

# Board of County Commissioners

700 N. Main St.  
Clovis, NM 88101

Friday, June 6, 2014

Regular Meeting

Curry County Courthouse

## 1 I – CALL TO ORDER

Attendee Name	Title	Status	Arrived
Wendell E. Bostwick	Commissioner	Present	1:30 PM
Robert O. Sandoval	Commissioner	Absent	
Frank H. Blackburn	Chairman	Present	1:30 PM
Ben McDaniel	Commissioner	Present	1:30 PM
Tim L. Ashley	Commissioner	Remote	2:33 PM

## 2 Invocation

## 3 Pledge of Allegiance

## 4 Approval of Agenda

5 Pyle said Item 2 under Presentations should be removed and said that the presentation would be made  
6 at a July or August Commission meeting. **Motion to approve agenda as amended.**

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

## 12 II – MINUTES APPROVAL

### 13 1. Request Approval of Regular Commission Meeting Minutes on May 21, 2014

14 Bostwick asked if he could vote since he was not there for the whole meeting last time. Doerr said he  
15 could vote. Doerr stated that the Indigent Board minutes should include the time they convened and  
16 when they concluded. **Motion to approve.**

17 **RESULT: APPROVED BY VERBAL VOTE [UNANIMOUS]**  
18 **MOTION: Wendell E. Bostwick, Commissioner**  
19 **SECOND: Ben McDaniel, Commissioner**  
20 **AYES: Wendell E. Bostwick, Frank H. Blackburn, Ben McDaniel**  
21 **ABSENT: Robert O. Sandoval, Tim L. Ashley**

### 22 2. Request Approval of Indigent Board Meeting Minutes on May 21, 2014

23 **Motion to approve with amendment.** Doerr said the accurate time should be reflected in the  
24 Indigent Board Meeting.

25 **RESULT: APPROVED BY VERBAL VOTE [UNANIMOUS]**  
26 **MOTION: Ben McDaniel, Commissioner**  
27 **SECOND: Wendell E. Bostwick, Commissioner**  
28 **AYES: Wendell E. Bostwick, Frank H. Blackburn, Ben McDaniel**  
29 **ABSENT: Robert O. Sandoval, Tim L. Ashley**

## 30 III – RECOGNITION OF VISITORS AND PUBLIC INPUT FOR WHICH NO ACTION WILL BE 31 TAKEN

32 **Randy Crowder** said he had been contacted by several constituents as a City Commissioner about the  
33 voting location at Wheatfields who expressed frustration about the distance they had to walk and the  
34 elevator being out. He requested if the opportunity arises, that the Commissioners reconsider that  
35 location as a voting center. Rose Riley said the parking was terrible and said she had addressed it with  
36 Wheatfields. She said when the elevator went down they moved the voting upstairs and downstairs to  
37 accommodate voters. She said they also were short poll workers over there due to workers not showing  
38 up and one worker had collapsed. Riley stated she had addressed all the issues with Wheatfields and  
39 commended her staff for working to address the issues. She said although there were complaints, there  
40 were voters who were thrilled to be able to vote for the first time in a long time. She said she was also  
41 going to work with the party chairmen to get rides to voting sites for other retirement centers and was  
42 open to suggestions. Riley said the VCCs were a great success and the results were fast. Crowder said  
43 he understood there were only two people from Wheatfields that actually voted, and Riley said that was  
44 not true. Riley said one of the goals of changing to the VCCs, other than the technology and cutting  
45 costs of elections, was the elimination of voter confusion; however, she said there was still confusion  
46 about where to vote. She said she spent over \$2,000 to advertise the location of the VCC sites with  
47 maps and addresses on both radio and in the newspaper, but she said people were still unsure of where  
48 to vote. Riley suggested we have a big campaign to educate voters and suggested we combine Clovis  
49 and Curry voting sites together to eliminate voter confusion. Bostwick said you can go to the radio  
50 station and put it in the paper and still people will say they did not know and said he does not know how  
51 you inform people. Blackburn said he tested out the new system at the FEC site and everything worked

1 well.

2 **IV – PRESENTATIONS**

3 **Presentation to Ray Sullivan for His Service to the Curry County Victim Impact Panel**  
4 **Meetings - Frank Blackburn and Deanna Bouillon**

5 Frank Blackburn and Deanna Bouillon presented Ray Sullivan a plaque of appreciation for speaking  
6 regularly to the Curry County Victim Impact Panel Meetings. She said he spoke about how a DWI  
7 tragedy affected his family and thanked him on behalf of Curry County and the DWI Task Force. Sullivan  
8 said he spends time speaking to DWI panels because he used to drink and drive. He said he was  
9 fortunate to have never killed anyone or hurt himself but he had lost a sister and a nephew.

10 **V – CONSENT AGENDA**

11 **1. Request Approval of Payroll Direct Deposit Checks #37443 thru 37804; Accounts**  
12 **Payable Checks #113510 thru 113808; Payroll Checks #52210 thru 52221 for a Total of**  
13 **\$1,186,666.96 - Carol Pipes**

14 **2. Request Approval of Contract Renewal for Professional Services with First American**  
15 **Financial Advisors, Inc. for a Term of July 1, 2014, to June 30, 2015, at the Same Terms,**  
16 **Conditions and Rates Set Forth in the Original Contract Dated June 14, 2011 – Lance A.**  
17 **Pyle**

18 **3. Request Approval of Renewal of the Employee Assistance Program Service**  
19 **Agreement with Deer Oaks EAP Services, LLC, for the Period of July 1, 2014, to June 30,**  
20 **2015, at \$1.04 Per Employee, Per Month that is Eligible for Service – Lance A. Pyle**

21 **4. Request Approval of Renewal of Service Agreements with Trane for the Chiller**  
22 **Located at the Curry County Courthouse in the Amount \$3,884.00 and 417 Gidding Street**  
23 **in the Amount of \$3,356.00 for the Term of June 25, 2014, to June 24, 2015 – Lance A.**  
24 **Pyle**

25 **5. Request Approval of 2014 Fair Agreement with the Curry County Fair Board for a Term**  
26 **of June 6, 2014 to December 31, 2014, for Fair Board Providing Advice and Assistance to**  
27 **County and Global Spectrum and the County will Pay \$1,500.00 to Fair Board - Lance A.**  
28 **Pyle**

29 **6. Request Approval to Apply for the Con Alma Foundation Grant in the Amount of**  
30 **\$15,000 for Fiscal Year 2015 to Fund the Curry County Health Council Initiates - Sandy**  
31 **Vigil**

32 **7. Request Approval of Memorandum of Agreement Between Curry County Sheriff's**  
33 **Office and Curry County DWI Program in the Amount of \$9311.00 for DWI Over Time**  
34 **Activities Including Check Points and Saturation Patrol (Not Including Trial Appearance**  
35 **or Training) for the Term of July 1, 2014, to June 30, 2015 - Sandy Vigil**

36 **8. Request Approval of Professional Services Contract Between Matt 25 Inc., dba Life**  
37 **Skills Learning Center and Curry County DWI Program for \$125.00 for Each Initial**  
38 **Evaluation, \$95.00 for Each Family Counseling Session and \$30.00 Per Person Per Group**  
39 **for Group Counseling Session and the Amount of Contract Not to Exceed \$17,000.00 for**  
40 **the Term of July 1, 2014, to June 30, 2015 - Sandy Vigil**

41 **9. Request Approval of Professional Services Contract Between Mental Health**  
42 **Resources and Curry County DWI Program for \$125.00 for Each Initial Evaluation, \$95.00**  
43 **for Each Family Counseling Session and \$30.00 Per Person Per Group for Group**  
44 **Counseling Session and the Amount of Contract Not to Exceed \$17,000.00 for the Term**  
45 **of July 1, 2014, to June 30, 2015 - Sandy Vigil**

46 **10. Request Approval of Line Item Transfer in the Amount of \$12,224 from the**  
47 **Commission Construction Line #401-12-5611 to the Adult Detention Line Item #401-93-**  
48 **5600 for KeyTrak Control System Purchase - Tori Sandoval**

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

50	<b>RESULT:</b>	<b>APPROVED BY ROLL CALL VOTE [UNANIMOUS]</b>
51	<b>MOTION:</b>	Wendell E. Bostwick, Commissioner
52	<b>SECOND:</b>	Ben McDaniel, Commissioner
53	<b>AYES:</b>	Wendell E. Bostwick, Frank H. Blackburn, Ben McDaniel
54	<b>ABSENT:</b>	Robert O. Sandoval, Tim L. Ashley

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

56	<b>RESULT:</b>	<b>APPROVED BY ROLL CALL VOTE [UNANIMOUS]</b>
57	<b>MOTION:</b>	Ben McDaniel, Commissioner
58	<b>SECOND:</b>	Wendell E. Bostwick, Commissioner
59	<b>AYES:</b>	Wendell E. Bostwick, Frank H. Blackburn, Ben McDaniel
60	<b>ABSENT:</b>	Robert O. Sandoval, Tim L. Ashley

61

1 **VI – REPORTS OF; BOARDS, COMMITTEES, DEPARTMENTS AND PRESENTATIONS**

2 **1. Presentation of April 2014 Events Center and Fairgrounds Financial Statements -**

3 **Kevin Jolley**

4 Kevin Jolley reported for the month of April they did 13 events compared to the 21 budgeted and stated  
5 they had lost a small circus and a couple of small roping events. He said attendance for the month was  
6 down almost 12,000, down about 2,000 from what was budgeted for the month. He said part of that  
7 was due to the small circus and Joe's Calf Roping was down in attendance by about 1,000. Direct and  
8 ancillary income was down by a little over \$7,000, other income was ahead of budget by almost \$2,000,  
9 and indirect expenses were over budget by almost \$2,500. For the month they were \$7,895 off of  
10 budget. Jolley said they were down almost \$5,000 in concession sales at Joe's Calf Roping due to the  
11 low attendance. For the year so far they have done 53 events compared to the 55 budgeted.  
12 Attendance is up for the year by a little over 3,500, total event income is off by \$520, other income is  
13 better by a little over \$1,300, indirect expense is over budget by a little over \$11,000, and they are  
14 \$2,500 ahead for the year. Jolley said if things stay like they have been, they expect to beat budget this  
15 year by almost \$2,300.

16 **2. Update on Events Center Roof Repair - Ben Roberts**

17 Ben Roberts said he had a call last week from the contractor doing the roof repair at the Fairgrounds.  
18 The contractor said after the rain the Elastomeric coating on the roof they had applied is blistering and  
19 water is getting underneath it. Roberts said the contractor called the manufacturer and they are having  
20 a representative coming out to inspect the product because the contractor believes it was a bad batch  
21 of product. Roberts said they are waiting to hear back from the manufacturer. Bostwick said he hopes  
22 we do not pay anything until it is fixed and if they do not get it fixed quickly that we get someone who  
23 can fix it.

24 **3. Update on CDBG Road Project - Sandy Vigil**

25 Sandy Vigil said she had met with Lydick this morning and he had brought the bid specs. She said they  
26 are 90-percent complete with the specs and are waiting on things like the wage rates, bid advertisement  
27 schedule, timelines, construction detour signs, and the SWPPP plan. She said another item they are  
28 waiting on is a contribution form to be filled out by the Commissioners for any donations made towards  
29 any local, state, or federal public officials. She said this is a new requirement. She stated the new  
30 purchasing agent Lee Montano will be helping with the bid specs on this project. Vigil stated Lydick said  
31 he would get us everything by next week and that he believes the construction of the road will not take  
32 more than six weeks. She said the second week in July is a feasible time to open up the bid. Bostwick  
33 urged Vigil to encourage Lydick to meet the deadlines, and Vigil said she had explained the County's  
34 concerns to not lose this money. Chairman Blackburn stated the road project is on 21st Street in the  
35 county another mile west and a mile south on CR N which will take it to Highway 60/84 and the 467  
36 bypass. He said he had gone to Albuquerque two years ago where we received the CDBG funding and it  
37 has been hampered by all kinds of regulations.

38 **4. Curry County Detention Report - Tori Sandoval**

39 Ecipio Lucero, Interim Detention Administrator, said the current Adult Detention Center population as of  
40 May 27 is 233 with 185 males and 48 females. The population out of county is 17 with ten in Bailey  
41 County, three in Parmer County, two in Roosevelt County, and two in the Department of Corrections.  
42 Currently there are seven out on the Community Custody Program. The current Juvenile Detention  
43 Center population is ten with seven males and three females, and one of the juveniles is from Roosevelt  
44 County and one is from Eddy County. Revenue for housing juveniles from other counties is \$4,000.  
45 Currently the Adult Detention Center has 31 Detention Officers with 13 vacancies and nine Booking  
46 Officers with zero vacancies. There are 16 Juvenile Officers with zero vacancies. As of April 30, 2014,  
47 \$3,611.96 has been received from the Booking Fee Policy and \$6,857.18 is owed. Currently there are six  
48 new correction officers that will be going through the Academy beginning on August 9. Tori Sandoval  
49 has met with Sandy Vigil to discuss having inmates clean the median for the County once a month.  
50 Lucero said he was working to get the equipment needed to clean the highway from the base in to the  
51 city limits. Tori Sandoval has talked with Ben Roberts and offered inmate help with painting at the  
52 fairgrounds. Lucero stated that he, Sandra Martin, and Sheila Morrison will be attending the NMAC  
53 Conference in June and Sgt. Rhue will be attending the first class in Albuquerque for the new curriculum  
54 for juveniles. Lucero said one new hire will be starting at the JDC on Monday and another will be  
55 starting at the ADC on Monday. He said there was a facility meeting with the entire staff on May 27  
56 where a lot was accomplished.

57 **VII – CANVASS BOARD**

58 **Motion to enter Canvass Board at 2:05 p.m.**

1 **RESULT: APPROVED BY ROLL CALL VOTE [UNANIMOUS]**  
2 **MOTION:** Wendell E. Bostwick, Commissioner  
3 **SECOND:** Ben McDaniel, Commissioner  
4 **AYES:** Wendell E. Bostwick, Frank H. Blackburn, Ben McDaniel,  
5 **ABSENT:** Robert O. Sandoval, Tim L. Ashley

6 Rose Riley stated that she would give a report but that the canvass was not yet complete. She reported  
7 that in 37 precincts there were 3,159 total ballots cast with 2,291 were Republican and 862 were  
8 Democrat. There were 92 absentees with 74 Republican and 18 Democrat. Riley turned the canvass  
9 over to Beni Dampier. Dampier requested a recess of the canvass and that it be finalized on Friday, June  
10 13. She stated we are going through the packets and making sure there are no discrepancies. She said  
11 AES is sending us a file this afternoon of the signatures so we can balance the election. She said so far  
12 everything has gone well but there are a few things we need to look at. She stated we have seven  
13 provisional ballots and we can open those today or next Friday. Bostwick said we could open the  
14 provisional ballots now and then on Friday we would have a final count. Dampier stated the first  
15 provisional ballot was a registered voter from Precinct 3, Ranchvale, who voted at Roy Walker, and she  
16 recommended the ballot be counted. Bostwick asked if there was a reason it was not tabulated, and  
17 Dampier explained it was because Ranchvale and Pleasant Hill are traditional precincts. She said they  
18 may vote at a voting center but they must vote on a provisional ballot. Republican Carol Pipes and  
19 Democrat Lance Pyle observed while Riley read the votes and Dampier recorded the votes on a Precinct  
20 3 Republican tally sheet. Riley stated the next provisional ballot was also a registered voter in Precinct 3  
21 who voted at Roy Walker and recommended the vote be counted. The ballot was opened and votes  
22 were recorded on a Precinct 3 Democrat tally sheet. Dampier stated the next provisional ballot was  
23 from a voter who was on the roster at FEC but the poll workers missed it and recommended it be  
24 counted. After opening the ballot it was discovered to be a Precinct 3 ballot and Dampier requested  
25 more time for research. Doerr suggested the Canvass Board be recessed and reconvened later in the  
26 meeting. **Motion to recess the Canvass Board and reconvene the Canvass Board later in**  
27 **the meeting at 2:26 p.m.**

28 **RESULT: APPROVED BY VERBAL VOTE [UNANIMOUS]**  
29 **MOTION:** Wendell E. Bostwick, Commissioner  
30 **SECOND:** Ben McDaniel, Commissioner  
31 **AYES:** Wendell E. Bostwick, Frank H. Blackburn, Ben McDaniel,  
32 **ABSENT:** Robert O. Sandoval, Tim L. Ashley

### 33 VIII – ORDINANCES

34 **1. Public Hearing Regarding Proposed Ordinance #2014-02 Dedicating, in Quarterly**  
35 **Installments, an Amount Equal to a Gross Receipts Tax of One-Twelfth (1/12) Percent**  
36 **Applied to the Taxable Gross Receipt Reported During the Prior Fiscal Year by Persons**  
37 **Engaged in Business in the County to the Newly Created Safety Net Care Pool Fund; and**  
38 **Providing an Effective Date of Transferring Funds – Lance A. Pyle**  
39 **Motion to go into Public Hearing to discuss Proposed Ordinance 2014-2.**

40 **RESULT: APPROVED BY ROLL CALL VOTE [UNANIMOUS]**  
41 **MOTION:** Wendell E. Bostwick, Commissioner  
42 **SECOND:** Frank H. Blackburn, Chairman  
43 **AYES:** Wendell E. Bostwick, Frank H. Blackburn, Ben McDaniel,  
44 **ABSENT:** Robert O. Sandoval, Tim L. Ashley

45 Pyle said at the May 6 meeting a Notice of Intent was approved on the proposed ordinance and the  
46 Notice of Intent was run in the CNJ on May 11 and 25 informing the public of the public hearing. Pyle  
47 read the title of the ordinance, "An Ordinance Dedicating, in Quarterly Installments, an Amount Equal to  
48 a Gross Receipts Tax of One-Twelfth Percent Applied to the Taxable Gross Receipts Reported During the  
49 Prior Fiscal Year by Persons Engaged in Business in the County to the Newly Created Safety Net Care  
50 Pool Fund; and Providing an Effective Date of Transferring Funds." He read the fourth "Whereas, the bill  
51 contained an emergency clause, making the law effective on March 12, 2014;" and the seventh  
52 "Whereas, Section 8 of the bill amended the Indigent Hospital and County Health Care Act by creating  
53 the Safety Net Care Pool Fund to be administered by the Human Services Department;" and eighth  
54 "Whereas, the Safety Net Care Pool Fund is a non-reverting fund, which according to the bill, will consist  
55 of public funds transferred from counties for use by the HSD to make payments to qualifying hospitals  
56 under an agreement with the federal Centers for Medicare and Medicaid Services;" and the ninth  
57 "Whereas, Section 16 of the bill contained a provision that required a County to adopt an ordinance to  
58 be effective July 1, 2014, that dedicated to the Safety Net Care Pool Fund an amount equal to a gross  
59 receipts tax of one-twelfth percent applied to the taxable gross receipts reported during the prior fiscal  
60 year by persons engaging in business in a County;" and the tenth "Whereas, Section 16 of the bill  
61 required further that any ordinance adopted by a County in compliance with the bill must transfer to the  
62 Safety Net Care Pool Fund by the last day of March, June, September, and December of each year, an

1 amount equal to one-fourth of the County's payment to the Safety Net Care Pool Fund;" and the final  
 2 "Whereas, the Board of County Commissioners of Curry County does not agree and/or support the  
 3 legislation as it constitutes an unfunded mandate and places the burden upon Curry County, and the  
 4 residents of Curry County, to comply with Section 16 of the bill." "Now therefore, be it enacted by the  
 5 Board of County Commissioners of Curry County as follows:" paragraph 2, "The County will use the  
 6 second one-eighth percent County gross receipts tax that was adopted by Ordinance #88-1 with an  
 7 effective date of January 1989 as the tax that will transfer for the one-twelfth percent to the Safety Net  
 8 Care Pool Fund." Pyle stated this is the Indigent Health Care tax. Paragraph 3 reads, "The annual  
 9 payment of the County shall be made in quarterly payments no later than the last day of March, June,  
 10 September, and December, with the first payment being made by the last day of September 2014." Pyle  
 11 read from the last paragraph, "If the laws of 2014, Chapter 79, Section 1, is deemed unconstitutional,  
 12 invalid, void, or is otherwise set aside, then this ordinance shall be without legal effect and shall be  
 13 rescinded automatically upon such declaration or determination." Pyle said this was a very heated issue  
 14 during the legislature and he strongly disagrees with it but the County has no other choice. If the  
 15 County does not enact this ordinance, it will be in violation of State law. We would receive an audit  
 16 finding, it could impact future grant funding, any bonding we may look at doing, it could impact any  
 17 capital outlay we get from the State, and the State could come and seize our funds. Bostwick said he  
 18 has had a request to call Commissioner Ashley who has just landed in Dallas. Chairman Blackburn said it  
 19 was all right and he had to comply with the rules. Doerr said the full Commission has to be able to hear  
 20 him and he has to be able to hear the full Commission. Commissioner Bostwick placed a conference call  
 21 to Commissioner Ashley at 2:33 p.m. Chairman Blackburn said he would call on him to speak and to  
 22 vote. Ashley said he had read the ordinance. Chairman Blackburn asked if anyone wanted to speak in  
 23 the public hearing. Pyle stated as written this is not a tax increase but it is the State taking one-twelfth  
 24 of local tax dollars and keeping it at the State and putting the financial burden on the County. Bostwick  
 25 said he does not like this mandated obligation, but when Pyle says this is not a tax increase, if we are  
 26 going to maintain our social programs in the county, we will have to come back and increase our taxes  
 27 somewhat. He said they are taking more money than we have given them before for indigent care but  
 28 they have changed it to a Medicaid payment. He said he agrees that if we do not do this, they will get it  
 29 out of our general fund and we are in more trouble. He said the Association of Counties will be looking  
 30 at this again during the legislative session in January. **Motion to exit public hearing.**

<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>	Wendell E. Bostwick, Frank H. Blackburn, Ben McDaniel, Tim L. Ashley
<b>ABSENT:</b>	Robert O. Sandoval

36 **2. Discussion and Request Action on Ordinance #2014-02 Dedicating, in Quarterly**  
 37 **Installments, an Amount Equal to a Gross Receipts Tax of One-Twelfth (1/12) Percent**  
 38 **Applied to the Taxable Gross Receipt Reported During the Prior Fiscal Year by Persons**  
 39 **Engaged in Business in the County to the Newly Created Safety Net Care Pool Fund; and**  
 40 **Providing an Effective Date of Transferring Funds – Lance A. Pyle**

41 **Motion to approve Ordinance 2014-2.** McDaniel said he did not like the idea of the legislature  
 42 constantly telling us what to do and good luck paying for it. He said he realizes there are implications in  
 43 not going along with it so he will go along with it. Blackburn said he did not like it either and said he had  
 44 never participated in a tax increase but we would have no choice if we want to maintain our programs.

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

50 **IX – ACTION ITEMS**

51 **1. Discussion and Request Approval of Voting Delegate and Alternate at the NACo**  
 52 **Conference in July 2014 - Wendell Bostwick**

53 Bostwick said every year at the summer conference they elect the officers for the coming year for NACo.  
 54 He stated the Commission has to give someone authority to vote for someone and since he will be  
 55 there, he has asked for the privilege to cast our vote as a County for that individual. He said he has  
 56 visited with each of the candidates over the last year and will probably be supporting the gentleman  
 57 from Florida as he thinks he is more attuned to our needs. **Motion to appoint Bostwick the voting**  
 58 **delegate and Sandoval the alternate.**

1	<b>RESULT:</b>	<b>APPROVED BY VERBAL VOTE [UNANIMOUS]</b>
2	<b>MOTION:</b>	Frank H. Blackburn, Chairman
3	<b>SECOND:</b>	Ben McDaniel, Commissioner
4	<b>AYES:</b>	Wendell E. Bostwick, Frank H. Blackburn, Ben McDaniel, Tim L. Ashley
5	<b>ABSENT:</b>	Robert O. Sandoval

6 **2. Discussion and Request Action on Notice of Intent to Sue Regarding the Lesser**  
7 **Prairie Chicken Listing Decision Resolution #2014-41 – Wendell Bostwick**

8 Bostwick said whenever we joined the other counties in seeking the scientific information to prove that  
9 the chicken did not need to be listed, that gave us standing because we made comments and we did  
10 presentations. Then the US Fish and Wildlife Department came back and said we are going to put it on  
11 the threatened list anyway, and it is in our mind that they did not evaluate our findings for lack of  
12 science, and there were some procedural things and other items where basically they did not follow  
13 their own rules. He said if you are going to sue somebody, you have to give them intent, and this is a  
14 Notice of Intent that we are going to sue on behalf of the County. He said the filing of the Notice of  
15 Intent will come out of private funds in Curry County that are being held by the Ag 50 group at the  
16 Chamber where there is about \$10,000. The initial lawyer's fees will come out of that fund, and  
17 Bostwick said he did not think it would be \$1,000 when it was split up amongst the eight or nine  
18 counties. He said he understands Eddy, Lea, Roosevelt, and Quay, are also meeting on this same  
19 resolution and they will be hiring a firm that can deal with these kinds of things. In the meantime, he  
20 said they will be engaging industry, and he said they have been talking to oil executives, and the oil and  
21 gas people are very interested in joining us in our suit and they are the ones with the money. Bostwick  
22 said as we go forward he does not anticipate this costing the County any money and he thinks it will be  
23 covered by our already accumulated private funds, but we will have to look at other industries as we go  
24 forward to continue this suit. He said being the counties, since we were the ones that provided the  
25 information, this Notice of Intent holds us a place to challenge this listing. He said it is our belief as a  
26 group of counties that we are much better off with the NM Game and Fish Department's attempts to  
27 protect this bird and said they have signed agreements with farmers and ranchers to protect this bird  
28 and bring it back. He said the drought has been very detrimental and said the quail has been a little  
29 short the last four or five years but said he is seeing some out there now so maybe we are fixing to turn  
30 this drought around. McDaniel said he does not want to be obligated for large legal fees in the future,  
31 but other than that, he is totally behind it and realizes there is a deadline on filing the intent. Bostwick  
32 said the 90 days runs out next Tuesday and said this in no way obligates the County. If there was any  
33 money to be expended, it would have to come back to the Commission. He said he thinks it is  
34 paramount that we say enough is enough and we have to do this. **Motion to approve.** Blackburn said  
35 he understands there is no financial commitment and there will be a decision to be made later. He said  
36 he is concerned about the prairie chicken and the possibility of some regulations. He said they had a  
37 meeting at K-Bob's where a person who spoke to them from the oil industry was not too concerned  
38 about private land in this county, but electric lines seemed to be a problem and the chicken hawk is an  
39 enemy of the prairie chicken. He said they perch on electric lines and might force us someday to go  
40 underground with electric lines and that is very expensive. He stated we have all had experience with  
41 that and it also might get into our Tres Amigas project with a lot of lines around. He said they also  
42 mentioned that there has begun to be opposition in the east because they are now moving these  
43 regulations into some animals in the east and it looks like we are going to have to head them off  
44 somewhere. Blackburn said with the stem cell research they tell us about, someday we may have some  
45 animals coming in here that used to be here 1,000 years ago and we are going to have to move over for  
46 them. He said it is out of hand. McDaniel said it is another issue of the government telling us what to  
47 do. Pyle said Commissioner Sandoval could not be here today but he has submitted a letter he wants  
48 read at the meeting. Chairman Blackburn asked Pyle to read the letter. Pyle read: "Mr. Chairman and  
49 Commissioners, Please accept my apologies for not attending this meeting as I had a death in the family  
50 and I will be in Roswell during the meeting. In reference to the proposed lawsuit on the lesser prairie  
51 chicken listing decision, I am not prepared to vote in favor of this simply because I don't know the facts  
52 on this issue. I have many questions that I feel need to be answered before we would do something like  
53 this and obligate the County. The first question I have is exactly how much will Curry County pay for  
54 being involved in this lawsuit. I have always tried to deal with the County issues in a conservative  
55 manner, and I am not used to purchasing something without knowing exactly what it's going to cost me  
56 and the consequences. An important question which I think the Commission should spend time on  
57 considering is if we were to get involved in a lawsuit and we were to lose this lawsuit, is there a  
58 possibility the court could impose attorney's fees on the County. Have we consulted at all with our  
59 representatives in Washington, D.C., regarding this matter? Have we consulted with our County  
60 attorney and obtained his opinion regarding this matter? Lastly, could this possibly affect any chance of  
61 us getting future grants or subsidies from the federal government? I have more questions that need to  
62 be asked because I consider a lawsuit something very serious, and although I am not trying to tell the  
63 Commission how to vote, I would seriously hope they consider these questions that I have raised.  
64 Although I cannot vote today, if I could, I would say that I was not at all prepared with the information

1 that I have been given in order to take on this task, and I request that this matter be tabled until these  
2 questions are answered. Robert Sandoval." Blackburn asked for Ashley's comments. Ashley said he and  
3 Bostwick in March visited with every congressional delegate member in Washington, D.C., about that  
4 very issue and expressed that and said they are definitely aware of our position. Chet Spear said he had  
5 attended the Roosevelt County meeting this morning and they had two items on the agenda that they  
6 wanted to vote on. One was a Notice of Intent to sue, and they voted yes, and they also voted to  
7 approve of the participation in the Permian Basin Petroleum Association lawsuit. Bostwick said he  
8 would be happy to explain. He said there are two oil organizations in the state of New Mexico. There  
9 are the majors which are Exxon, Mobil, and the major players, and then there are the independent  
10 players. He said both of those have standing in this lawsuit because they made comment in this  
11 potential lawsuit. The independents are going to go ahead and file, and he said he expects the majors to  
12 go ahead and file by Tuesday. He said the plan is that everybody is going to go ahead and file, and the  
13 intent and hope is that we will all join so we are not spending double dollars. He said basically  
14 everybody is protecting their right of the intent to sue, and we will hire someone to assimilate this at a  
15 later time. Blackburn said he believes the oil industry is concerned because it seems that traffic and  
16 loud trucks seem to bother the prairie chickens. Bostwick said if they mess up their mating they are in  
17 trouble. Blackburn said this is a problem for Curry County with development like Tres Amigas or any of  
18 our wind power projects there will be some unseen before traffic, a lot of loud trucks, noise, and that  
19 could be a problem.

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

25 **3. Discussion and Request Approval of Resolution #2014-39 Transferring Funds**  
26 **Received by Curry County in the Amount of \$44,897.26 From NMAC Multi-Line Insurance**  
27 **Pool For Reimbursement of Hail Damage Repairs on Curry County Buildings. Curry**  
28 **County Wishes to Increase Revenue and Expenses by \$894.61 in the Curry County Road**  
29 **Department (402) and to Increase Revenue and Expenses by \$44,002.65 in the**  
30 **Fairgrounds/Events Center Fund (410) to Make Repairs to Curry County Buildings -**  
31 **Carol A. Pipes**

32 Carol Pipes said they received reimbursement funds from NMAC to cover hail damage to those listed  
33 Curry County buildings. **Motion to approve Resolution 2014-39.**

<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>	Wendell E. Bostwick, Frank H. Blackburn, Ben McDaniel, Tim L. Ashley
<b>ABSENT:</b>	Robert O. Sandoval

39 **4. Discussion and Request Approval of Resolution 2014-40 Authorizing Budgetary**  
40 **Adjustments to Account for Funds Received by Curry County in the Amount of**  
41 **\$96,194.18 From NMAC Multi-Line Insurance Pool. Curry County Wishes to Increase**  
42 **Revenue and Expenses by \$82,056.09 in the Fairgrounds/Events Center Fund (410); and**  
43 **to Increase Revenue and Expenses by \$14,138.09 in the General Fund (401) Commission**  
44 **Budget for the Reimbursement of Hail Damage to Roofs at the Commercial Building,**  
45 **Indoor Pavilion and Food Building at the Fairgrounds and to Field Fire Station - Carol A.**  
46 **Pipes**

47 Carol Pipes stated this was also a reimbursement check from NMAC to go to those line items to  
48 reimburse costs for those roofs. **Motion to approve Resolution 2014-40.**

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

54 **5. Discussion and Request Approval of Resolution #2014-37 Accounting for Funds**  
55 **Received by Curry County in the Amount of \$225,428.99 from NMAC Multi-Line Insurance**  
56 **Pool. Curry County Wishes to Increase Revenue and Expenses by \$17,223.04 in the Curry**  
57 **County Road Department (402); to Increase Revenue and Expenses by \$194,865.70 in the**  
58 **Fairgrounds/Events Center Fund (410); and to Increase Revenue and Expenses by**  
59 **\$13,340.25 in the General Fund (401) for the Reimbursement and Repairs to Roofs from**  
60 **the Hail Damage Sustained in the Summer of 2013 - Carol A. Pipes**

61 Carol Pipes said these were reimbursement funds from NMAC and they were for roof repairs that have  
62 contracts on them, and she said the amounts should match exactly to the contracts we have. **Motion**  
63 **to approve Resolution 2014-37.**

1 **RESULT: APPROVED BY ROLL CALL VOTE [UNANIMOUS]**  
2 **MOTION:** Wendell E. Bostwick, Commissioner  
3 **SECOND:** Ben McDaniel, Commissioner  
4 **AYES:** Wendell E. Bostwick, Frank H. Blackburn, Ben McDaniel, Tim L. Ashley  
5 **ABSENT:** Robert O. Sandoval

6 **6. Public Hearing on the Proclamation to Restrict Fireworks Sale and Usage – Lance A.**  
7 **Pyle and Stephen Doerr**  
8 **Motion to go into Public Hearing.**

9 **RESULT: APPROVED BY ROLL CALL VOTE [UNANIMOUS]**  
10 **MOTION:** Frank H. Blackburn, Chairman  
11 **SECOND:** Wendell E. Bostwick, Commissioner  
12 **AYES:** Wendell E. Bostwick, Frank H. Blackburn, Ben McDaniel, Tim L. Ashley  
13 **ABSENT:** Robert O. Sandoval

14 Pyle stated Ordinance 2003-03 provides procedures to declare fireworks restrictions in the  
15 unincorporated portions of the county. He read, "The Board of County Commissioners may hold a  
16 hearing to determine if fireworks restrictions should be imposed within the unincorporated portions of  
17 the county affected by extreme or severe drought conditions or are otherwise subject to severe or  
18 extreme fire danger. The findings of the Board of County Commissioners shall be based on current  
19 drought indices published by the National Weather Service and any other relevant information supplied  
20 by the United States Forest Service." He said the ordinance also requires "The Board of County  
21 Commissioners' proclamation declaring an extreme or severe drought condition shall be issued no less  
22 than twenty days prior to a holiday for which fireworks may be sold." Pyle went through the proposed  
23 proclamation. In the middle of the page he read, "During the said public hearing, the Board of County  
24 Commissioners found that based upon the drought indices published by the United States Drought  
25 Monitor and other relevant information...that Curry County is affected by exceptional, extreme, or  
26 severe drought conditions and with due regard to the health, safety, and general welfare of the  
27 residents of the County of Curry, the Board of County Commissioners determined that fireworks  
28 restrictions should be imposed within the unincorporated portions of Curry County." He read further in  
29 the "Be it hereby resolved" section, "the Commission finds that it is necessary to impose fireworks  
30 restrictions on those fireworks which may be legally sold at retail under the New Mexico Fireworks  
31 Licensing & Safety Act for a period not to exceed 30 days from June 6<sup>th</sup> through July 4<sup>th</sup>, 2014."  
32 "Pursuant to such findings, the following fireworks ban and restrictions are imposed from June 6<sup>th</sup>  
33 through July 4<sup>th</sup>, 2014." 1) "There shall be a complete ban on the sale and/or use of aerial devices and  
34 ground audible devices within the unincorporated areas of Curry County." 2) "There shall be a complete  
35 ban and restriction on the sale or use of display fireworks, as that phrase is defined in the New Mexico  
36 Fireworks Licensing & Safety Act." 3) "The use of any and all other permissible fireworks not listed in  
37 Paragraphs 1 and 2 above, as those terms are defined in the New Mexico Fireworks Licensing & Safety  
38 Act, shall be limited to those areas that are paved or barren and of significant size to allow the safe use  
39 of said fireworks or areas that have a readily accessible source of water for use by the homeowner."  
40 "Pursuant to Section 60-2C-10, violation of this Proclamation or the Fireworks Licensing & Safety Act  
41 shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year or  
42 both. Any person convicted of any violation of this Proclamation will be guilty of a misdemeanor." "In  
43 addition, any person violating the terms of this Proclamation or the New Mexico Fireworks Licensing &  
44 Safety Act may suffer such civil penalties as provided in Section 60-2C-11, NMSA 2013. "This  
45 Proclamation may be modified or rescinded by the Board of County Commissioners of Curry County at  
46 any time within this 30-day period upon conducting a hearing to determine if weather conditions have  
47 improved." "If, based upon current drought indices published by the United States Drought Monitor  
48 and all other relevant information...indications that the extreme and severe drought conditions are no  
49 longer present and do not exist in eastern New Mexico, then upon receipt of said determination, the  
50 County Manager has the authority to rescind this Proclamation and shall give public notice of the same."  
51 Pyle said he pulled the Drought Monitor information released on May 29, 2014, still showing Curry  
52 County in extreme drought. Chairman Blackburn invited anyone to speak. He said this is banning  
53 ground and aerial devices. Doerr said there is a list of permissible fireworks in the statute. Pyle said the  
54 maps and the proclamation are in the packet and on the County website. Bostwick said they are very  
55 aware of the dangers and if people will be careful we will not have an issue. **Motion to exit Public**  
56 **Hearing.**

57 **RESULT: APPROVED BY VERBAL VOTE [UNANIMOUS]**  
58 **MOTION:** Frank H. Blackburn, Chairman  
59 **SECOND:** Wendell E. Bostwick, Commissioner  
60 **AYES:** Wendell E. Bostwick, Frank H. Blackburn, Ben McDaniel, Tim L. Ashley  
61 **ABSENT:** Robert O. Sandoval

62 **7. Discussion and Action on Proclamation to Restrict Fireworks Sale and Usage – Lance**  
63 **A. Pyle and Stephen Doerr**

1 Motion to approve.

2	<b>RESULT:</b>	<b>APPROVED BY VERBAL VOTE [UNANIMOUS]</b>
3	<b>MOTION:</b>	<b>Wendell E. Bostwick, Commissioner</b>
4	<b>SECOND:</b>	<b>Ben McDaniel, Commissioner</b>
5	<b>AYES:</b>	<b>Wendell E. Bostwick, Frank H. Blackburn, Ben McDaniel, Tim L. Ashley</b>
6	<b>ABSENT:</b>	<b>Robert O. Sandoval</b>

7 **X – COUNTY COMMISSIONER'S REPORTS**

8 **Frank Blackburn:**

9 Blackburn attended a four-hour prairie chicken meeting.

10 **Wendell Bostwick:**

11 Bostwick attended the WIR Conference in Alaska on behalf of NMAC, and every state is dealing with  
12 endangered species. He said as he has talked to our senators and representatives he has stated there  
13 was nothing wrong with the act when it was enacted 20 years ago, but now it has a cancer in it that is  
14 eating up our economic development and opportunities for our children, and it needs to be fixed. He  
15 said the only doctors for this cancer are the legislators. He said they also discussed the EPA regarding  
16 the waters of the US where every drop of water will be regulated. He said we need to slow these  
17 agencies down. He also attended a Road Meeting and the prairie chicken meeting.

18 **XI – COUNTY MANAGER'S REPORT**

19 **1. NMAC Meeting in Deming**

20 Commissioner Bostwick has organized a **three-hour presentation** at the NMAC Conference in Deming  
21 with the **County Managers, Attorneys, Commissioners, and Land Use Affiliates**. He has spoken to the  
22 County Lobbyist **Clint Harden**, and he is interested in attending. The cost for him to attend is **\$1,250**  
23 **plus GRT**. Pyle asked for a concurrence of opinions if the Commission would like **Harden to attend the**  
24 **conference**. Bostwick said he had asked Harden to contact Pyle and said he feels the **Land Use Policies**  
25 are important to get in front of these **endangered species**. He said we will probably need some  
26 **legislative help** and he would encourage our lobbyist to be there to get educated and help us get where  
27 we need to be. Blackburn and McDaniel said they agreed.

28 **2. HVAC at Detention Center**

29 **Four of the air-conditioning units** at the **Detention Center** need to be replaced. We have a quote on  
30 that and can do it under our **existing contract with WT Denton**, and it is **over \$86,000**. Pyle will  
31 **authorize to proceed** and have the **Commissioners ratify the capital purchase** at the next Commission  
32 meeting.

33 **3. 12 Items Sold at Online Auction**

34 The County held an **online auction and sold 12 items**. **All of the vehicles were sold** as well as a couple  
35 of things from the Road Department. The County made **\$7,781** on that auction. The remaining items  
36 **that did not sell will be salvaged**.

37 **4. Lee Montano hired as new Purchasing Agent**

38 The County has hired **Lee Montano** as the **new Purchasing Agent**. He started his employment on  
39 **Monday, June 2**, and we welcome him to Curry County.

40 **5. Colonel Heather Buono Update June 24**

41 At the **June 24** Commission meeting **Colonel Heather Buono** will give an **update on Cannon**  
42 **construction, upcoming projects going on at Cannon, and the P4 Partnerships**. She has requested if  
43 you have anything in particular you would like her to address, to let Pyle know and she will include that  
44 in her presentation.

45 **6. Investment Committee Meeting Rescheduled**

46 The **Investment Committee Meeting** this morning was **canceled**, and we will try to **reschedule it**  
47 **sometime in the month of July or early August**.

48 **7. Inmate Medical RFP Deadline Extended**

49 The **inmate medical RFP** deadline will be extended because some **questions came in on that proposal**.  
50 The opening will be **extended for a week**, but Pyle does not expect it to change any of the timelines we  
51 are looking at. He still expects to have a **recommendation and contract ready to consider on July 25**.

52 **8. Construction Manager RFP 417 Gidding Opens Next Week**

53 The **Construction Manager RFP** for **417 Gidding renovation** opens next week, and that project is moving  
54 forward and we should have a **recommendation at the next June meeting or the July 1 meeting**.

55 **9. Architectural Services RFP 417 Gidding Submitted**

56 The **Architectural Services RFP** for **417 Gidding** has been **submitted this week** to the **Professional**  
57 **Technical Advisory Board**. If we do not hear back from them today, Pyle will follow up Monday and  
58 proceed with getting that issued **within the next week or two**.

59 **10. Financing Options for 417 Gidding/Detention Center**

60 We are continuing to work on **financing options for 417 Gidding** and the **Detention Center** with **Rob**  
61 **Burpo**. Those will come before you in either **late July or early August** and we will start getting more  
62 information out on how those will be financed.

63 **11. La Casa Indigent Patient Letter, May 9, 2014, and Follow-up Letter**

1 Pyle read the following letter received by a La Casa patient: "La Casa Family Health Center values you  
2 as a patient and we always strive to provide you with the best service possible. We regret to inform you  
3 that the Curry County Indigent fiscal year is coming to an end on June 30, 2014. We anticipate that the  
4 **funds will not be renewed** for the next fiscal year beginning **July 1, 2014**. If the **Curry County Indigent**  
5 **funds** are not renewed, you will be responsible for any services at the rate established by your  
6 placement on **La Casa's sliding fee scale**. We encourage you to express any concerns in regards to the  
7 loss of any indigent funding to our Curry County Commissioners. Included is a list of our Curry County  
8 Commissioners. In order to better serve you, we are requesting that you call our office to schedule an  
9 appointment with the **Promotoras** if you have not yet applied for the **Expanded Adult Medicaid**  
10 **Program**." Pyle said the letter was signed **Seferino Montano**, CEO. He stated he also received an email  
11 from **David Briseno** with La Casa. He read: "We are currently without a **dentist in Curry County**, (We do  
12 have a contract with another dentist who **will arrive in August** and should begin seeing patients then)  
13 and would like to **complete work started on several dental patients** who are a part of the **Curry County**  
14 **Indigent Program**. I met with several of them last week and assured them that we were committed to  
15 completing any work that was outlined in their treatment plan. That being said, I would ask that you  
16 consider providing us a **letter of agreement** that will allow us to: 1) **Carry over any unexpended**  
17 **indigent funds** to the **2014-2015 fiscal year** which begins **July 1, 2014**. We estimate that should be  
18 about **\$90,000**. 2) Allow us to **provide services** to these **patients in Portales** and **bill the indigent fund**.  
19 As I shared with you, we do have a dentist signed up but that individual will not arrive until August, and  
20 we would like to **complete the work on these patients before then**." Pyle said when this letter went  
21 out and as of May 1 there was **\$95,112 left on the contract with La Casa for dental** for this fiscal year  
22 and **\$43,000 for medical**. He said he informed Mr. Montano on several occasions during the legislative  
23 session of the proposed regulations coming down and the impacts it will have on the indigent fund and  
24 requested his assistance. With the changes in the legislation, Pyle said he **was holding off on contracts**  
25 **with the indigent fund** until we know what the **cost for inmate medical** will be once we get the exact  
26 amounts on the RFP and once we get the **exact amounts we have to transfer to the State on the Safety**  
27 **Net Care Pool**. Then whatever money is left we can look at in August to see what the Commission wants  
28 to do. Pyle said Ashley was on the Commission in the early 2000s when we were having an issue with La  
29 Casa when we went out for a grant for a dental clinic that sat vacant. He said they were not serving the  
30 patients in Curry County. At that time we amended our **indigent policy** to be we will **only see patients**  
31 **in Curry County**. Pyle said if the Commission does what is being requested, they will also have to amend  
32 the policy and he requested direction on how to respond to La Casa. Bostwick said he **did not want to**  
33 **change the policies**. Blackburn said he has had many callers about this problem and knew the other  
34 Commissioners had to and said he wanted to follow the recommendation of the Manager. Pyle said his  
35 recommendation would be they have funds under the existing contract and a facility in Clovis and they  
36 need to **send their dentist from Roosevelt County to Clovis three days a week** to serve the patients if  
37 they want that money. Pyle said these residents are indigent patients and he thinks it would be an extra  
38 burden for them to drive to Roosevelt County. The **contract is for the Clovis clinic** and they need to see  
39 these patients with the funds left on the contract here in Clovis. Bostwick said under the new  
40 healthcare program many of these people will qualify for Medicaid and they should be encouraged to  
41 apply which will lessen our burden.

#### 42 **12. Brent Earnest, HSD, Safety Net Care Pool.**

43 **Brent Earnest** with the **Health Services Department** that will **administer the Safety Net Care Pool** sent  
44 Pyle a letter. Pyle read, "**January to June (2<sup>nd</sup> Half of Fiscal Year 2014)**. While the enactment of **SB 268**  
45 changed the **County contribution format** beginning **July 1, 2014**, the legislation did not alter the **County**  
46 **budget contributions for FY14**, and the HSD still needs **County support** to make **hospital payments** for  
47 the remainder of this fiscal year (**January - June 2014**). We will be sending a letter to each county with  
48 the amount required so that we can **make payments to your hospitals** for the second half of FY14  
49 (**January to June**). Because the payments are now based on **hospital utilization** and **demonstrated**  
50 **uncompensated care**, we cannot precisely estimate hospital payments prospectively, and therefore, we  
51 can't estimate the precise County contribution needed. Thus, we are following the format enacted in SB  
52 268, in which each **County contributes an equal share of their gross receipts tax revenue** - an amount  
53 equivalent to **1/12<sup>th</sup> of GRT receipts**. For counties in which the **1/12<sup>th</sup>** amount is more than the amount  
54 committed by the County for this six-month period of FY14, we will be requiring the lesser amount. In  
55 other words, we are not requiring anything more than your County committed to contribute." Pyle said  
56 he would respond to Mr. Earnest to let him know that **legislation does not pertain to January to June**  
57 and we will **not contribute anything**. He said we are talking anywhere from **\$400,000 to \$500,000** for  
58 Curry County and we need to stand up on this. Bostwick said we have always paid 1/16 and asked if Pyle  
59 agreed. Pyle said the County has two taxes imposed for indigent, 1/16 that automatically goes to the  
60 State. Bostwick said that was what he was talking about and asked if they are still getting that. Pyle said  
61 they are, and Bostwick said that is all we owe them. Pyle said they want an additional \$400,000 to  
62 \$500,000. Blackburn said the 1/8 stays here and the 1/16 goes to the State and they redistribute it to  
63 help counties that do not have gross receipts. Pyle said he would keep the Commission informed.

#### 64 **13. June 3 Letter From Wayne Sowell, DFA**

1 Pyle said they received a letter from **Wayne Sowell** from the **Department of Finance and**  
2 **Administration Local Government Division**. He read, "On January 31, 2014, the Local Government  
3 Division of the Department of Finance and Administration miscalculated the **2014 County Detention**  
4 **Distribution amount**. The amount overpaid was **\$5,438**. This correspondence is to request that Curry  
5 County refund the stated amount by **June 25, 2014**." Pyle said he was sending a letter telling them that  
6 we have housed state prisoners for several years and the amounts you have given us **do not even cover**  
7 **the costs** and we appreciate the additional **\$5,000**. He said he would see how far that goes.

8 **14. NMAC Facility Safety Inspection Conducted May 14**

9 The facility safety inspection was conducted by **James Chavez**, the loss prevention officer with **NMAC**,  
10 on **May 14, 2014**. The County received a report on **May 29** and we have **30 days to respond**. They  
11 identified **20 minor items** pertaining to **six County departments** and **five State offices**. We will respond  
12 to that and get it submitted within the 30 days.

13 **XII – CANVASS BOARD (RECONVENED)**

14 **Motion to reconvene canvass board at 3:24 p.m.**

15 <b>RESULT:</b>	<b>APPROVED BY VERBAL VOTE [UNANIMOUS]</b>
16 <b>MOTION:</b>	<b>Wendell E. Bostwick, Commissioner</b>
17 <b>SECOND:</b>	<b>Ben McDaniel, Commissioner</b>
18 <b>AYES:</b>	<b>Wendell E. Bostwick, Frank H. Blackburn, Ben McDaniel, Tim L. Ashley</b>
19 <b>ABSENT:</b>	<b>Robert O. Sandoval</b>

20 Dampier said the previously opened ballot was a Precinct 3 ballot from Ranchvale and the person voted  
21 at FEC and it was ready to be read. Riley read the ballot and Dampier recorded them on a Republican  
22 tally sheet with Republican Pipes and Democrat Pyle observing. Dampier stated the next two  
23 provisional ballots were from voters from Precinct 3, Ranchvale, who voted at Grady and recommended  
24 they be counted. Ashley stated that he needed to drop out and catch his plane and left the meeting at  
25 3:26 p.m. Riley read the first ballot from Precinct 3 and Dampier recorded the votes on a Precinct 3  
26 Republican tally sheet. Riley read the second ballot from Precinct 3 and Dampier recorded the votes on  
27 a Precinct 3 Republican tally sheet. Dampier said the next couple are registered in Precinct 35 and  
28 should have voted in Texico or at a VCC but they wanted to vote at Pleasant Hill. Pleasant Hill issued  
29 them a Precinct 2 ballot, and Dampier stated that Precinct 35 is allowed to vote for State Representative  
30 64 and the ballot they were given includes State Representative 67. She said she recommended this  
31 ballot be counted except for the race for State Rep 67 for the next two. Riley opened the first Precinct 2  
32 ballot and found only a vote for Probate Judge, and Dampier recorded it on a Republican tally sheet.  
33 Riley opened the second Precinct 2 provisional ballot and found only votes for Magistrate Judge and  
34 Probate Judge, and Dampier recorded the votes on a Republican hand tally sheet. Riley stated that  
35 concluded the counting of the provisional ballots.

36 **Motion to accept all of the provisional ballots.**

37 <b>RESULT:</b>	<b>APPROVED BY ROLL CALL VOTE [UNANIMOUS]</b>
38 <b>MOTION:</b>	<b>Wendell E. Bostwick, Commissioner</b>
39 <b>SECOND:</b>	<b>Ben McDaniel, Commissioner</b>
40 <b>AYES:</b>	<b>Wendell E. Bostwick, Frank H. Blackburn, Ben McDaniel</b>
41 <b>ABSENT:</b>	<b>Robert O. Sandoval, Tim L. Ashley</b>

42 **Motion to recess the Canvass Board until June 13 and to enter Indigent Board Meeting at**  
43 **3:38 p.m.**

44 <b>RESULT:</b>	<b>APPROVED BY ROLL CALL VOTE [UNANIMOUS]</b>
45 <b>MOTION:</b>	<b>Wendell E. Bostwick, Commissioner</b>
46 <b>SECOND:</b>	<b>Ben McDaniel, Commissioner</b>
47 <b>AYES:</b>	<b>Wendell E. Bostwick, Frank H. Blackburn, Ben McDaniel</b>
48 <b>ABSENT:</b>	<b>Robert O. Sandoval, Tim L. Ashley</b>

49 **XIII – INDIGENT BOARD MEETING**

50 **Motion to recess the Canvass Board until June 13 and to enter Indigent Board Meeting at**  
51 **3:38 p.m.**

52 <b>RESULT:</b>	<b>APPROVED BY ROLL CALL VOTE [UNANIMOUS]</b>
53 <b>MOTION:</b>	<b>Wendell E. Bostwick, Commissioner</b>
54 <b>SECOND:</b>	<b>Ben McDaniel, Commissioner</b>
55 <b>AYES:</b>	<b>Wendell E. Bostwick, Frank H. Blackburn, Ben McDaniel</b>
56 <b>ABSENT:</b>	<b>Robert O. Sandoval, Tim L. Ashley</b>

57 **Motion to exit Indigent Board at 3:39 p.m.**

1	<b>RESULT:</b>	<b>ADOPTED BY VERBAL VOTE [UNANIMOUS]</b>
2	<b>MOTION:</b>	Wendell E. Bostwick, Commissioner
3	<b>SECOND:</b>	Ben McDaniel, Commissioner
4	<b>AYES:</b>	Wendell E. Bostwick, Frank H. Blackburn, Ben McDaniel, Tim L. Ashley
5	<b>ABSENT:</b>	Robert O. Sandoval

6 **XIV – FUTURE AGENDA ITEMS**

7 Pyle said the special meeting will be to reconvene the Canvass Board at 9:00 a.m. We will find a  
8 location, schedule it, and notify the public 72 hours in advance.

9 **XV – PUBLIC INPUT FOR WHICH NO ACTION WILL BE TAKEN**

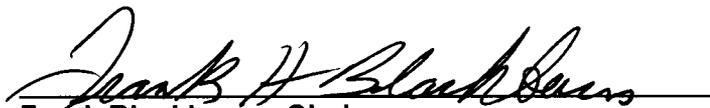
10 **Paul Stout**, a resident at Broadview, thanked the Commission for their support of the Notice of Intent to  
11 sue with regard to the lesser prairie chicken. He thanked Commissioner Bostwick for all the work he has  
12 done in trying to move this forward and said it is an important issue to the county and all of its citizens.  
13 He said he was present at the meeting the other day and there are a lot of questions that need to be  
14 asked but pushing forward with this is a positive first step. He said we really need to get the governor  
15 and Attorney General King onboard with this because it has a big impact on this state.

16 **Wendell Bostwick** said he agrees and the only one who can sue on behalf of the state is the attorney  
17 general, but in this election the attorney general is running against the governor. He said he has been  
18 told the governor would like to but she has no authority to do that. He said he does not know if we can  
19 include the attorney general in the resolution to encourage him to enter into the suit.

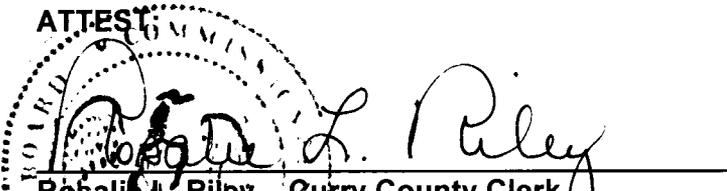
20 **XVI – ADJOURNMENT**

21 This meeting was adjourned by Frank Blackburn at 3:43 p.m.

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23 **BOARD OF CURRY COUNTY COMMISSIONERS**

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29 **Frank Blackburn – Chairman**

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34 **ATTEST:**

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

40  
41 In compliance with the Americans with Disabilities Act of 1990, the County will provide appropriate  
42 auxiliary aids and services to afford an individual with a disability an equal opportunity to participate in  
43 any public meeting held by the County. A minimum of 48 hours advance notice is requested.

44  
45 **IN ATTENDANCE:**

Lance Pyle	Steve Doerr	Carol Pipes	Rosalie Riley
Sandy Vigil	Debbie Spriggs	Candace Morrison	Aleta Tittle
Ben Roberts	Ecipio Lucero	Kevin Jolley	Wesley Waller
Chet Spear	Deanna Bouillon	Beni Dampier	Vanessa Kahin
Joannie Spear	Elmer White	Paul Stout	Rube Render
Randy Crowder	Ray Sullivan		