

# Board of County Commissioners

700 N. Main St.  
Clovis, NM 88101

Tuesday, April 15, 2014

Regular Meeting

Curry County Courthouse

## 1 I – CALL TO ORDER

Attendee Name	Title	Status	Arrived
Wendell E. Bostwick	Commissioner	Present	9:00 AM
Robert O. Sandoval	Commissioner	Present	9:00 AM
Frank H. Blackburn	Chairman	Present	9:00 AM
Ben McDaniel	Commissioner	Present	9:00 AM
Tim L. Ashley	Commissioner	Present	9:00 AM

### 2 Invocation

### 3 Pledge of Allegiance

### 4 Approval of Agenda

5 Pyle stated that Commissioner Ashley requested that Item 11 under Action Items be removed from the  
6 Agenda. **Motion to approve as amended.**

7 **RESULT: ADOPTED BY VERBAL VOTE [UNANIMOUS]**

8 **MOTION:** Wendell E. Bostwick, Commissioner

9 **SECOND:** Tim L. Ashley, Commissioner

10 **AYES:** Bostwick, Sandoval, Blackburn, McDaniel, Ashley

## 11 II – Minutes Approval

### 12 Changes Made to Minutes - County Clerk's Office

#### 13 1. Request Approval of Regular Commission Meeting Minutes on April 1, 2014

14 **Motion to approve.**

15 **RESULT: APPROVED BY VERBAL VOTE [UNANIMOUS]**

16 **MOTION:** Ben McDaniel, Commissioner

17 **SECOND:** Robert O. Sandoval, Commissioner

18 **AYES:** Bostwick, Sandoval, Blackburn, McDaniel, Ashley

#### 19 2. Request Approval of Indigent Board Meeting Minutes on April 1, 2014

20 **Motion to approve.**

21 **RESULT: APPROVED BY VERBAL VOTE [UNANIMOUS]**

22 **MOTION:** Robert O. Sandoval, Commissioner

23 **SECOND:** Wendell E. Bostwick, Commissioner

24 **AYES:** Bostwick, Sandoval, Blackburn, McDaniel, Ashley

## 25 III – PRESENTATION

### 26 Update and Report on USDA Wildlife Services in Curry County - Cliff Ruppert

27 Cliff Rupert reported that from January 1 to March 31 there were four properties that were worked and  
28 a total of 59,010 acres had been worked. There were 74 hour hours and 57 minutes spent working in  
29 Curry County and a total of 198 miles driven. He said the total amount of damage loss reported in Curry  
30 County was \$4,463, and the total amount of damage verified was \$2,356. He said they had taken a total  
31 of 12 Nobutos samples in three months. Rupert said they were mostly doing a lot of predator work.  
32 The only damage from hogs was on the Curry/Roosevelt County line, and all the hogs except the boar  
33 were taken in Curry County eight miles south of Melrose. The Nobutos samples are taken off of every  
34 predator and tested for plague and tularemia. Sandoval asked about feral hogs around Fort Sumner and  
35 whether it was a concern for us. Rupert said all of the surrounding counties have hogs and he knows  
36 they are coming into Curry but he is not sure how long they are staying. He said we do not have a  
37 sustained population yet.

## 38 IV – CONSENT AGENDA

39 **RESULT: APPROVED BY ROLL CALL VOTE [UNANIMOUS]**

40 **MOTION:** Tim L. Ashley, Commissioner

41 **SECOND:** Wendell E. Bostwick, Commissioner

42 **AYES:** Bostwick, Sandoval, Blackburn, McDaniel, Ashley

43 **1. Request Ratification of Application for Work, Excavating, Boring, Cross Cuts or Other**  
44 **Cuts on County Roads from Pat Woods for Water Pipeline on Curry Road 45 Between**  
45 **Curry Road N and Curry Road O - Steve Reed**

46 **2. Request Ratification of Application for Work, Excavating, Boring, Cross Cuts or Other**  
47 **Cuts on County Roads from Pat Woods for Water Pipeline on Curry Road N Between**  
48 **Curry Road 44 and Curry Road 45 - Steve Reed**

3. Request Ratification of Application for Work, Excavating, Boring, Cross Cuts or Other Cuts on County Roads from Stanley Surina for Glenn Black for a Water Pipe on Curry Road 19 Between Curry Road G and Curry Road F - Steve Reed
4. Request Approval to Apply for the Foster Grandparent Program for \$52,984 from the Corporation for National Community Service and \$38,926 from the New Mexico Long-Term and Aging Services With a 10% Cash Match for Fiscal Year 2015 - Sandy Vigil
5. Request Approval to Apply for the Retired Senior Volunteer Program for \$22,000 from the New Mexico Long-Term and Aging Services With a 30% Cash Match for Fiscal Year 2015 - Sandy Vigil
6. Request Approval to Apply for Funding from New Mexico Clean and Beautiful Up to \$10,000 for Fiscal Year 2015 to Help Improve Medians, Entry Way Into Fairgrounds, and to Work With Youth Groups on Clean-Ups - Sandy Vigil
7. Request Approval of Memorandum of Understanding By and Between the NM Office of Military Base Planning and Support and Curry County Regarding the State of New Mexico's Pending Purchase of Land Adjacent to Cannon Air Force Base with the Subsequent Gift to the United States Air Force – Wendell Bostwick and Lance A. Pyle
8. Request Approval of Confidentiality Policy, Procedures and Guidelines Agreement for Curry County Investment Committee Members – Stephen Doerr
9. Request Approval of Memorandum of Understanding Between Cannon Air Force Base, City of Clovis, City of Portales, Roosevelt County and Curry County for Partnership Training Opportunities Agreement #001 - Lance A. Pyle
10. Request Approval of Contract with the Accounting and Consulting Group, LLP for the 2013/2014 Fiscal Year County Financial and Compliance Audit at a Cost of \$54,495, Plus Gross Receipt Tax – Lance A. Pyle
11. Request Approval of Bid and Associated Contract for Elastomeric Roof Repair with Preferred Painters, SW, Inc. at an Amount of \$15,007.50 for Roof Repairs on the 4-H Building and the Trailer House Located at the Curry County Fairgrounds from the 2013 Hail Storm - Lee Ann Hutchins/Ben Roberts

**V – REPORTS OF BOARD, COMMITTEES, DEPARTMENTS AND PRESENTATIONS**

**1. Curry County Detention Center Report - Tori Sandoval**

Tori Sandoval reported the current Adult Detention Center population as of April 8, 2014, is 220 with 174 males and 46 females and an average population for April of 219. The current population out of county is 25 in Bailey, six in Parmer, and three in the Department of Corrections. Out-of-County expenses for March were \$48,030, not including medical or transport. There are currently four out on the Community Custody Program. The Juvenile Detention Center population as of April 8 is nine with seven males and two females. One of the juveniles is from Eddy County, and one is from Chaves County. The Juvenile Detention Center brought in \$10,875 in March for housing juveniles for other counties. Currently the Adult Detention Center has 34 Detention Officers with ten vacancies and nine Booking Officers with no vacancies. They will be hiring two additional Detention Officers in the next two weeks. There are currently 15 Juvenile Officers with one vacancy, and in two weeks they will have another officer hired and will be fully staffed. Sandoval reported as of April 8 \$2,339.10 had been collected from inmates being booked under the Booking Fee Policy. Lt. LeClear and Lt. Longenecker have been taking some inmates out to work with Mitch Gray in the community garden. Sandoval said they have started a second 156-hour training academy with two Detention Officers that will complete the academy this week. Lts. LeClear and Longenecker attended the job fair at ENMU on April 4 and were complemented on their professionalism and attire. Ms. Sandoval said they were working with HR to form a recruiting team to assist with filling vacancies. Art Murphy will be holding refresher classes on May 1 for all supervisors at both the ADC and the juvenile facility. Bostwick asked if the inmates going to work on the community garden were non-felons and if it was voluntary. Ms. Sandoval said they look at the classification and they are given a choice.

**2. Presentation of February 2014 Financial Statements for the Events Center and Fairgrounds – Kevin Jolley**

Kevin Jolley stated that in February they held five events but the events were not as well attended and Direct Event Income was down \$120, Ancillary Income was down \$655, Other Income was down \$2,548, Indirect Expenses were over by \$2,064, and the net income loss for the month was \$5,387. Jolley stated some of that was due to stall and RV rentals they have had in the past and with concession sales being down. He said that for the year they have done 22 events compared to the 18 they had budgeted and are four ahead for the year. Direct Event Income is down \$4,906 for the year, Ancillary Income is up \$5,776, Other Income is ahead by \$5,300, Indirect Expenses are over by \$5,196, and net operating income is ahead by \$973 for the year. Jolley said the indirect expenses are up due to more events held in January than budgeted and more labor and utility costs. Bostwick asked how the ticket sales for the Mercy Me concert were, and Jolley said there were about 1,200 tickets sold so far.

**3. Presentation of Financial Statement for February and March 2014 - Lee Ann Hutchins**

Lee Ann Hutchins presented the financial statement for March. She stated that we ended the month with \$12,417,675 in the bank, with \$7,756,163 cash reserve in our General Fund, well ahead of the \$3.2

1 million requirement. She said we had \$1,030,651 in the Road Fund, well ahead of the \$256,000 cash  
2 reserve requirement. She said the Events Center ended the month with \$277,736 and all of our other  
3 grant funds ended the month with \$3.3 million. Hutchins said compared to where we were budgeted,  
4 our gross receipts tax is \$197,155 ahead of budget, property tax is \$581,016 behind budget, and charges  
5 for services and other revenue is \$210,858 ahead of budget. She stated that all elected officials and  
6 department heads have done a tremendous job of managing their budgets and conserving the  
7 taxpayers' money. Hutchins reported that at the end of March we are \$1,317,250 ahead of budget. She  
8 said if you look at where we were compared to last year, we have a \$220,443 increase. The Road Fund  
9 is \$552,768 ahead of budget due to several infusions based on work they have been granted, the sale of  
10 the road graders, and managing their budget well. She stated that the Road Fund is also ahead of where  
11 it was last year. Hutchins said the Events Center is also ahead of where they were budgeted by  
12 \$103,825 and there is (\$318) difference in where they are this time this year and this time last year. She  
13 said our Linsco investments ended the month of March with \$2.2 million which was a \$4,800 increase  
14 and the Macquarie ended up with \$3.4 million, and she said overall for the year there was a \$2,300  
15 decrease which are both paper increases and decreases. Chairman Blackburn stated he also appreciated  
16 the cooperation with the budget.

## 17 **VI – ACTION ITEMS**

### 18 **1. Discussion and Request Approval of Replat of Lot 9 Sun Ridge Estates - Candace** 19 **Morrison**

20 Candace Morrison presented the replat of Lot 9 to the Sun Ridge Estates and requested approval. She  
21 said the deed in this subdivision had been revoked a few months ago. She said they have put in a 30-  
22 foot easement on the south side of the replat to satisfy the subdivision requirements. **Motion to**  
23 **approve.** Blackburn stated the Subdivision Committee had approved the replat at their meeting.

24 <b>RESULT:</b>	<b>APPROVED BY VERBAL VOTE [UNANIMOUS]</b>
25 <b>MOTION:</b>	Wendell E. Bostwick, Commissioner
26 <b>SECOND:</b>	Ben McDaniel, Commissioner
27 <b>AYES:</b>	Bostwick, Sandoval, Blackburn, McDaniel, Ashley

### 28 **2. Discussion and Request Approval of Resolution #2014-27 Repealing Curry County's** 29 **Subdivision Regulations and Adopting a New Set of Curry County Subdivision** 30 **Regulations - Stephen Doerr**

31 Steve Doerr said the Subdivision Committee has suggested five changes to the Subdivision Regulations  
32 and rather than adding an addendum, they have redone the policy. He stated the first change pertains  
33 to jurisdiction and said the City of Clovis has primary jurisdiction on all subdivisions within one mile of its  
34 borders. He said the City's subdivision requirements are much stricter than the County's and a new  
35 paragraph 2 had been added to Section 1.5, Jurisdiction, that says if you lie within this one mile area  
36 within Clovis city limits and want to have a subdivision, you must first take it to the City and get their  
37 approval and then bring it to the County. Doerr said the second change is an amendment to the  
38 Definition section adding a definition of legal access. "Legal access means the unrestricted opportunity  
39 to go and return from a tract of land to an existing public road," "must be shown on the survey and plat,  
40 must be or become a dedicated road, and must be open to the public. The access must be wide enough  
41 for the unobstructed use of motor vehicles, including but not limited to fire and ambulance vehicles,  
42 sanitation vehicles, and school buses." He said the third change is the addition of a provision to the  
43 Exemptions that says, "Any transfer of real property, whether it meets one of the 13 recognized and  
44 established exemptions to this Subdivision Regulations or not, must still be filed with a survey or plat  
45 and must have legal access and utility easements to the same." He said that is so when the Clerk's and  
46 Assessor's Offices receive it, it must have legal access. Bostwick asked if this amends the regulations  
47 where you have to do something outside of state statute. Doerr said we are just requesting an  
48 additional document be filed showing legal access. He said the fourth change is to the Submission of  
49 Exemptions, Section 4.3, and said the state statute was recently changed so that if you are accessing a  
50 state highway, you must obtain a permit from the Highway Department. He said there is a new  
51 paragraph 3, "If the transfer of real property affected by the exemption has access to or a New Mexico  
52 highway, the exemption must be accompanied by a permit from the New Mexico Highway Department  
53 showing that said access has been approved." He stated the last change is to Section 8.1, Roads Within  
54 Lands, where they added paragraph 2, "All utilities shall be located outside of any and all subdivision  
55 roads. No plat or subdivision application will be accepted if any above-ground utility is located in a  
56 dedicated roadway. No plat or subdivision application will be accepted if any underground utility  
57 prevents or interferes with the County's right to use the entire road easement for purposes of a road."  
58 Bostwick asked about item two under Roads Within Lands. He said we cannot use a county road for  
59 access if we have a subdivision and we have to build an extra road to comply. He said historically as  
60 landowners we have donated right-of-ways for overhead construction, but the way this is stated, if we  
61 have overhead construction, we cannot develop any land the other side of that for a subdivision. He  
62 questioned whether that is a good policy. Doerr said subdivision roads only have to be 24 feet in width,  
63 and if there is a utility pole within that width, you are interfering with traffic. He said this regulation is

1 stating that the utility poles can be alongside the road but not within the roadway. Bostwick said as long  
2 as we are clear as this does not interfere with our developing roads adjacent to the poles as far as the  
3 subdivisions, and Doerr said as long as it is not within the 24-foot minimum. Reed said the 24 feet is the  
4 top of the road and the right-of-way is 60 feet. He said if you build an access road, you have to put up  
5 60 feet according to the Road Policy. Bostwick requested the summation prepared by Doerr be made  
6 part of the record. (Attached as Exhibit A to these minutes) Ashley asked if the subdivisions would have  
7 to have a frontage road, and Doerr replied that not all subdivisions would require a frontage road. He  
8 said the current policy requires the developer to provide information on the number of lots and the  
9 Committee determines whether that requires more than one road access point. **Motion to adopt**  
10 **Resolution 2014-27.**

<b>RESULT:</b>	<b>APPROVED BY ROLL CALL VOTE [UNANIMOUS]</b>
<b>MOTION:</b>	Wendell E. Bostwick, Commissioner
<b>SECOND:</b>	Robert O. Sandoval, Commissioner
<b>AYES:</b>	Bostwick, Sandoval, Blackburn, McDaniel, Ashley

15 **3. Discussion and Request Approval of a New Curry County Road Policy Resolution**  
16 **#2014-26 - Steve Reed**

17 Steve Reed presented the amendments to the Road Policy. He said they are trying to clarify some  
18 things, and one change is to Subdivisions, Section 3, paragraph 1, A, 1) where the old policy read, "The  
19 road base shall consist of at least six inches of compacted crushed caliche," and they are requesting that  
20 be changed to non-spec base course caliche. He said it is the same material but the wording is changed  
21 to be a little more specific. He said the same change is made under Minimum Road Construction  
22 Standards where compacted crushed caliche is changed to non-spec base course caliche. Reed said the  
23 other item is a standard water purchase agreement so we can purchase water from farmers. He said  
24 there were two other amendments that had been changed in the old road policy that did not make it in  
25 the policy of 2012 and one was getting in the ditches in winter from October through April and they  
26 were incorporated into this Road Policy. Reed requested approval of the new policy. Sandoval asked if  
27 there was anything that conflicts with the previous Road Policy. Reed said there was not and they were  
28 just trying to clarify and standardize the policy. Bostwick said it was the recommendation of the Road  
29 Committee to adopt the new policy. **Motion to adopt.** Bostwick asked for a summary when these  
30 changes are made.

<b>RESULT:</b>	<b>APPROVED BY ROLL CALL VOTE [UNANIMOUS]</b>
<b>MOTION:</b>	Wendell E. Bostwick, Commissioner
<b>SECOND:</b>	Frank H. Blackburn, Chairman
<b>AYES:</b>	Bostwick, Sandoval, Blackburn, McDaniel, Ashley

35 **4. Discussion and Request Approval of Capital Improvements to the County Events**  
36 **Center and Fairgrounds – Kevin Jolley and Lance A. Pyle**

37 Kevin Jolley presented a list of upgrades and capital improvements to the Events Center and  
38 Fairgrounds. He said the roof of the Home and Arts Building is leaking and there have been no upgrades  
39 to the building since they took over. He said they are now using the Central Pavilion more than 20 times  
40 each year and they need to upgrade the kitchen. He said the sliding doors do not seal and they are  
41 losing the heat and air to that building and they would also like to add a sound system. He said they  
42 need to replace some panels and gates at the Events Center as well as a build sale ring for the County  
43 Fair and they also need to look at a truck for use at the Events Center and Fairgrounds. **Motion to**  
44 **approve.** Blackburn asked if we have the money, and Pyle said we do. Pyle said Ben Roberts and the  
45 maintenance department can do some of the repairs himself to reduce the costs and there is money left  
46 in the Fairgrounds budget from the IT and electrical upgrades. He said on May 6 there is some money  
47 set aside in the Commission budget that can be transferred into the Fairgrounds budget.

<b>RESULT:</b>	<b>APPROVED BY VERBAL VOTE [UNANIMOUS]</b>
<b>MOTION:</b>	Wendell E. Bostwick, Commissioner
<b>SECOND:</b>	Ben McDaniel, Commissioner
<b>AYES:</b>	Bostwick, Sandoval, Blackburn, McDaniel, Ashley

52 **5. Discussion and/or Action of Renewal of Resolution #2014-09 Declaring a Fire Danger**  
53 **Emergency in Curry County - Lance A. Pyle**

54 Pyle said on February 4 the burn ban was enacted and was extended on March 18 and the US Drought  
55 Monitor still shows Curry County in extreme drought. He said it is the recommendation to extend the  
56 burn ban for another 45 days. **Motion to adopt Resolution 2014-09.** Bostwick said he wants to  
57 make the public aware that there are provisions for agricultural people to be able to burn. He said we  
58 just ask that you notify the Fire Department and do not burn in high winds.

1 **RESULT: APPROVED BY ROLL CALL VOTE [UNANIMOUS]**  
2 **MOTION:** Wendell E. Bostwick, Commissioner  
3 **SECOND:** Ben McDaniel, Commissioner  
4 **AYES:** Bostwick, Sandoval, Blackburn, McDaniel, Ashley

5 **6. Discussion and Request Approval of Resolution 2014-25 and Agreement Approving**  
6 **Participation in the Programs of Eastern Plains Council of Governments for Fiscal year**  
7 **2014/2015 - Lance A. Pyle**

8 Pyle said this agreement is similar to the one approved last year. He said paragraph F states, "The  
9 Executive Director will appear before the County Commission one time each year and a written annual  
10 report will be provided detailing the activities of EPCOG and what assistance has been provided to the  
11 communities located in Curry County." He said the Executive Director Sandy Chancey will be at the May  
12 6 meeting to provide the update. He stated the agreement includes a 15-percent increase in their dues  
13 to \$8,415 for July 1, 2014 to June 30, 2015. He said it also appoints Commissioner Ashley as the  
14 designated representative to the EPCOG Board and Commissioner Bostwick as the alternate. Bostwick  
15 said he would like to table this until Chancey comes because he has some questions about the audit. He  
16 said he has some questions about what the benefits are for the smaller communities. **Motion to table.**

17 **RESULT: TABLED [UNANIMOUS]**  
18 **MOTION:** Wendell E. Bostwick, Commissioner  
19 **SECOND:** Ben McDaniel, Commissioner  
20 **AYES:** Bostwick, Sandoval, Blackburn, McDaniel, Ashley

21 **7. Discussion and Request Action on Financing on the Four (4) Motor Graders Approved**  
22 **March 4, 2014 - Lance A. Pyle**

23 Pyle said it had been approved to proceed with the purchase of four motor graders on March 4. He said  
24 there is a modification to the agreement to lease with the option to purchase or buy back at the end of  
25 five years. He said the term of the lease is 60 months at 3.75 percent, monthly lease price per blade will  
26 be \$1,829.41, and allowable lease hours is 1,200 hours per year per unit. At the end of the five years or  
27 at any time during the lease the County has the option to buy blades, but at the end of the lease, the  
28 County can buy the blades for \$168,000 per unit. There will be no prepayment penalty if Curry County  
29 chooses to purchase the motor graders prior to the end of the five-year lease. The terms and conditions  
30 of the said lease will be spelled out in a JD leasing contract which will be completed once the serial  
31 numbers of all four units that are being leased under this agreement have been made available to  
32 contractor. Pyle said we cannot get that lease agreement until those are shipped and we have those  
33 numbers. He said it also states that 4-Rivers shall deliver the four motor graders to the Curry County  
34 Road Department within 45 days from the last date of March 4, 2014, the date the bid was accepted and  
35 approved by the Board of Curry County Commission. He said if approved, the motor graders should be  
36 arriving Friday and more next week. Bostwick said this is coming as a recommendation from the Road  
37 Committee. **Motion to approve.** Bostwick said if we have an early buyback option, he would like a  
38 schedule for what the purchase is at the end of each timeframe. Pyle said he spoke with 4-Rivers and  
39 they should provide that today and it will be incorporated in the lease documents. Ashley asked what  
40 the purchase price is, and Pyle said it is \$239,576. Ashley asked how long the warranty is, and Pyle said  
41 it is five years. Bostwick said we are hoping to get on a four-year rotation to buy back a grader with  
42 warranty and take it to market and replace it with a new one. He said this lease has no penalty for early  
43 payoff. Reed said with the purchase of these four we will have ten graders. He said the plan is we had  
44 12 graders, we dropped one and replaced it with a pothole patcher, leaving 11 graders. Sandoval asked  
45 about prepayment penalty, and Pyle said it depends on the terms of the note through NMFA.

46 **RESULT: APPROVED BY VERBAL VOTE [UNANIMOUS]**  
47 **MOTION:** Wendell E. Bostwick, Commissioner  
48 **SECOND:** Frank H. Blackburn, Chairman  
49 **AYES:** Bostwick, Sandoval, Blackburn, McDaniel, Ashley

50 **8. Appointment of Commission Alternate to the City of Clovis Water Policy Advisor**  
51 **Committee - Lance A. Pyle/Wendell Bostwick**

52 Bostwick said he goes to the Water Policy Advisory Committee meetings and said we need an alternate  
53 appointed who will have a vote. He said the committee has talked about the re-use water program, and  
54 because the County has been on there we are going to have some taps to get our Road Department  
55 some water. Ashley said he would be happy to be the alternate. Chairman Blackburn appointed Ashley  
56 as the alternate to the Water Policy Committee.

57 **9. Discussion and Request Approval for Purchase of New Fire Trucks for Field and**  
58 **Pleasant Hill Volunteer Fire Departments from AAA Firepro Through the Houston**  
59 **Galveston Cooperative Purchasing Cooperative of Which Curry County is a Member.**  
60 **Field Purchase Price is \$360,256.00. Pleasant Hill Purchase Price is \$407,341.00 - Lee**  
61 **Ann Hutchins**

62 Lee Ann Hutchins said the Pleasant Hill and Fields Volunteer Fire Departments have been saving money  
63 for years out of their operating budgets for the purchase of new fire trucks. She said they were notified  
64 by Vernon Muller, the State Fire Marshal, that they would not allow us to roll the funds over anymore.

1 She said the fire chiefs have selected what they want for their fire trucks and said AAA Firepro is a  
2 member of the Houston Galveston Cooperative Purchasing Cooperative. She said other counties have  
3 been more successful in using the purchasing coop rather than going out for bid because it allows the  
4 volunteer fire departments to get the specifications exactly as they wanted. She stated she had done a  
5 spreadsheet showing an estimate of the cash they have saved in their departments, and she said once  
6 the purchase order is issued it will take 10 to 12 months to get the fire trucks. She stated that NMFA  
7 had run amortization schedules to see if the fire departments could make the payments and they can.  
8 She said she visited with Pyle and said they requested that to issue the purchase order we use the  
9 money in their budget and there is money available in the Commission line item to encumber that.  
10 When the trucks are ready, we have to have a 60-day window to do the financing with NMFA, they will  
11 intercept the funds through their Fire Fund, at that point we do the financing so we are not paying  
12 interest on a note for a year, and it gives the volunteer fire departments more time to save the money  
13 and the County is financing less money and it should save us money in interest. Chief Ted Richardson  
14 said they had been working for 14 to 15 years to do this and they have the budget to pay for it. Chief  
15 Cody Moberly said they have \$250,000 saved up and need to get something done. Bostwick said he  
16 would like to check out the possibility of issuing an MOU and have us intercept the funds rather than the  
17 state intercept the funds. **Motion to approve.** Pyle said we will bring back a recommendation on  
18 financing.

<b>RESULT:</b>	<b>APPROVED BY VERBAL VOTE [UNANIMOUS]</b>
<b>MOTION:</b>	Wendell E. Bostwick, Commissioner
<b>SECOND:</b>	Tim L. Ashley, Commissioner
<b>AYES:</b>	Bostwick, Sandoval, Blackburn, McDaniel, Ashley

23 **10. Discussion or Action on Six-Month Rule in Resolution #2013-08 Commission Special**  
24 **Rules - Tim Ashley**

25 Ashley said he feels this rule has been very cumbersome and limits the Commission when information  
26 changes. He said if there are going to be exceptions to it, why have it. Blackburn said it has been  
27 waived twice. **Motion to rescind the six-month rule.** Sandoval said we should look at the pros and  
28 cons before rescinding it because there were some reasons for putting it in initially. He said he does not  
29 feel it is right to rescind it without any direct reasons.

<b>RESULT:</b>	<b>APPROVED BY ROLL CALL VOTE [3 TO 2]</b>
<b>MOTION:</b>	Tim L. Ashley, Commissioner
<b>SECOND:</b>	Wendell E. Bostwick, Commissioner
<b>AYES:</b>	Wendell E. Bostwick, Frank H. Blackburn, Tim L. Ashley
<b>NAYS:</b>	Robert O. Sandoval, Ben McDaniel

35 **11. Discussion or Action on Association Memberships and Dues – Tim Ashley (Item**  
36 **Removed from Agenda)**

37 **12. Discussion or Action on Adjustments to Commission Travel - Ben McDaniel**

38 McDaniel said he does not believe the Manager should put a Commissioner's travel request on the  
39 Consent Agenda and said he does not consider Commission travel as routine. He said if the  
40 Commissioner wants to go out of state requiring more expense it needs to be discussed by the  
41 Commission as a whole. He said the Commissioner should explain what he is going to, what about it  
42 interests them, what they expect to learn, and how it benefits the county. He said he is good with the  
43 \$20,000 budget for the Commission as a whole but feels there should be a \$4,000 per Commissioner  
44 limit and that each Commissioner should give a report when he returns. Sandoval said what we are  
45 doing is something that does not look right when one spends \$1,000 or \$2,000 and another spends  
46 \$10,000 with no explanation. He said there is nothing wrong with it but it does not look right to the  
47 public and we owe our constituents a better answer. McDaniel said this does not have to be voted on  
48 today but he just wanted to bring it up for review. Bostwick said it has been his observation that there  
49 are those who want to go out and learn and bring back to the county. He said we cannot ever have too  
50 much knowledge, but if he has to make a report, you have to be willing to listen. Ashley said we belong  
51 to associations that we pay dues to and that if we are going to have any participation, it will involve out-  
52 of-state travel. Blackburn asked Pyle to develop something on the policy and said he liked the idea of  
53 division of the travel budget.

54 **VII – COUNTY COMMISSIONER'S REPORTS**

55 **Frank Blackburn:**

56 Blackburn attended the Road Committee and the Subdivision Committee meetings and cut the ribbon  
57 for the Mix 'n Match snack bar in the courthouse. Pyle said two years ago we were contacted by the  
58 New Mexico Vocation Rehabilitation who had a young man with cerebral palsy that wanted to put a  
59 convenient cart in the courthouse.

60 **Wendell Bostwick:**

61 Bostwick went to Santa Fe on the ESA listing and the Sole Community Provider issues. He said the  
62 Governor's office is very concerned about the way US Fish & Wildlife went about listing the prairie  
63 chicken without considering NM Game & Fish. He will be bringing a resolution to support the Governor

1 in joining with Kansas, Oklahoma, and Colorado in challenging this listing. He was contacted by  
2 Secretary Church, the DOT secretary for New Mexico, and said their concerns for lowering the speed  
3 limit on un-posted county roads in New Mexico was they thought we were trying to lower speed limits  
4 on all highways. He will be going this afternoon to Santa Fe to attend the multi-line pool board and then  
5 will be going to Salt Lake City to figure out a way to get our federal lands that were granted in our  
6 statehood.

7 **Robert Sandoval:**

8 Sandoval reported the hospital has started building their new pharmacy and said it should be completed  
9 by fall.

10 **VIII – COUNTY MANAGER'S REPORT**

11 **1. Notification of Curry County Wellness Council Name Change to Curry County Health**  
12 **Council**

13 The **Curry County Wellness Council** met last month and have changed their name to the **Curry County**  
14 **Health Council**.

15 **2. Report on Modifications Made to Hot Mix Cold Lay Contract Dated February 18, 2014**  
16 **with K-Barnett and Sons, Inc.**

17 On **February 18** the contract for hot mix cold lay with **K. Barnett and Sons** was approved but was **not**  
18 **signed** as it needed some **modifications**. The agreement changes have been made and the agreement  
19 has been signed. The changes are on page two where it reads, "1) **Term of the contract**: This contract  
20 shall be for a period of one year commencing on February 18, 2014, and running through February 17,  
21 2015. This contract may be renewed as agreed upon by both parties." On page three under **Payment**  
22 **by County**, they removed the paragraph reading, "County reserves the right to make any and all  
23 payments by means of the County P-Card. In that regard, Barnett shall provide County with any and all  
24 necessary information to allow County to make said electronic payment."

25 **3. Joint City and County Luncheon April 21, 12:00 p.m.**

26 The joint **City and County luncheon** will be on **Monday, April 21**. In addition to the people always  
27 invited, because it is **National County Government Month**, we have invited the **area school**  
28 **superintendents and the mayors of Texico, Melrose, and Grady** to provide an update of their school  
29 district or community. The luncheon will be held at the **Clovis Civic Center at 12 p.m.**

30 **4. Texico City Council Meeting Tuesday, April 22**

31 Pyle will attend the **Texico City Council** meeting on **Tuesday, April 22**. They have been discussing doing  
32 an **exchange of services** with our **environmental funds**. He will be speaking to them to see if they can  
33 **reach an agreement**.

34 **5. Santa Fe for Workers' Comp Pool Board Meeting**

35 Pyle will be going to Santa Fe for the **Workers' Comp Pool Board meeting**. He participated in the  
36 **Underwriting Committee**, and they are going to be setting **our contributions** for Workers' Comp for the  
37 next fiscal year. The Underwriting Committee is recommending to the Board an **overall 1.61 percent**  
38 **increase of all the counties**. If accepted, **Curry County will not receive any increase** in our contribution  
39 for this fiscal year and our contribution will remain **\$115,650** based on our **three-year average loss ratio**  
40 **of 46.04**. County employees, department heads, and elected officials are doing very good in decreasing  
41 losses and it is paying off.

42 **6. Direction for Detention Center Addition in Late May**

43 In late May Pyle will come before the Commission **requesting direction** on whether they are ready to  
44 move forward with going out for **architectural services and construction manager** for the **Detention**  
45 **Center addition**. He requested that the Commissioners let him know if there is anything else they need  
46 before then so we can get direction and complete the financing piece that will come back in late June or  
47 early July for **417 Gidding** as well as if they move forward with the Detention Center. Bostwick asked for  
48 a **one-page summary of the various project costs and amenities and pros and cons**.

49 **7. Service Purchase Agreements**

50 There are **15 entities** the **County provides funds** to each year through **service purchase agreements**. In  
51 the contracts signed **last June or July** there were some requirements that **each entity has to provide a**  
52 **report each quarter**, and if the report is not submitted by a certain date, **funds will not be distributed**.  
53 The contract also states if they want to apply for funds the next fiscal year they have to have reports in  
54 by a certain date. **Six of the 15 are in noncompliance** and Pyle will be sending them a **letter of**  
55 **noncompliance**. He has already heard from two of them who said they **forgot about the terms of the**  
56 **contract** and want to have an **exception**, but the **contract does not allow for exceptions**. Those entities  
57 may be coming **before the Commission** at a later meeting **asking for an amendment** to their contracts  
58 to make an exception.

1 **IX – INDIGENT BOARD MEETING**

2 **Motion to enter Indigent Board Meeting.**

3 **RESULT: ADOPTED BY ROLL CALL VOTE [UNANIMOUS]**  
4 **MOTION:** Tim L. Ashley, Commissioner  
5 **SECOND:** Wendell E. Bostwick, Commissioner  
6 **AYES:** Bostwick, Sandoval, Blackburn, McDaniel, Ashley

7 **Motion to exit Indigent Board Meeting.**

8 **RESULT: ADOPTED BY VERBAL VOTE [UNANIMOUS]**  
9 **MOTION:** Wendell E. Bostwick, Commissioner  
10 **SECOND:** Tim L. Ashley, Commissioner  
11 **AYES:** Bostwick, Sandoval, Blackburn, McDaniel, Ashley

12 **X – PUBLIC INPUT FOR WHICH NO ACTION WILL BE TAKEN**

13 **Commissioner Ashley** said he has an approved trip coming up to Washington, D.C., and it will be fine if  
14 someone else wants to go.

15 **Juanita Matthews** said she has a small business by the base and they are dry and need water. She said  
16 on her whole block, when they open the faucet, air comes out. Her location is 1660 US Hwy 60/84 by  
17 the main gate. She said each person has an acre lot and everyone has their own pump. She said Cannon  
18 has a big pump that draws all her water away and she needs help. Blackburn said maybe we should look  
19 into asking the CDBG for assistance for a pipeline. He said this is the first time he has heard a report of  
20 no water on the west side of town. Bostwick said we do have a problem with sustainable domestic  
21 water in eastern New Mexico. He said there are some bright things on the horizon. He said because of  
22 private donation clauses, there is nothing the County can do, but the citizens can form a rural water  
23 coop like Roosevelt County did. He said he envisions if they will form a coop we may be able to help  
24 with some things, but government is not the answer to everything and there are some things you have  
25 to do for yourself.

26 **Mary Johnson** and **Rudolph Johnson** said they do not mind hauling water, but where do they get the  
27 water from. Mr. Johnson said he has to get water from somewhere but no one has water to get rid of.  
28 Bostwick said Epcor will sell water. Ashley recommended contacting Robin Myers who is looking into  
29 forming a water coop.

30 **XI – EXECUTIVE SESSION**

31 Authority for Closure: Discussion of Limited Personnel Matters and Pertaining to Threatened or Pending Litigation,  
32 Pursuant to NMSA 1978 10-15-1 H (2) and (7)

33 **Motion to Enter Executive Session at 10:55 a.m.**

34 **RESULT: ADOPTED BY ROLL CALL VOTE [UNANIMOUS]**  
35 **MOTION:** Wendell E. Bostwick, Commissioner  
36 **SECOND:** Robert O. Sandoval, Commissioner  
37 **AYES:** Bostwick, Sandoval, Blackburn, McDaniel, Ashley

38 **Motion to Exit Executive Session at 11:25 a.m.**

39 **RESULT: ADOPTED BY VERBAL VOTE [UNANIMOUS]**  
40 **MOTION:** Wendell E. Bostwick, Commissioner  
41 **SECOND:** Robert O. Sandoval, Commissioner  
42 **AYES:** Bostwick, Sandoval, Blackburn, McDaniel, Ashley

43 **Action Resulting from Executive Session**

44 No action was taken.  
45

46 **XII – ADJOURNMENT**

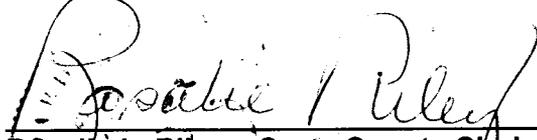
47 This meeting was adjourned by Frank Blackburn at 11: 25 a.m.  
48

49 **Tour of Adult and Juvenile Detention Centers**

50 **BOARD OF CURRY COUNTY COMMISSIONERS**

51  
52  
53  
54  
55  
56   
57 **Frank Blackburn – Chairman**  
58  
59  
60  
61

1 **ATTEST:**

2  
3  
4   
5  
6 **Rosalie L. Riley - Curry County Clerk**

7  
8 In compliance with the Americans with Disabilities Act of 1990, the County will provide appropriate  
9 auxiliary aids and services to afford an individual with a disability an equal opportunity to participate in  
10 any public meeting held by the County. A minimum of 48 hours advance notice is requested.  
11

12 **IN ATTENDANCE:**

Lance Pyle	Steve Doerr	Lee Ann Hutchins	Rosalie Riley
Steve Reed	Debbie Spriggs	Candace Morrison	Aleta Tittle
Carol Pipes	Tori Sandoval	Kevin Jolley	Cliff Rupert
Sandy Vigil	David Kube	Ted Richardson	Cody Moberly
Chet Spear	Glen William	Wesley Waller	Greg Southard
Elmer White	Vanessa Kahin	Rudolph Johnson	Mary Johnson
Juanita Matthews	Angelina Baca	Robert Snell	Kim Boney

13  
14 **EXHIBIT A**

15 Section 1.5. Jurisdiction

- 16 1. This Regulation shall govern all subdivision of land not within the boundaries of
- 17 municipalities but within the County. The County and a municipality shall exercise
- 18 concurrent jurisdiction over the territory within the platting jurisdiction of both the
- 19 County and the municipality, as provided in §3-20-5 and 3-20-9 NMSA 1978.
- 20 2. The City of Clovis has primary jurisdiction on all subdivisions within one mile of the
- 21 City's existing boundary. Any and all division of land which is situated within one
- 22 mile of the City of Clovis' boundary is, under the City of Clovis' code, a subdivision.
- 23 Any person, party or entity wishing to subdivide any property that sits or lies within
- 24 one mile of the City of Clovis boundary shall submit the proposal to the City of Clovis
- 25 for consideration prior to submitting any paperwork to the County Clerk, or the
- 26 County Assessor's Office regarding any division of property. The County Clerk will
- 27 not accept for filing any deed that splits or divides a surface area of land into one or
- 28 more tracts that is situated within more than one mile of the City of Clovis boundary
- 29 until and/or unless the same has been approved by the City of Clovis and until and/or
- 30 unless the same is accompanied by a written document suitable for filing showing
- 31 that the division has been approved by the City of Clovis.
- 32

33 *Article 2. Definitions: The following will be added:*

34 **legal access** For purposes of this regulation, legal access means the

35 unrestricted opportunity to go and return, from a tract of land to an

36 existing public road. If the property is not adjacent to an existing

37 public road, the road furnishing direct access to the property must

38 be shown on the survey and plat, must be or become a dedicated

39 road, and must be open to the public. The access must be wide

40 enough for the unobstructed use of motor vehicles, including but

41 not limited to fire and ambulance vehicles, sanitation vehicles and

42 school buses.

43 *Covered 47-5-3*

44 Section 4.1 Exemptions

45 There are thirteen (13) recognized and established exemptions to this Subdivision  
46 Regulation. Transfers of real property that meet any of these thirteen (13) established  
47 exemptions do not require full compliance with this Subdivision Regulation. Any transfer  
48 of real property, whether it meets one of the thirteen (13) recognized and established  
49 exemptions to this Subdivision Regulation or not, must still be filed with a survey or plat  
50 and must have legal access and utility easements to the same.

51 Section 4.3. Submission of Exemption

- 52 1. The County shall have standard forms setting forth the thirteen (13) exemptions to
- 53 the Subdivision Regulation available to the public. Any person claiming entitlement
- 54 to an exemption shall complete an exemption form and submit the same to the Curry
- 55 County Subdivision Coordinator before making the land division for which the claim

1 of exemption is made.

- 2 2. Any and all exemption forms to be filed, must be accompanied by a valid survey  
3 and/or plat and is a document prepared by a registered, licensed surveyor of New  
4 Mexico setting for the legal description of the tract(s) resulting from any division of  
5 real property which shall refer to permanent monuments, shall accurately describe  
6 each lot, number each lot in progression, provide complete dimensions for all lots,  
7 and all lands dedicated for public use or for the use of owners of lots, and sets forth  
8 and shows legal access to the property and the location of all necessary and  
9 required utilities to the property. Each survey must be signed and show the proper  
10 certification or authentication required under New Mexico statutes.
- 11 3. If the transfer of real property affected by the exemption has access to or a New  
12 Mexico highway, the exemption must be accompanied by a permit from the New  
13 Mexico Highway Department showing that said access has been approved.

14  
15 Section 8.1 Roads Within Lands

- 16 1. All roads within lands to be subdivided shall be located, aligned and designed to:
- 17 A. preserve natural features, vegetation and topography and protect the
  - 18 natural environment;
  - 19 B. protect public health and safety;
  - 20 C. require the road surface to adequately serve the type and intensity of the
  - 21 proposed uses within the subdivision, calculating future traffic demand
  - 22 according to vehicle type and anticipated volume, and provide adequate
  - 23 access for public service vehicles;
  - 24 D. require the creation of the minimum feasible amounts of land coverage
  - 25 and the minimum feasible disturbance to the soil;
  - 26 E. provide, to the extent feasible, for the separation of motor vehicular,
  - 27 bicycle, and pedestrian traffic;
  - 28 F. create conditions of proper drainage;
  - 29 G. provide for proper landscaping;
  - 30 H. protect against erosion of road surface and adjacent areas;
  - 31 I. be compatible with the engineering interpretations of the soil survey.
- 32 2. All utilities shall be located outside of any and all subdivision roads. No plat or  
33 subdivision application will be accepted if any above-ground utility is located in a  
34 dedicated roadway. No plat or subdivision application will be accepted if any  
35 underground utility prevents or interferes with the County's right to use the entire  
36 road easement for purposes of a road.
- 37