63 attorney to find out what they were going to charge for the lawsuit we are involved in. Bostwick
64 reiterated to be careful what you ask for. Baca said she would rather have full disclosure than be

1 blindsided anytime as they are the keepers of the budget to our constituents and need to have an idea.
2 She said she is pleased with the letter dated February 2, 2015, from Budd-Falen Law Offices and said
3 something like that is appropriate. She said if this letter is only for the land regulation aspect of it and
4 not for her representation of the LPC, she would like the same thing for the representation of the
5 lawsuit in the prairie chicken and said even the big wigs with deep pockets would require that type of
6 disclosure. McDaniel said this agreement is just with us and this law firm and said on the prairie chicken
7 issue there are a bunch of people involved. Bostwick asked if she was asking for a rate rather than an
8 actual cost, and Baca said that is right, that she would be satisfied with a rate. Bostwick read the list of
9 plaintiffs associated with us in our lawsuit: Hutchinson Ranch; NM Cattle Growers Association; NM
10 Federal Lands Council; Southwest Quay, De Baca, Roosevelt, Central Curry, Border, Lea and
11 Northeastern Soil and Water Conservation Districts; Arch Hurley Water Conservancy; Quay County Farm
12 Bureau; Curry, Quay, De Baca, Harding and Union Counties in New Mexico; NM Wool Growers, Inc.; and
13 CRELA.

14 **2. Presentation on Events Center and Fairgrounds December 2014 Financial Statements** 15 **- Kevin Jolley**

16 Jolley gave the December financials saying they did five events for the month, attendance was down a
17 little, direct event income and ancillary income was up, other income was down, and there was a savings
18 on indirect expenses. He said for the month they were better than budget by \$1,500. For the year they
19 did 150 events compared to the 143 budgeted, attendance was up a little over 7,000, direct and
20 ancillary income was down for the year, other income was up, and for the year they missed budget by
21 \$40,000. He said most of that expense was due to the three days of rain during the Fair. He said
22 equestrian events, stalls, RVs, and concessions were down for the year, and there was a concert
23 cancellation in December. Spear said he understands Jolley is leaving and going to Lea County. Jolley
24 said he will be starting in Lea County officially on Monday. He said he still has regional oversight over
25 the Events Center and will be here when they get a new GM candidate to present. Spear said we
26 appreciate what he has done for the County and wished him luck. Jolley said he has been here almost
27 six years which is the longest he has been anywhere and said it will be hard to leave. He said he looks
28 forward to the challenge in Lea County. Bostwick said he has brought the Events Center much further
29 than we could have alone. Jolley said his goal had been to do 150 events a year and he was proud that
30 he accomplished that in his last year.

31 **3. Report from the Road Department - David Corbin**

32 Corbin reported all LGRF projects for last year have been closed out and reimbursed. He said they have
33 started working on the CR S and 12 project which was one of the capital outlay projects but have had a
34 few setbacks due to weather. They are working on the LGRF projects for this year getting the
35 engineering done and hope to get them started within the next four to five months. He went to a public
36 information meeting on 60/84 from Wheaton to Prince. He said they are in the process of designs and
37 are trying to get that under way but it will be late 2016 or early 2017 before they start on the project
38 because of the engineering and the drainage problems that need to be addressed. He reported they
39 have bladed 439 miles and been trying to catch up on potholes in roads since the snows. McDaniel said
40 everything anyone said to him regarding snow removal on county roads was very positive. Corbin said
41 since the 12-inch snow came straight down, every road needed to be cleared which was a challenge.
42 Baca asked about the 60/84 stretch. Corbin said the State is going to rehab that whole section from
43 Wheaton to Prince and said they are in the planning stage and have brought in several different designs.
44 He said they will pick the best design and go to the engineering stage next, and then there will be a lot of
45 environmental issues to work out. He said the truck traffic on our roads has probably tripled over the
46 last 20 years which takes a toll on all of our roads and the truck traffic on the county roads may be
47 twenty-fold of what it was ten years ago. Spear asked if they are going to start at Wheaton because the
48 tenth of a mile west of Wheaton is as bad as anyplace on that road. Corbin said as far as he knew the
49 plans were just from that intersection back to the east.

50 **4. Curry County Detention Center Report - Tori Sandoval**

51 Sandoval reported the current ADC population as of January 27, 2015, was 193. This morning the
52 numbers were 208 in-house with 165 males and 43 females. There are currently five individuals housed
53 out of county with four in Bailey County and one in the DOC. There are a total of eight out on the
54 Community Custody Program. As of January 27 there were nine juveniles in-house, but they have four
55 more coming for a total of 12 with two from Eddy, one from Otero, and one from Roosevelt. Currently
56 there are 35 Detention Officers with eight vacancies with two new hires starting this past week. They
57 have seven Booking Officers with two vacancies and are fully staffed with 16 Juvenile Officers having just
58 hired one officer. Officer Washington will graduate from the National Guard the end of February and
59 report back. Sandoval reported they received the ADC and JDC policies after Doerr's review and are
60 currently going over his comments and making the suggested changes and hope to have them before
61 you the latter part of March. Accurate Control has updated the control system including the intercom
62 system, a few of the cameras and control panels. They have started signed acknowledgment forms from
63 all officers as well as training on the PIPE policy. They will have a complete walk-through for any
64 Commissioners after the March 3 Commission meeting. She said they had to send two pipes off for

1 repair. Archonix came in and set up the program for the medical records and trained the medical staff
2 on the program. They are working to get the forms uploaded in the system. They will be meeting
3 February 17 with medical and then on February 18 with mental health. The past two weeks they have
4 had a 40-hour orientation and this week they are having a 40-hour defensive tactics training and receive
5 Taser and OC certifications. Six of the new officers are taking the training. They are looking at sending
6 additional officers and supervisors out for Taser, defensive tactics, and OC instructor training courses.
7 She asked Mark Yearout from Trinity to say a few words about the contract and how the kitchen is
8 going. Yearout, district manager for Trinity Services Group, said this is a great partnership and said they
9 enjoy their presence and are in contact regularly. Bostwick asked what he sees in the future as far as
10 food costs. Yearout said prices are always going up. He said the benefit of being a partnership is being
11 able to find ways to mitigate those increases. He said menu and labor modifications are things they look
12 at. Pyle asked him to explain about the health inspections done by the Environmental Department as
13 well as the staff screenings to be able to cook. Yearout explained they are inspected annually and said
14 Trinity has not had the inspection yet but it is due in July. He said when they got the permit from the
15 Health Department the health inspector was very pleased they were going to be running the kitchen
16 because of their history. He said they send their individuals for a TB test and a five-panel drug test prior
17 to bringing them onboard to be sure there are no contagious diseases and that they are drug free and
18 send them to the Detention Center administration for vetting before sending them for backgrounds and
19 fingerprinting. Spear asked if the TB test is just done once or annually. Yearout said it is usually just
20 done on hire but depends on the requirements of the particular contract. Spear asked if the inmate
21 workers are required to go through those tests or if that was Sandoval's department. Yearout said that
22 would be a detention process through classification. Bostwick asked who was in charge of setting up
23 menus and calorie counts. Yearout said they have a certified dietician who analyzes the menus, and as
24 long as it is acceptable to the administration and the County, they implement the menu. Spear said 22
25 years ago they had a program where if any Commissioner wanted to take a meal and eat it, they could
26 and asked if Trinity had that program. Yearout said as far as Trinity is concerned, anytime you want to
27 come in, they are inspection ready at all times. Baca asked about menu provision for diabetes and high
28 blood pressure. Yearout said the dietician has a diet load for celiac, renal, high blood pressure, cardiac,
29 diabetic, and pregnancy, and the diet load sheet shows what items can be served and what substitutions
30 can be used. Baca asked Sandoval if there are any specific needs or challenges in medical or mental
31 health personnel. Sandoval said they have 24-hour medical care in the facility and a PA who comes into
32 the facility on Tuesdays and Thursdays and is available by phone. She said a big issue is space if they
33 need to put someone on medical watch because they are packed in segregation. Bostwick said there
34 are people looking for ways to sue this County and we should be careful about identifying issues. Doerr
35 said to provide a general answer but don't delve into any specifics. Sandoval said they make
36 accommodations as they can. Baca asked how many medical personnel she has, and Sandoval said she
37 would have to look at the contract to give an exact number. Baca asked what happens if there is an
38 emergency, and Sandoval said they call EMS and they are transported to the hospital. Bostwick asked
39 about the chart that showed a four-day average occupancy and asked whether those numbers were
40 standing or if they had been modified. He asked Doerr how they correct that in the previous minutes if
41 that is proved untrue. Sandoval said when they made that chart it was just off a few days in the month
42 of December and she thought it was calculated from the full month. She said they redid the chart and it
43 was more in line with the rest of the month, and she said she can put it in the next Commission report.
44 Bostwick said his concern is misleading someone who is looking through the minutes in several years.
45 Sandoval said those numbers were pulled off of ten days rather than a full month. Pyle asked if we can
46 update it and put it with the next meeting packet, and Sandoval agreed. Doerr said the old report will
47 still be there and hopefully this will be clarification if an issue comes up. He said when the new one is
48 submitted hopefully there will be a comment that this replaces the other report that was erroneous.
49 Spear asked for a report every month in the form of a chart on the average stay for juveniles and asked
50 Sandoval if she had any idea how long our juveniles stay in the facility. Sandoval said it depends on the
51 charge but an average stay is about ten days. Spear said their major concerns are the safety and well-
52 being of the inmates and employees along with the cost. He said the jail this year accounts for over \$6
53 million in operation costs which is over a third of the entire budget. He said they are all concerned
54 about the shortage of staffing that never seems to be resolved where every month for the past several
55 years we are 10 to 14 employees short per month. Spear said this shortage causes numerous hours of
56 overtime, and this year alone they have accumulated over \$120 or \$140,000 in overtime and officers are
57 occasionally working 14-hour days and said this has got to stop. He said Detention Officers' duties are
58 stressful enough without having to work extended hours while trying to maintain their alertness that
59 may be required to make split-second decisions that could prevent an injury or death to an inmate or an
60 officer. He said he understands at least three previous trained employees who left the Detention Center
61 in good standing and have applied for rehire have been denied employment. He said during Sandoval's
62 term as administrator, January 2013 through October 2014, there were over 80 employees who had left
63 the Detention Center. He said he had been advised that since October we had lost an additional 11
64 employees, and said in approximately two years we have had to hire 110 to 150 employees and we

1 continue to be short on staffing. He said we have a retention problem, not a hiring problem. He said
2 Pyle estimates the cost of hiring, processing, and training a detention employee to be approximately
3 \$5,000 and said that has cost taxpayers close to \$800,000 under her administration and asked for an
4 explanation of why trained officers would not be hired. Sandoval said she would not discuss personnel
5 issues right here. She said in her years with the County, they have never been fully staffed and said she
6 would love to see what her predecessors' budgets were and overtime was. She said her number-one
7 priority is the safety of her officers and if she has to call additional officers in, she will do that. She said
8 lieutenants, captains, she and the deputy have all gone in to ensure that the officers go home at the end
9 of the night to their families. Doerr said the general question is getting pretty specific. McDaniel said
10 we need to stop and move forward. Spear asked the purpose of the inmate phone system. Sandoval
11 said it is to contact their families or attorneys if needed. Spear asked when she first authorized,
12 permitted, approved, or allowed selected inmates, including maximum inmates, to use the unsecure
13 telephones to make personal calls. Sandoval asked when she did that and said if he is saying she did
14 this, she would like notes of dates, times, and to be specific because she would love to know when she
15 did this. Spear asked if she ever had knowledge of any of these calls taking place. Sandoval said it has
16 been brought to her attention, but she said he had mentioned she had allowed it and said she would like
17 to know when she allowed it. Spear said we have those records, and Sandoval asked him to please
18 produce the dates for her. Spear asked when she had knowledge they were going on, what she did
19 about it. Sandoval said it was stopped. Spear asked when it was stopped, and Sandoval said she would
20 have to look at her minutes with her command staff. Spear asked how she became knowledgeable of it,
21 and Sandoval said it was brought up in an email she received from Pyle which was directed to Deputy
22 Lucero who said if it happened it will be stopped. She said she could not allow something to go on she
23 knew nothing about. Spear said as the administrator she should know what is going on in her jail.
24 Sandoval said she has a team that is responsible for several things and as past administrator he should
25 be aware of that. Spear said if those calls were made, there is not a DA or a judge or citizen in this
26 county who would tolerate the possibility of an inmate contacting witnesses, victims, or buddies who
27 might be instructed to visit victims or witnesses. He said he appreciated that if she heard about it and
28 stopped it that it has been stopped. He asked if she had any knowledge of any birthday cakes being
29 given to her inmates. Sandoval said she did not and asked for dates of when this happened. Spear said
30 he had a date on one but had heard there were three cakes allowed in the annex and one in the male
31 facility and said he would get with Pyle and give them to her later. He asked if she had ever allowed any
32 maximum inmates out of their cells to clean floors. Sandoval said in 2014, no. Spear asked what hotel
33 she stayed in at Reno recently. Sandoval said the conference was at the Peppermill Resort and that is
34 where she stayed. Spear asked if she rented a vehicle for \$500, and Sandoval said she did. Spear asked
35 if her hotel was the same place where the meetings were, why she needed a vehicle. Sandoval said they
36 toured the facility there and some other areas and went to eat other places besides the hotel. Spear
37 said in the month he has been a Commissioner he has made several trips to Santa Fe and has not rented
38 a car. Sandoval said they have done the same thing on a few of the other trips they have gone on.
39 Spear said they would have to address that. Spear commended her for wanting to send some of her
40 officers to Taser, defensive tactics, and OC training. However, with the shortage of personnel, he asked
41 if she had thought about asking the Sheriff or the Police Department about using already trained officers
42 for those training periods. Sandoval said they had utilized the Sheriff's Department in the past, but she
43 said she would like to give this certificate to her staff for them to feel ownership in part of their training,
44 recruitment, and retention of our people. Spear asked how she could afford to have her people gone all
45 the time, and Sandoval said they don't send them out at the same time. Spear asked if she had
46 discussed with the Sheriff's Department about transporting inmates for medical purposes. Sandoval
47 said they have agreed to keep the same agreement in place where we will handle medical and the
48 Sheriff's Department will handle court transports and DOC transports. Spear said he understood Sheriff
49 Waller had agreed if it was necessary, she could always ask him for help if they were short on people for
50 medical trips. Waller said that is the standing agreement and daily procedure but that is correct if they
51 need help with anything. Spear asked whether it was correct that if you have a shortage of staff and you
52 have a medical transport, in the past you have been using two Detention Officers to transport a single
53 inmate. Sandoval said if they have one inmate going to Albuquerque, they usually send two officers.

54 **5. Report of Fleet Accident Review Board Meeting on January 2, 2015**

55 Roberts reported on January 2, 2015, the Fleet Accident Review Board convened to review five accidents
56 that occurred in 2014. Two of the accidents were from the Road Department and three from the
57 Sheriff's Department. The first accident occurred on January 31, 2014, when a Sheriff's Department
58 employee backed into another vehicle. The Board determined the accident was preventable, and the
59 recommendation was all County employees should pay close attention when backing vehicles. The
60 second accident occurred on May 29, 2014, when a Sheriff's Department employee ran into another
61 vehicle in a parking lot while waving to a friend. The Board determined the accident was preventable,
62 and the recommendation was all County employees should pay close attention when driving in parking
63 lots. The third accident occurred on September 30, 2014, when a Road Department operator tipped
64 over a road grader while compacting dirt on the shoulder of a county road. The County has paid its

1 \$1,000 deductible, insurance has paid \$1,604.03, and we are waiting on one more invoice to finish
2 repairs to the grader. The Board determined the accident was unavoidable as the driver did everything
3 he could to keep the grader upright, and the recommendation was all County employees be aware of
4 their surroundings and be cautious at all times. The fourth accident occurred on October 15, 2014,
5 when a Sheriff's Department employee was run into when another vehicle was changing lanes. The
6 Board determined it was unavoidable, and the recommendation was all County employees be aware of
7 their surroundings and be cautious at all times. The fifth accident occurred on December 11, 2014,
8 when a Road Department operator was driving a tractor and pulling a shredder and pickup and a
9 hydraulic line on the shredder broke causing the front end of the shredder to drop to the ground and
10 the pickup rear-ended the shredder. Estimated repair on the pickup is \$4,638.64. The Board
11 determined the accident was unavoidable as the operator had inspected the equipment in the months
12 prior, and the recommendation was County employees continue to inspect equipment regularly.
13 Bostwick asked who determines when the Board meets, and Roberts said it usually meets once a year at
14 the end of the year when the accident reports are gathered up. Bostwick questioned the procedure
15 especially if disciplinary procedures are recommended. Doerr said the policy really is you are supposed
16 to do it within a short time frame after the accident occurs. He said these were all very minor in damage
17 and cost and there did not appear to be any liability to the County so there was no urgency to meet. He
18 said normally if there is serious damage, violation of law, citations issued, or the possibility of liability to
19 the County, the meeting is called. Bostwick asked at whose discretion the meetings were called. Doerr
20 said if his office is made aware by Pyle or someone else there has been this type of accident, the
21 meeting will be called. Bostwick asked how we know. Pyle said any time an accident occurs
22 administration is notified and Ashley handles filing the insurance claim. He said once the department
23 head notifies them and they get the information, they coordinate with Doerr's office and the committee
24 and schedule the meeting. Bostwick asked if any accident that involves County property, regardless of
25 damages, has to be reported, and Pyle said that is how it is supposed to be but doesn't always happen.
26 He said if it is something we are filing an insurance claim on, it has to be reported.

27 **6. Presentation of December 2014 Financials and Mid-Year Budget Review - Carol A. Pipes**
28 **Pipes**

29 Pipes said the financials for December 31 mark the completion of the first half of 2015. She said the
30 County's revenues, excluding the bond proceeds, exceeded expenditures by \$1.8 million for a net
31 increase in cash for the first month this fiscal year. She said expenditures continue to be under budget
32 for all departments. She reported a year-to-year comparison for the General Fund shows that receipts
33 are coming in about three percent behind last fiscal year. Our cash reserves in the General Fund are
34 sitting at 2.5 times the required three-twelfths, and the Road Fund reserves are sustaining at five times
35 the required one-twelfth minimum. The Road Fund exceeded budget in their receipts by a narrow
36 margin, but they are still under budget in disbursements for a net increase in cash of over \$300,000. In
37 the comparative report for the two years, disbursements are below FY14 and revenues are also coming
38 in less than FY14 by about \$45,000. Pipes said in the Fairgrounds and Events Center Fund expenses are
39 all above budget by 18.5 percent but are higher than last fiscal year due to the extensive roof repairs
40 this year. The rates of return on investments remain steady, and through the end of December the
41 combined accounts annualized rate of return is 3.4 percent. The monthly financials presented in the
42 past discussed only the General Fund, Road Fund, Fairground and Events Center Fund, and Other funds
43 which includes numerous grants. Pipes said at the end of December we received the bond proceeds
44 deposit of over \$14 million for construction projects which increased the total cash significantly and said
45 she will provide a separate statement page in the future to provide for that fund. Bostwick said we
46 hope the interest on that separate fund will be significant and asked if we can accumulate that into this
47 accounting so we will know what the fund is yielding, and Pipes said she would try to show that. Pyle
48 said Jolley presented the 2014 financials but said the approved budget for the Events Center was
49 \$366,844 and we actually came in at \$406,909, a difference of \$40,065. He said in the Events Center
50 management agreement there is a paragraph pertaining to an incentive fee which equals to 20 percent
51 of the gross revenue generated by the facility during the operating year in excess of \$510,000. He said
52 gross revenue for this calendar year of 2014 was \$633,074 which was in excess of \$123,074, and with a
53 20-percent incentive the County will be issuing a check to Global Spectrum for \$24,615 based on gross
54 revenue. Baca asked when we renew our contract with them. Pyle said Global Spectrum's contract
55 terms at the end of December and does not have another renewal under it so we will have to go out for
56 RFP for this contract. Baca asked if that incentive was typical, and Pyle said he did not know as Global
57 Spectrum was the first to manage the facility. Spear said he did not understand why there is an
58 incentive payment when there is a net loss. Pipes said for the mid-year review rather than using the
59 December 31 expense sheets, she ran the expense sheets through January 30 to have more up-to-date
60 information. She said we have 41.7 percent of the year left in the budget year, and there is 48.2 percent
61 of the budget unencumbered. She said each one of the funds is listed in the report with the percentage
62 of unencumbered. Pipes said we will be beginning the preliminary budget process the end of February
63 or the beginning of March. She will be attending mandatory training during the second Commission
64 meeting of each month from now through June. She said the State Procurement Office requires every

1 County who does its own purchasing must have a certified chief procurement officer certified by July 1,
2 2015. NMEdge program offers the training, and by July of this year she will be certified.

3 **VIII – ACTION ITEMS**

4 **1. Presentation and Approval of 2013/2014 Fiscal Year Audit Report - Jack Kirkland, CPA**
5 **and Carol Snider, CPA**

6 Snider presented the 2013/14 Audit Report as of June 30, 2014, which showed a clean report. She
7 reported the assets exceeded liabilities at the close of the fiscal year by \$53,581,279, and of that
8 amount \$9,824,666 was to be used to meet ongoing obligations to both citizens and creditors. At the
9 end of the fiscal year, our Governmental Funds showed an ending balance of \$14,225,287, which is an
10 increase over the prior year of \$1,091,066. She said approximately 42.5 percent of this total or
11 \$6,047,615 constitutes unassigned funds to be used at the County's discretion and approximately 54.7
12 percent or \$7,778,535 is committed to specific projects ongoing. Approximately 2.8 percent or
13 \$399,137 is non-spendable because they refer to it as prepaid for a specific purpose. Curry County's
14 total debt decreased by \$1,744,431 which is a net effect because there were some increases and some
15 decreases through the year. She said the key factors in the decrease were attributed to the total
16 principal payments on debt and on the gross revenue bonds and general obligation bonds of \$1,062,431.
17 She said this was their 12th year to do our audit and pursuant to the Audit Rule in New Mexico,
18 Accounting and Consulting must now step away. She thanked everyone for their cooperation. Bostwick
19 asked what her recommendation is for the departments that had write-ups and asked what the option is
20 for the Commission in these write-ups when they don't have oversight. Snider said when they find
21 issues they notify the manager and also discuss it with the departments to make sure they didn't miss
22 something else. She said they are looking at internal controls and want to make sure that is what we are
23 doing and that our internal processes found it and fixed it. She said normally by the time of the exit
24 conference, most of the issues have already been addressed and suggested the Commissioners follow
25 up on that and ask what has been done. Bostwick asked Pyle if we have a policy of follow-up and is that
26 follow-up to him or do we need to look at policy and have it presented to the Commission. Pyle said at
27 the bottom of each page there is a management response and said those internal controls have all been
28 implemented. He said we also do periodic internal controls audits. Snider said every year if they have
29 findings, in the following year's audit they ask to determine if the issue has been addressed. Baca asked
30 about the significant deficiency of cash to modified and full accrual conversions and asked if the issue is
31 because we don't have the right accounting system in place. Snider said the standards almost require a
32 CPA on staff to produce the financials. She said the reason for this finding was the personnel change
33 and said Pipes is doing an excellent job but all she needs to learn is cash basis. She said they want to
34 know our finance person is experienced enough to be able to catch a mistake if the auditors make a
35 mistake and that because of Pipes' inexperience at this point she is not. She said this finding is in the
36 majority of their audit reports. Baca asked if all the recommendations have been implemented, and
37 Pyle said the recommendations are trainings Pipes will be going to between now and June. He said they
38 could contract with a CPA firm but Snider has advised that is a waste of taxpayer dollars. Snider said you
39 would be hiring a firm to have a CPA put the report together and then hire another firm to audit the
40 same set of numbers. Baca asked if the grant revenues being recorded into the wrong fund had been
41 addressed, and Pyle said it had. Baca asked about the capital expenditures improperly recorded as
42 repairs and maintenance, and Snider said that was not uncommon. She said we are just recording
43 things as income coming in and expenses going out and that it is a learning process. She said with
44 turnover in personnel it is a lack of understanding of the capitalization threshold. Pyle said this is a
45 continuous challenge because the budget has been set and the department head does not have the
46 funds in a line item and will try to charge it off to another line item rather than requesting a line item
47 transfer. He said finance tries to catch those but it goes back to the department heads to verify the line
48 items and get the line items transferred if they don't have the funds before they expend them. Baca
49 asked about the recommendation for PERA that the County should implement internal controls and
50 whether that should be an outside person. Snider said we have a payroll clerk who does the process in
51 front of a computer screen. She said they initiate an initial deposit that the bank will send to the federal
52 clearing house. She said after they initiate the amount, it goes to a secondary page that asks them to
53 confirm the amount, and then they go to a third page and then remit it. The policy is they print out all of
54 the pages to show they went through that process, but what they found was on one deposit the decimal
55 point was missed and because the supervisor wasn't looking at it before she confirmed the payment, it
56 went out and the Treasurer's Office caught the mistake. The recommendation was that on the second
57 screen someone else should be there, and Snider stated she understood that had already been
58 implemented. Baca asked if the Fairgrounds needed to be audited. Pyle said that was agreed upon
59 procedure and said we have not done calendar year 2014 but said sometime in March they will ask the
60 Commission to approve a contract for agreed upon procedure for 2014 for the Events Center. He said
61 each month we send the Events Center the operating account funds and Global Spectrum pays all the
62 checks, invoices, and signs all the contracts. They put the funds in a separate bank account in the Bank
63 of Clovis, and the funds never mix with other County funds managed by the Treasurer's Office. Spear

1 asked if they looked at contracts during the audit. Snider said they look at some for compliance issues
2 but said their audit is financial in nature but the State Auditor asks them to look at specific things. She
3 said they look at grants particularly and look at bond covenants if they think there is a problem but said
4 they cannot look at every contract unless something is brought to their attention. She said they
5 stipulate they will not render legal advice or a legal opinion. Spear asked if she had looked at the
6 consultation contract for Matt Murray. Snider said she had and said she had questions about it and
7 discussed it with her supervisor and managing partner. She said they looked up statutes on it and made
8 an inquiry to Doerr and wanted to make sure the County had done their due diligence. She said she
9 received a letter from Doerr stating some different statutes and said she asked the State Auditor to look
10 at their inquiry and Doerr's letter. She said the State Auditor's response was that the County Attorney
11 had done his due diligence and his letter seemed to address the issues they had, to include it in their
12 support, and move on. Spear asked if that was in this report, and Snider said that was just in their
13 information because they didn't find anything they could do and went on with the financial audit. She
14 said if there was something else she didn't know, she would like to know but all she can do is what she
15 can do. She said they were looking for abuse and they sent it to the State Auditor to see what his
16 response would be. Spear asked for a copy of that communication and Snider agreed to get it to him.
17 **Motion to accept the 2013/2014 financial audit.**

18	RESULT:	APPROVED BY VERBAL VOTE [UNANIMOUS]
19	MOTION:	Wendell E. Bostwick, Commissioner
20	SECOND:	Angelina Baca, Commissioner
21	AYES:	Bostwick, McDaniel, Ashley, Spear, Baca

22 **2. Discussion and/or Action on Consulting Services Agreement with Matt Murray -**
23 **Wendell Bostwick**

24 Bostwick said he put this item on with the contract, the statute, and the AG's opinion for public
25 information because a lot of people were asking questions. He asked for no action.

26 **3. Discussion and Request Action on Optional Land Use Insurance Coverage - Lance A.**
27 **Pyle**

28 Pyle said at the request of Commissioner Bostwick he had been asked to look into additional coverage
29 on land use. He read from Endorsement 3, Limited coverage for Land Use Matters: "It is hereby agreed
30 and understood this agreement does not provide coverage for any liability arising out of the principles of
31 eminent domain, condemnation proceedings or claims, inverse condemnation or claims, and regulatory
32 taking by whatever name called, land use actions, zoning, rezoning or failure to zone, whether that
33 liability accrues directly against the member or by virtue of any agreement entered into, by or on behalf
34 of the member. Claims alleging civil rights violations arising out of any of the listed proceedings are also
35 excluded. However a defense will be provided, up to a maximum set forth below per named member
36 for claims in inverse condemnation, land use actions, zoning, rezoning or failure to zone. The sub-
37 limited amount applies to defense costs of the County only and cannot be applied to pay a settlement,
38 plaintiff's costs, or legal fees." He said there are currently ten counties who have taken this
39 endorsement and the majority of them have taken the \$20,000 that would cost \$4,000. He said he
40 asked NM County Insurance Authority for more information and was told the majority of counties who
41 have taken Endorsement 3 have zoning but said they recommend any county take it because of the low
42 cost. He said they need a response by February 10. McDaniel asked if we have had this before, and Pyle
43 said we have not. Bostwick said this is basically legal expenses going forward and said he hopes we
44 don't get into legal expenses on this land use policy. He said they have seen cases come through the
45 multi-line pool board and said that is a very minimal amount but thought this might be a good thing to
46 look at this year. Baca asked if this is \$4,000 per year. Pyle said it is based on \$20,000 coverage. Spear
47 asked Doerr if he had reviewed the policies, and Doerr said he had and thought this was not a lot to
48 have this additional coverage and might come in handy. McDaniel asked if this is per occurrence or
49 yearly. Pyle said it is based on per occurrence and it will come back up for renewal in January of 2016.
50 McDaniel asked if there is a maximum cap on coverage total for a year, and Bostwick said it was
51 \$40,000. Doerr said there are four different proposals of different types of coverage and the cap Pyle
52 presented is for \$40,000 cap per year or \$20,000 per occurrence. Bostwick said you could have ten
53 \$4,000 claims. McDaniel asked Krattiger if he had any thoughts. Krattiger said he didn't think that was a
54 lot of coverage for \$4,000 in premium and said that was one of the highest rates he had seen and
55 recommended to self-insure if that is all the insurance you are going to get. Spear said the coverage
56 provides defense costs only for claims in inverse condemnations, land use actions, zoning, rezoning, or
57 failure to zone. He said the only issue we would be looking at would be land use issues and we are not
58 looking at that yet. Bostwick said there are some things floating through the legislature and when we
59 buy our policies on an annual basis, if we don't buy it now, we won't buy it again until next year. He said
60 if legislation comes out, it could be effective in June where we may have some exposure after the
61 legislature and he does not want to be six months exposed without coverage. Krattiger said if you don't
62 have insurance you are self-insured and you pay for your own legal defense. Doerr said for clarification
63 the \$40,000 is a \$6,000 premium. He said according to his information, 20/40 is for \$6,000 per year.

64 **Motion to approve.**

RESULT: FAILED DUE TO NO SECOND

4. Discussion and Request Approval of Agreement with Dyron Murphy Architects, P.C., for Courthouse Conceptual Designs and Cost Estimates - Stephen Doerr and Lance A. Pyle

Pyle pointed out a few points from the contract with Dyron Murphy Architects. He read the third Whereas, "Curry County is interested in obtaining various conceptual plans on how to best utilize the Curry County Courthouse at 7th and Main Street in downtown Clovis for judicial offices and Curry County Sheriff's Offices after the Curry County Administrative entities vacate the premises and relocate at 417 Gidding." He read Paragraph 1, Scope of Services, "Architect shall provide County with a set of conceptual plans regarding future development and renovation of the Curry County Courthouse at 7th and Main Street, Clovis, New Mexico, for the purposes of a judicial complex which will also house the Curry County Sheriff's Office. Architect understands that the proposal will be presented to the Curry County Board of Commissioners but must include input and address concerns from the Curry County Sheriff's Office and the District Court Judges in the Ninth Judicial District Court for Curry County, as well as the public. At the present time, the Curry County District Court needs four fully functional courtrooms to properly serve the needs of the citizens of Clovis and Curry County. Architect, in developing the conceptual plans, must work with and consider the needs of the judiciary, the needs of the community, the confines and constraints of dealing with the existing Curry County Courthouse structure, which is a historic monument, the safety, security, parking, access by the public, and need for future flexibility. Architect will also consider and include the movement of inmates in and out of the courthouse facility without direct contact with the public, witnesses at the courthouse, jurors or potential jurors, victims, families, and the general public. Architect agrees that public input is required under this agreement and agrees that it shall provide the following services to County." Pyle stated the agreement listed paragraphs A-E in the requirements and read Paragraph B. "Architect shall receive input from the public by having onsite meetings, workshops, and building assessments to be accomplished by multiple public meetings, as well as meetings with the Curry County BOC, the District Court Judges, and others that may be recommended by either the County or the District Court Judges. This will include looking at various different options, considering various plans, and providing a preliminary cost estimate for the same." He read Paragraph D, "Prepare three separate conceptual plans which shall include general overall conceptual development of the courthouse addressing the needs of the Curry County Sheriff's Office, the Curry County District Judges, and courthouse security. This plan, or plans, will include cost estimates for the same, and printouts and video materials that can be viewed and presented to various stakeholders at meetings, for each of the three conceptual plans." Pyle stated the total compensation of the contract is \$42,858.85 and the term, if approved, shall be effective upon signing and shall be completed no later than May 1, 2015. Baca asked if it would be appropriate to consider amending the contract to add the juvenile facility and law library at this time. Pyle said that would be their decision and that he had not visited with the firm regarding their experience with juvenile facilities. Baca said she understood they had done juvenile detention and said she is looking at it from the perspective of moving juveniles into the library and moving the special needs inmates into the juvenile facility. She said since the juvenile is separated from the courthouse by a breezeway, it would be appropriate to consider that. Bostwick said he sees this as all inclusive and there are many options to look at. He said the challenge is how to look at all of it when we are looking at a piece at a time. Baca said since we have a designer here that is looking at the courthouse, maybe we need to modify this to include those two items and then we can approve going forward with the courthouse keeping in mind we might amend this to include those other areas. She said they are the experts and in our brainstorming, they can understand our needs, our wish list, and our budget and then tell us what they can or cannot do. Doerr said they have been asked to look at concepts with regard to the courthouse and the courtrooms and said he did not know if they had been contacted regarding specialized training or detention matters. He said the County has paid for and obtained conceptual plans in the past, but he said before spending any other money on the juvenile or library they should let these gentlemen come back and tell you if this is feasible. He said they may look into it and discover that trying to get four courtrooms in the building while working with the historic preservation guidelines may not work. He said if they do discover they can utilize the space, you can decide if you want to add more to it or what you want to do or how it fits in with detention. Bostwick asked when they are looking at courthouse facilities if they normally have safe holding for inmates on trial, and Suvarna said they do. Spear said he was in favor of getting input from the public and asked if that would be before they begin the drawings and was told it would be. Spear said his concern is they are spending tax dollars and need a practical design providing only the room necessary for our needs and not a Taj Mahal as we are not a rich community. Murphy said in their work with Native American tribes they are accustomed to working with limited budgets and said their goal is to create safe and functional buildings, especially where the public is involved. He said they are also concerned with security. He said they have the knowledge and expertise to work within the budget and to give options as to how to make the existing facility work. Spear said the district judges, the court executive officer, the sheriff, and any other entities that are going to be staying in the courthouse must be involved in the planning from the

1 beginning. He said we don't have a plan but we are working on it. He said he would like to see a
2 committee formed with these people as well as some citizens with expertise and maybe bring in an
3 expert in courtrooms. He said if we are spending the taxpayers' money, he wants them to know why we
4 are doing it and that it is necessary. He said we as the Board have to make a plan so the public and
5 taxpayers know what we are doing, why we are doing it, and what it is going to cost and it is a necessity.

6 **Motion to approve.**

7	RESULT:	APPROVED BY VERBAL VOTE [4 TO 0]
8	MOTION:	Wendell E. Bostwick, Commissioner
9	SECOND:	Ben McDaniel, Chairman
10	AYES:	Wendell E. Bostwick, Ben McDaniel, Chet Spear, Angelina Baca
11	ABSTAIN:	Tim L. Ashley

12 **5. Discussion and Action on Legal Services Agreement with Karen Budd-Falen for**
13 **Presentation for Four (4) Public Meetings on Comprehensive Land Use Plans - Lance A.**
14 **Pyle**

15 Pyle said they reached out to Karen Budd-Falen to see if she was interested in participating in four public
16 meetings and read from the contract with her firm. He read, "As a senior level attorney of this firm, my
17 hourly fee is \$280. I agree that this fee is for the actual time spent in each meeting, not travel time." He
18 further read, "For this fee, I have agreed to participate in four public meetings in Curry County, New
19 Mexico. It is anticipated that for each meeting I will make a one-hour presentation and respond to
20 approximately one hour of questions from the audience on issues and concerns regarding
21 comprehensive land use plans and the challenges and opportunities of local governments that do not
22 have local land use plans. Those public meetings are set forth below: Monday, March 9, 2015, at 2 p.m.
23 in the Village of Grady," Senior Center; "Monday, March 9, 2015, at 6 p.m. in the City of Clovis," North
24 Annex; "Tuesday, March 10, 2015, at 10 a.m. in the City of Texico," fire station; and "Tuesday, March 10,
25 at 2 p.m. in the Village of Melrose," Senior Center. Pyle stated in addition to attorneys' fees, the County
26 will be billed for costs incurred by the firm on our behalf including long distance phone charges, copying
27 costs, fax, postage, filing fees, and other costs. **Motion to approve.** Bostwick said he had presented a
28 letter from Farmer's Electric Coop concerning the challenges and asked Pyle to get some posters out in
29 the community and have advertisement in the paper so everyone knows these meetings are going on.
30 He said Farmer's Electric and Farm Bureau were going to notify people in their newsletters. He said if
31 we are going to do this, everyone has to know what the benefits and the challenges are and said he
32 believes people make good decisions with good information. He said he would like concurrence to have
33 Pyle go ahead with the advertisement. Doerr said that is part of Pyle's standard duties to follow up on
34 the Commission's wishes and it doesn't need to be specified. Doerr asked whether it would be
35 beneficial to have minutes taken of the meetings. Bostwick said he thought it would be appropriate to
36 at least have a recording but did not know if we wanted to print them out. Pyle said if the ultimate goal
37 is to proceed with a comprehensive land use plan, we will have to issue an RFP for that and minutes
38 would help to get direction of what we include. Bostwick asked if we could have them recorded and not
39 have the time and expense to type them up. Spear asked if we would have a quorum at the meetings.
40 Pyle said with them being public meetings, we will advertise so if we do have a quorum, everything will
41 be good.

42	RESULT:	APPROVED BY VERBAL VOTE [UNANIMOUS]
43	MOTION:	Wendell E. Bostwick, Commissioner
44	SECOND:	Ben McDaniel, Chairman
45	AYES:	Bostwick, McDaniel, Ashley, Spear, Baca

46 **6. Discussion and Direction for Lobbyist on Capital Outlay Priorities and Legislative**
47 **Session Bills - Lance A. Pyle**

48 Chairman McDaniel said Harden needs some direction on how to proceed. Harden said he was trying to
49 take our priorities and the priorities of the Association of Counties and put them into what is going on as
50 it relates to bills. He said SB 117 dealing with the issue of the Safety Net Care Pool is the first bill of
51 those priorities to have a committee hearing and will be heard in Senate Public Affairs Friday the 6th
52 extend the sunset. He said the other bills are not scheduled to be heard yet. He said the speed limit bill
53 passed with only one dissenting vote and it moves on to its next hurdle. He said of this list of bills there
54 is only one that has a hearing but said the dates for the public hearings can drop quickly. He said he
55 meets daily and the first thing he looks at is bills that put money in the coffers and then he looks for bills
56 that take money out of the coffers. After that he looks at public policy bills that make citizens feel good.
57 He said those are the situations he needs a way when there are amendments on bills that are important
58 to us that will change the scope to find out what we want him to do. He said at this point he talks to
59 Pyle about it. Bostwick asked if we could have an email line that would be open when Harden sends the
60 message to Pyle and he forwards on to them and they respond and it would be public to be shared with
61 everyone. Doerr said no, they cannot, and said the best way is to send it to Pyle and he can forward it
62 on and ask if there are any problems and they can individually respond back if they have any problems
63 and Pyle can respond back but no discussion among the Commissioners. He said all you would be doing

1 is pointing out potential problems to the manager and it is entirely up to the manager on how to
2 proceed. Spear said that would be a direct communication without CC to the other Communication.
3 Doerr said that is exactly correct, just individual responses back to Pyle. Harden said that works for him
4 and said there won't be that many times where the County may be at odds with the Association of
5 Counties. Spear said he is comfortable letting him use his common sense as to what affects us and what
6 doesn't. Harden said he was comfortable doing that with the help of the manager. He said they have
7 dropped all the capital outlay projects and said the County has asked for a large number. He said it is
8 still uncertain how much will be available but in the past we have had three senators who get the largest
9 amount of money so this year it won't be as much since we only have two. He recommended that we
10 focus on our roads. He said Crowder has only Curry County but the others have to spread their money
11 out with other counties. He said he is hopeful that we will get at least as much as we did last year. He
12 said he is working diligently to get in front of the governor a capital outlay request for the Events Center
13 and said he has found a couple of ways to do that. He said Bostwick has been as successful as anyone in
14 Santa Fe getting in front of Keith Gardner in the governor's office. Harden said the prairie chicken bill
15 has not dropped and is in a discussion draft. Bostwick said that bill is one that says US Fish & Wildlife
16 has no jurisdiction on non-migratory birds and they can't regulate it. Harden said there are two bills, SB
17 382 Providing Civil Enforcement on County Ordinances and a similar bill, SB 61, and asked whether they
18 wanted the criminal or the civil. Doerr said one increases the criminal penalties and the other allows
19 you to impose civil if you hire a county-wide hearing officer to handle all the civil penalties. Harden
20 asked if he should stand up for these bills on our behalf. Pyle said the Commission needs to weigh in on
21 those. Harden summarized SB 382 and said the key is allowing for an independent administrative
22 hearing officer which is new. Doerr said at this time the County only has the opportunity to enforce
23 criminal penalties so this throws in civil penalties if you have the hearing officer. He said if you impose
24 an ordinance that allows civil penalties in addition to criminal, you have a hearing officer. Harden said it
25 would allow you to retain a hearing officer and provides no more than \$50 per day for each violation or
26 a maximum total penalty of \$500. Bostwick said if we don't do it, the availability is there and it doesn't
27 mean we have to use it. He said the larger counties probably already have the hearing officers and he
28 suspects it will pass. Harden said he suspects that at someplace in a committee the sponsors will be
29 asked to come together and see if they can't put something together that works and said he looks for
30 that to be a judiciary substitute. Bostwick asked what the downfall if we don't do anything, and Harden
31 said it is just a matter of how aggressive you want to be in supporting the bills. He said it appears that
32 maybe it has some advantages in planning and zoning. He said the land use planning memorial they are
33 following has generated another bill dropped by Representative Herrell to put in statute some of the
34 discussion in the memorial. He said SB 277 is a bill introduced by Senator Stewart and changes the
35 name of master plan to comprehensive plan. Doerr said the only section that applies to counties is it
36 creates a Planning Commission in the County. He said it allows the Commission to create a Planning
37 Commission that can adopt by resolution and carry out a comprehensive plan. He said it allows them to
38 create a five-person administrative agency that would handle that and sets forth their duties. Bostwick
39 said if we choose not to enact, we don't have to. Doerr said it allows for that in the future should you
40 want to do something and right now the cities have that but this adds that the County would have the
41 same rights. Bostwick said he thinks we should support it because as the county grows, we might need
42 people more tuned in to the realities but still have the final say. Harden said one provision is that it
43 requires review and update of a comprehensive plan at least once every five years, and Bostwick said we
44 are doing that anyway. Pyle said if everyone is agreeable, he will inform the Association of Counties that
45 Curry County supports the bill. Harden said there had been 927 bills introduced to date. Bostwick asked
46 when the last day for new legislation is, and Harden said he thought it was February 16. Bostwick gave a
47 synopsis of the SB 253, the coyote bill. He said he testified about our agreements with NM Game & Fish
48 where if we have a coyote problem, they can go out in a helicopter or airplane and shoot them, and he
49 said the cost is significant. He said they only have the coyote hunting contests if there is an
50 overpopulation problem and said he would like to see us oppose that legislation. Spear said he
51 sympathized with the landowner in the rural areas who lose cattle and asked if there were any good
52 uses for our communities to having coyotes around. Harden said he has no problems advocating
53 passionately against this bill. He said Grady has one of these contests every year that raises
54 considerable sums of money for their athletics programs. Ashley asked if there was any movement on
55 the occupancy tax, and Harden said he could not find a sponsor for it and said one of the options would
56 be supported by the counties and the Municipal League would come unglued. Ashley said he did not
57 understand why the Municipal League would have an issue with an occupancy tax because that doesn't
58 take anything from them but just gives counties an opportunity to support event centers or other
59 quality of life issues. Harden said they have said that is an increase in the cost to come to NM and stay
60 in the rooms and they are opposed. Bostwick said there has been some talk to amend the tax structure
61 in NM. Harden said they are watching a bill that has been introduced by Senator Sharer that is a flat tax
62 concept and maintains a flat tax will generate billions more than what we are currently collecting. He
63 said there is lots of discussion on taxes and said the 19th is the last day for introduction of legislation
64 and he is still looking at a way to introduce it. Pyle requested Items 14 and 15 be moved and heard

1 now as Ms. Wilbanks has other meetings and people are waiting on her.

2 **7. Discussion and Request Approval of Resolution #2015-08 Adoption of Required**
3 **Community Development Block Grant Policies and Certifications - Jena Wilbanks**

4 Wilbanks said Resolution 2015-08 is the adoption of the required CDBG policies and certifications. She
5 said in 2014 this was submitted as separate resolutions but this year they changed the formatting. In
6 order to be compliant with federal guidelines they must adopt these required guidelines and
7 certifications which include the Citizen Participation Plan, the Fair Housing Resolution or Proclamation,
8 the Residential Anti-Displacement and Relocation Assistance Plan, and the Procurement Code. **Motion**
9 **to adopt Resolution 2015-08.**

10	RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
11	MOTION:	Wendell E. Bostwick, Commissioner
12	SECOND:	Chet Spear, Commissioner
13	AYES:	Bostwick, McDaniel, Ashley, Spear, Baca

14 **8. Discussion and Request Approval of Resolution #2015-09 Adoption of Floodplain**
15 **Management Plan - Jena Wilbanks**

16 Wilbanks said Resolution 2015-09 is the Adoption of Floodplain Management Plan and is required to
17 keep us in compliance with federal guidelines and certifies that we are current with our floodplain
18 management plan and that our plans are current with FEMA. She said this has been verified with the
19 Assessor's Office. **Motion to adopt Resolution 2015-09.**

20	RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
21	MOTION:	Wendell E. Bostwick, Commissioner
22	SECOND:	Chet Spear, Commissioner
23	AYES:	Bostwick, McDaniel, Ashley, Spear, Baca

24 **9. Discussion and Request Approval of BID 2014/2015-04 Summary and Evaluation of**
25 **Sale of Caterpillar Equipment And to Proceed With Contract Negotiations with Wagner**
26 **Equipment to Sell Two (2) Only of the Motor Graders Offered - Carol A. Pipes**

27 Pipes said we went out to bid to sell a total of up to five of the Caterpillar equipment on January 27 and
28 said Wagner Equipment offered the highest price for those. She said it was the recommendation of the
29 Road Committee to sell two of the machines to Wagner and requested approval to enter into a contract
30 with Wagner for the sale. **Motion to approve.**

31	RESULT:	APPROVED BY VERBAL VOTE [UNANIMOUS]
32	MOTION:	Wendell E. Bostwick, Commissioner
33	SECOND:	Chet Spear, Commissioner
34	AYES:	Bostwick, McDaniel, Ashley, Spear, Baca

35 **10. Discussion and Request Approval to Pay Off the Remaining Balance From General**
36 **Fund the Estimated Amount of Three Hundred Twenty-Six Thousand Three Hundred**
37 **Eighteen Dollars (\$326,318) of the Loan With New Mexico Finance Authority for the Six**
38 **(6) Motor Graders Following the Sale of Two (2) Motor Graders to Wagner Equipment For**
39 **Two Hundred Thirty-Two Thousand Dollars (\$232,000) - Carol A. Pipes**

40 Pipes said the Road Committee recommended the County pay off the note for six motor graders. The
41 original amount was \$799,547, and the approximate payoff as of January 30 was \$558,318.66. With the
42 sale of the two motor graders, it would leave an approximate amount to come from the General Fund of
43 \$326,318. She said she will have to do an official request for the payoff to get the exact number.
44 **Motion to approve.** Bostwick said there were some consequences for keeping the budget balanced
45 by just paying off two of them so they are paying off all of them. He said we are not getting much on
46 the interest and those did have interest factors.

47	RESULT:	APPROVED BY VERBAL VOTE [UNANIMOUS]
48	MOTION:	Wendell E. Bostwick, Commissioner
49	SECOND:	Chet Spear, Commissioner
50	AYES:	Bostwick, McDaniel, Ashley, Spear, Baca

51 **11. Discussion and Request Approval for the Road Department to Enter a Sixty (60)**
52 **Month Lease Agreement for Two (2) Caterpillar Model 140M3 AWD Motor Graders at a**
53 **Monthly Cost of Two Thousand Five Hundred Ninety-One Dollars and Fifty-Nine Cents**
54 **(\$2,591.59) Per Each Motor Grader Equipment - Carol A. Pipes**
55 **Motion to approve.**

56	RESULT:	APPROVED BY VERBAL VOTE [UNANIMOUS]
57	MOTION:	Wendell E. Bostwick, Commissioner
58	SECOND:	Angelina Baca, Commissioner
59	AYES:	Bostwick, McDaniel, Ashley, Spear, Baca

60 **12. Discussion and Request Approval of Road Advisory Committee's Recommendation**
61 **to Lease Two (2) Additional Motor Graders According to the Specifications of the Two (2)**
62 **Caterpillar Lease Contracts Up For Approval on Today Agenda - Carol A. Pipes**
63 **Motion to approve.** Pyle asked if the money is in the current fiscal year budget or if it will have to be

1 transferred in. Corbin said it will have to be transferred, but he said he hoped to use the money we paid
2 off the six with and then the monthly payments that are made can be added to the monthly payments
3 we already have. Pyle said we are paying off the six from General Fund dollars leaving that money for
4 the payments in the Road Department and they will use it to pay for the lease. Corbin said the
5 payments they are making for the six now he will continue to use for the four they are leasing.
6 McDaniel said as long as we have the money covered because with the big projects and expenditures we
7 have coming, up we don't want to be in a financial bind. Bostwick said we just approved \$232,000 to
8 come out of General Fund to pay off the lease on the others and we were making monthly payments on
9 that lease. He said that money will still be in the budget to cover the lease on these four we are buying.
10 He said there may be a little difference in money but it should be a minimal amount, if any, that we have
11 to come back for general appropriations outside of budget. Pyle said the agreement says maximum
12 annual hours/mileage per year of 1,200 and asked if all of our current use per year is under those hours.
13 Corbin said it is and said what we have used in the past has been 6,000 hours for the term. He
14 introduced Kendall Terry with Wagner Equipment. Terry said the two we are selling are 2007 models
15 and the maximum hours on the two we are selling is 5,000 hours. He said if you divide the 5,000 by
16 eight years, you put less than 1,000 per year on them so the 1,200 hours is well within our use. He said
17 the reason we want to go 6, 5, 6 is we have a buffer in case we have to do some extra work throughout
18 the year, you could go up to 1,300 hours on one or two of them and have an average. He said 1,200
19 hours was plenty per year for a total of 6,000 for five years. Pyle asked what the \$300 per blade on the
20 documentation fee is, and Terry said that will be waived. Pyle said last year around this time the County
21 lease/purchased blades from John Deere and said this is \$9,147 more a year per blade and asked what
22 the difference in John Deere and Caterpillar is. Terry said the John Deeres we accepted last year were
23 772Gs and are not fully electric over hydraulic functional motor graders where the Caterpillar 140M3 is.
24 He said the Caterpillar has a joystick and it is proven that it is a 78-percent reduction in operator fatigue
25 versus using a steering wheel. Secondly, he said the Caterpillar is a tier four final due to new EPA
26 regulations and last year it was a tier four interim engine. Bostwick asked if the blades have to have
27 depth in them, and Terry said they do. Bostwick said these are coming off of government procurement
28 bid, and Terry said it is the City of Clovis' piggyback option and has all been approved. Ashley asked if
29 the Advisory Committee did an analysis of the difference of leasing versus borrowing through the
30 Finance Authority. Baca asked if this is a lease to own, and McDaniel said it is a straight lease. Bostwick
31 said we have blades that are seven-plus years old and they have a real high trade-in value as long as
32 there is warranty left under them. He said we are four blades away from being on a plan where every
33 three years we can rotate our blades and keep our equipment up without being too depreciated so they
34 can be traded in while they still have warranty. He said we hope to have less downtime and more
35 efficiency of equipment. McDaniel said since the diesel engines will all now have the additive, he asked
36 if that is something that is an overall problem as far as engines not lasting as long. Terry said actually by
37 going to tier four final there is a significant savings of fuel cost because it is more efficient. He said next
38 year it will be a good analysis to do on fuel savings. He said these will all have Product Link which is a
39 satellite GPS receiver on top of the motor grader cab that will show fuel burn on an hourly basis and will
40 also record any violations an operator does. McDaniel asked if the DEF additive was a high expense on
41 large equipment yearly, and Terry said it was real minimal. Ashley asked if we know the difference of
42 what the end cost of the lease is versus borrowing the money through the Finance Authority. Bostwick
43 said the lease has a comparable interest rate versus the Finance Authority and said the lease brings
44 other benefits of buy-back that the Finance Authority doesn't have. He said the Finance Authority has a
45 penalty for paying the blades off early. Terry said it is \$170,940 guaranteed buy-back at five years if the
46 motor graders have less than 6,000.

RESULT:	APPROVED BY VERBAL VOTE [UNANIMOUS]
MOTION:	Chet Spear, Commissioner
SECOND:	Wendell E. Bostwick, Commissioner
AYES:	Bostwick, McDaniel, Ashley, Spear, Baca

51 **13. Discussion and Request Approval of Sale, Salvage or Disposal of County Assets -**
52 **Carol A. Pipes**

53 Pipes said she had a list of 15 items for disposal. She said there is a 2007 Dodge Charger from the
54 Sheriff's Department with 147,800 miles that has engine issues and they want to put it out for auction.
55 She said we also have an F-150 Ford truck we got in 2003 that was transferred to the Events Center and
56 they are no longer using and we want to auction it. The third significant item is an IBM 6400 printer that
57 is beyond repair and the cost to fix it is beyond its value. She said the other items on the list are things
58 that should not have been listed on the fixed asset list as they were under \$5,000 in value but said we
59 need to remove them and requested approval. **Motion to approve.**

1 **RESULT: APPROVED BY VERBAL VOTE [UNANIMOUS]**
2 **MOTION:** Ben McDaniel, Chairman
3 **SECOND:** Angelina Baca, Commissioner
4 **AYES:** Bostwick, McDaniel, Ashley, Spear, Baca

5 **14. Discussion and Request Approval of Resolution 2015-06 Certifying 1,356.974935**
6 **Miles of Roads Maintained by Curry County as of February 5, 2015 - David Corbin**

7 Corbin said every year we have a certification for NMDOT reflecting any of the upgrades we have made
8 on roads and requested approval to certify 1,356.974935 miles of road. **Motion to approve**
9 **Resolution 2015-06.** Bostwick asked of the 1,357 miles, what the total chip seal and blacktop is.
10 Corbin said there are approximately 33 miles of asphalt, 161 miles of chip seal, 286 miles of caliche, and
11 875 miles of dirt.

12 **RESULT: APPROVED BY ROLL CALL VOTE [UNANIMOUS]**
13 **MOTION:** Wendell E. Bostwick, Commissioner
14 **SECOND:** Ben McDaniel, Chairman
15 **AYES:** Bostwick, McDaniel, Ashley, Spear, Baca

16 **15. Discussion and Request Approval of Resolution No. 2015-07 to Authorize Curry**
17 **County to Submit an Application to the Department of Finance and Administration, Local**
18 **Government Division to Participate in the Local DWI Grant and Distribution Program for**
19 **the Estimated Amount of \$301,836.43 for the Period of July 1, 2015, to June 30, 2016 -**
20 **Deanna K. Bouillon**

21 Bouillon said the resolution authorizes the County to submit an application to the Department of
22 Finance and Administration, Local Government Division. She said they are going to be funding eight
23 components: coordination and planning, prevention, alternative sentencing, treatment, enforcement,
24 compliance, screening, and domestic violence. The estimated DWI distribution amount for FY 2016 will
25 be \$264,106.87. She said this year they are authorized to apply for an additional \$37,730 from HB 16
26 that was passed last legislative session and would be used to evaluate three programs, prevention,
27 compliance monitoring, and treatment. They do not have an exact grant amount from the DWI Grant
28 Council, but she said they can still apply into the competitive grant funding. Bouillon said the actual
29 distribution amount is set by formula and varies plus or minus from the estimate provided and said each
30 quarter they receive a distribution amount on September 10, December 10, March 10, and June 10.
31 There is a ten-percent in-kind match of the grant allocation and a ten-percent match of the distribution
32 allocation and capital outlay is limited to ten percent of the total budget. She said they collect fees as
33 part of the DWI program that are reported as in-kind and spent concurrently with grant and distribution
34 funds. The grant will be due in Santa Fe on March 6, 2015. **Motion to approve Resolution 2015-**
35 **07.** Bostwick said these funds come from an excise funds on beer, wine, and liquor and they are
36 redistributed back to the State. The State takes approximately 50 percent and then distributes the
37 funds.

38 **RESULT: APPROVED BY ROLL CALL VOTE [UNANIMOUS]**
39 **MOTION:** Wendell E. Bostwick, Commissioner
40 **SECOND:** Chet Spear, Commissioner
41 **AYES:** Wendell E. Bostwick, Ben McDaniel, Chet Spear, Angelina Baca
42 **ABSENT:** Tim L. Ashley

43 **16. Appointment of Board of Registration - Rosalie Riley**

44 Riley stated the State of New Mexico requires you to make an appointment of the Board of Registration
45 for correctly purging voters according to 1-4-34 NMSA 1978. She said after tabulating the votes from
46 the Commissioners, the Board of Registration members would be Carolyn Spence, Pamela Sweet, and
47 Ben Salazar, and the alternates would be Charles Adams and Robin Montano and requested approval.
48 **Motion to approve the appointments.**

49 **RESULT: APPROVED BY VERBAL VOTE [UNANIMOUS]**
50 **MOTION:** Wendell E. Bostwick, Commissioner
51 **SECOND:** Chet Spear, Commissioner
52 **AYES:** Bostwick, McDaniel, Ashley, Spear, Baca

53 **IX – COUNTY COMMISSIONER'S REPORTS**

54 **Ben McDaniel:**

55 McDaniel attended the Hospital Board meeting, Healthy Kids, and went to Santa Fe.

56 **Chet Spear:**

57 Spear attended the Source Water Protection Plan Committee, Commission for Older Adults meeting,
58 and a DWI Task Force Committee meeting.

59 **Angelina Baca:**

60 Baca was unable to attend the Library Committee meeting due to personal commitments. She attended
61 the Legislative Conference in Santa Fe. During the conference she attended meetings regarding jail
62 liability and a meeting regarding water rights being sold as a commodity in Catron County.

1 **Wendell Bostwick:**

2 Bostwick attended a housing update meeting, attended the NMAC Conference, attended a multi-line
3 pool board meeting, participated in a NMAC executive conference call, attended the legislative dinner,
4 went to the Land Commissioner's Office, and went to the Ute Water Authority meeting. The Ute Lake is
5 11 feet below spillway or 72 percent below capacity. They did a study to show what would happen if
6 the pipeline doesn't come to fruition and the gross domestic product in Curry and Roosevelt is \$2.85
7 billion, representing about 34,000 jobs. If we take a two-percent reduction in the GDP over two years,
8 that is \$1.78 billion in lost production. The waterline design to connect the second phase is 95-percent
9 complete, and they are hoping to get some funding from the Bureau of Reclamation.

10 **X – COUNTY MANAGER'S REPORT**

11 **1. Results of Fiscal Review by CYFD on County Juvenile Justice Program**

12 **Children, Youth and Families Department** conducted a **Fiscal Review** of our **Juvenile Justice Program** in
13 October of 2014. The review included review of the **budget, expenditures, clarification of funds,**
14 **physical procedures, review of compliance requirements** in accordance with applicable federal and
15 state laws and other regulations. Based on the review, there were **no findings or items identified for**
16 **resolution.** The review states, "The documents presented by Curry County were complete, accurate,
17 and extremely well organized," and thanks Bouillon and her staff for their cooperation.

18 **2. Lyceum Theater Improvements**

19 Pyle toured the **Lyceum Theater** on January 14 and urged the Commissioners to go by and see what they
20 are doing to the facility.

21 **3. January 16 Meeting with Congressman Lujan**

22 Pyle met with **Congressman Lujan** on January 16 to discuss several of the **ongoing County projects** and
23 informed him that **Commissioners Bostwick, Ashley, and Spear** will be going to **Washington, D.C.**, later
24 this month. We are **scheduling a meeting with the Congressman** while they are in Washington and are
25 putting together a list of topics to discuss with our federal delegation during the **NACo Conference.**

26 **4. January 29 Meeting with Bank of Clovis**

27 Pyle met with the **Bank of Clovis** on January 29 regarding the **County bank accounts** and followed up
28 with **Spriggs and the financial advisor.** Hopefully there will be an **Investment Committee meeting**
29 scheduled later this month.

30 **5. Meeting with SDV on 417 Gidding Project**

31 Pyle met earlier this week with SDV Construction, the construction manager for the 417 Gidding project.
32 Lead abatement is complete and air clearance and the NESHAP documents were received. Demolition is
33 about 97-percent complete, and once a decision is made on the Post Office they are ready to proceed
34 with working with the architect on the schematic design phase. They are asking for a decision to be
35 made on the Post Office.

36 **6. Community Development Block Grant Update**

37 Our **grant for road improvement** terms in October. We have had **several challenges** with the
38 **requirements of the State and change of State personnel** and staff as well. That is **moving forward** and
39 we got good news last week. **The State and NMDOT** has to **review our bid documents** before they are
40 sent out. They have reviewed it and **have some changes.** If the changes are made, they will give the go-
41 ahead to proceed with bidding. The changes are tied to our **engineer Chad Lydick** who has told us he
42 should have it to us **no later than Monday.** It then has to go **back to the State** to be reviewed a final
43 time, but it looks like **the project is moving forward.** If it looks like there is anything that needs to have
44 official action on by the Board on the project, Pyle will have to call a special meeting.

45 **7. Insurance Update**

46 Every January we have **large insurance checks** we pay. We received a **ten-percent increase** in our **multi-**
47 **line pool insurance in 2015 over 2014.** The average increase for all counties in the state was 9.83
48 percent, so we are a **little bit above the state average.** Our claims in that area were **tied to the hail**
49 **storm.** Bostwick said we do reinsurance and our **cost of reinsurance was basically six percent.** The
50 total amount of our **premiums for 2015 is \$172,548.** On law enforcement, the average increase county-
51 wide in the state was 4.5 percent and **Curry County only saw a two-percent increase.** The cost of that
52 insurance is **\$390,604.** It is based on the average of the past three years, loss ratios, cost of claims, and
53 other parameters. Bostwick said nobody gets over ten and nobody gets under a five-percent discount.
54 He said nobody got discounts because there was a six-percent increase. He said they usually look at a
55 five-year history and our history is beginning to get a little better.

56 Baca asked if there was going to be some participation from the public or the Commission on the
57 schematic planning for 417 Gidding. Pyle said there would be. He said they are 97-percent complete on
58 demolition but said he has held off on giving the go-ahead on the schematic until a decision is made
59 with the Post Office. He said if they proceed with working with planning the meetings, working with the
60 elected officials, department heads, the users, and the Post Office stays at the location, everything they
61 have done is wasted. The decision needs to be made on the Post Office and then they will proceed. He
62 said all the plans on that will be presented to the Commission. Baca said she did not know how much
63 we had already spent on the architect and demolition and asked if we can do better than the four

1 million price tag at this point. Pyle said the four million is a projection and said we have not gone out to
2 bid and do not have the design to go out to bid. He said that price is based on what similar-type
3 facilities are going for.

4 **XI – INDIGENT BOARD MEETING**

5 **Motion to enter Indigent Board Meeting at 12:11 p.m.**

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

11 **Motion to exit Indigent Board Meeting at 12:13 p.m.**

12	RESULT:	ADOPTED BY VERBAL VOTE [UNANIMOUS]
13	MOTION:	Chet Spear, Commissioner
14	SECOND:	Angelina Baca, Commissioner
15	AYES:	Wendell E. Bostwick, Ben McDaniel, Chet Spear, Angelina Baca
16	ABSENT:	Tim L. Ashley

17 **XII – FUTURE AGENDA ITEMS**

18 Bostwick said in the Road Committee they discussed amending the Road Policy and requested it come
19 back.

20 Spear asked what we have to do to schedule a meeting to discuss our plans for the Gidding Street
21 building, the jail, the Post Office, and those things. He said he mentioned it last time under future
22 agenda items and said he would like to make a plan. Pyle said we can schedule whatever the
23 Commission would like but one of the challenges is if we have a meeting now for 417 Gidding, we have
24 an architect and construction manager under contract. He recommended waiting until they get into the
25 schematic design and have met with the users and have some feedback before we have the public
26 meeting. He said there is not an architect under contract for the Detention Center but several studies
27 have been done. Spear said the issue he has is there has only been one option presented and said he
28 would like to have an informal public meeting to see what else is available. He said he would like to sit
29 down and make a plan and see if there is a better way. McDaniel said as far as doing a remodel on any
30 building, because we are a government body, it is three times as high as if you do it yourself. Bostwick
31 said when we look at the building and look at efficiencies of operation between all the offices, he feels
32 we have the right building. He said he is looking for buildings to move the Post Office to but is not
33 looking for buildings to move Administration.

34 Baca said she was concerned about the faith the public has in the process of our elections and said she
35 didn't know if we need to look at it. Riley explained her office was investigating to see what happened
36 with the ballots in the school board election. Baca said they used to be able to hand-count in the small
37 elections but now it is all out of our control. She said she did not know if they wanted to do anything to
38 try to figure it out. Spear said if there is an issue, the Clerk takes it up with the Secretary of State or
39 people who oppose it and the Commission should stay out of it.

40 **XIII – PUBLIC INPUT FOR WHICH NO ACTION WILL BE TAKEN**

41 None given.

42 **XIV – EXECUTIVE SESSION**

43 Authority for Closure: Discussion of the Purchase, Acquisition or Disposal of Real Property, Limited
44 Personnel Matters and Threatened and Pending Litigation, Pursuant to NMSA 1978 10-15-1 H (8), (2) and (7)

45 **Motion to enter Executive Session at 2:25 p.m.**

46	RESULT:	ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
47	MOTION:	Wendell E. Bostwick, Commissioner
48	SECOND:	Chet Spear, Commissioner
49	AYES:	Wendell E. Bostwick, Ben McDaniel, Chet Spear, Angelina Baca
50	ABSENT:	Tim L. Ashley

51 **Motion to exit Executive Session where nothing but pending litigation and land
52 acquisition was discussed at 3:15 p.m.**

53	RESULT:	ADOPTED BY VERBAL VOTE [UNANIMOUS]
54	MOTION:	Wendell E. Bostwick, Commissioner
55	SECOND:	Angelina Baca, Commissioner
56	AYES:	Wendell E. Bostwick, Ben McDaniel, Chet Spear, Angelina Baca
57	ABSENT:	Tim L. Ashley

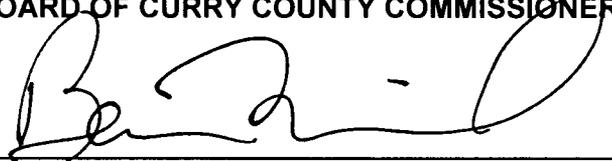
58 **Action Resulting from Executive Session**

59 No action taken.

1 **XV – ADJOURNMENT**

2 This meeting was adjourned by Ben McDaniel at 3:15 p.m.

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4 **BOARD OF CURRY COUNTY COMMISSIONERS**

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9 **Ben McDaniel – Chairman**

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11 **ATTEST:**

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

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

21 **IN ATTENDANCE:**

22

Lance Pyle	Steve Doerr	Carol Pipes	Rosalie Riley
Ashley Moran	Debbie Spriggs	Candace Morrison	Aleta Tittle
Ben Roberts	Wesley Waller	Jena Wilbanks	David Corbin
Tori Sandoval	Deanna Bouillon	Mitch Gray	Clint Harden
Robert Sutherland	Aaron Jones	Kevin Jolley	Orlando Ulibarri
Mike Reeves	Dyron Murphy	Don Dwore	Nitish Suvarna
Mark Yearout	Chris Chavez	George Krattiger	Carol Snider
Kendall Terry	Wesley Myers	Robin Fornoff	Rube Render

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26 **Curry County Asset Disposal Listing, February 5, 2015**

	Description	Cost	Acquired Date	Department	Asset Number	Comments
1	2007 Dodge Charger	\$21,158	6/21/2007	Sheriff	VN#2B3KA43H77H843991	Auction due to mileage and engine
2	F-150 Ford pickup	\$21,091	1/31/2003	Event Center	VN#FTRX18L03CA46836	Auction
3	IBM 6400 Printer	\$11,652	12/17/1996	IT/Administration	85-06450	surplus or Obsolete/Beyond Repair
4	4-Drawer Locking Legal File Cabinet			Assessor		Transferred to Admin
5	Hon 5 ft. Table - Metal/wood			Assessor		Surplus or Obsolete
6	Hon 4 Drawer Legal File Cabinet			Assessor		Surplus or Obsolete
7	4 Drawer Legal File Cabinet			Assessor	1068	Surplus or Obsolete
8	4 Drawer Legal File Cabinet			Assessor	1067	Surplus or Obsolete
9	4 Drawer Legal File Cabinet			Assessor	1066	Surplus or Obsolete
10	4 Drawer Legal File Cabinet			Assessor	1065	Surplus or Obsolete
11	4 Drawer Letter File Cabinet			Assessor	1064	Surplus or Obsolete
12	4 Drawer Letter File Cabinet			Assessor	1063	Surplus or Obsolete
13	5 Drawer Letter File Cabinet			Assessor	1062	Surplus or Obsolete
14	3 Drawer Legal Filing Cabinet			Assessor	1060	Surplus or Obsolete
15	4 Drawer Legal Filing Cabinet			Assessor	1059	Surplus or Obsolete