

1 **REGULAR CURRY COUNTY COMMISSION MEETING**

2
3 **May 19, 2009**

4
5 **PRESENT:**

6 **ABSENT:**

- 7 FRANK H. BLACKBURN - CHAIRPERSON
- 8 ROBERT O. SANDOVAL - VICE-CHAIRPERSON
- 9 DANIEL J. STODDARD - MEMBER
- 10 WENDELL E. BOSTWICK - MEMBER
- 11 CALEB J. CHANDLER - MEMBER

12
13
14 **CALL TO ORDER**

15 The meeting was called to order by Chairman Blackburn at 9:04 a.m. in the Clovis-Carver Library North Annex.

16
17 **PLEDGE OF ALLEGIANCE**

18 Commissioner Sandoval led the meeting with a prayer and the Pledge to the U.S. Flag.

19 **AGENDA APPROVAL**

20 Chairman Blackburn asked if there were any changes in the agenda. Commissioner Chandler moved to approve the agenda as presented. Bostwick 2nd. 5 verbal ayes.

21
22 **APPROVAL OF MINUTES**

23 Commissioner Stoddard moved to approve the Regular Commission minutes of 5-5-09 as presented. Sandoval 2nd. 5 verbal ayes. Commissioner Sandoval moved to approve the Indigent Board minutes of 5-5-09 as presented. Bostwick 2nd. 5 verbal ayes.

24
25
26 **APPROVAL OF CHECKS**

27 Commissioner Bostwick moved they approve direct deposit checks numbered 15743 -15905, accounts payable checks numbered 95016 - 95215, payroll checks numbered 51350 - 51357, and purchase card expenditures from 3/01/09 through 4/15/09. Sandoval 2nd. Bostwick asked about a \$4,997.87 check to Preferred Builders for cleaning and painting stairs and risers. He said it sounded like a lot of money for painting. He was told it was at the Events Center. 5 verbal ayes.

28
29
30
31
32 **COMMISSION COMMITTEE REPORTS**

33 **COURTHOUSE SECURITY - 9TH JUDICIAL DISTRICT ATTORNEY AND DISTRICT JUDGES**

34 Matt Chandler said he just wanted to propose an idea to the commission with regards to courthouse security. Over the past year or so he has had the opportunity to go into several different courthouses throughout the state including Las Cruces, Albuquerque, Roswell, and Hobbs. He has noticed that the security measures there are much more advanced than the security measures that we have in place in our courthouse. However, the courthouses also have their own distinct characteristics.

35 In the past couple of months they have had issues with regard to security ranging from having a 9 mm taken off the second floor when an individual tried to go through the metal detector with the handgun in his pocket. The bailiff that was monitoring the metal detector asked him to empty his pockets and saw the handgun and asked him to return it to his vehicle. He said if they could picture the landing where the bailiffs' desk is, this individual was on his way either to the District Court Clerk's Office or up to Honorable Judge Reeb's Office. Judge Reeb handles domestic violence cases and those cases are probably some of the most vulnerable situations that they will see in District Court.

36 He said Guadalupe Urquiza who is currently serving charges for the alleged stabbing of two detention officers in the Detention Center. He has criminal history they have great concern with. During that investigation it was discovered that he brought the same shank that he later stabbed the guards with into the courtroom and had intent to stab the victim if he would have had the opportunity to do so. Thankfully, he never was within arms reach of her. They have had their Chief Deputy District Attorney spit at and followed to her vehicle. Chandler said he would like to show them a video of a situation that happened about two weeks ago. He said the message he wanted them to understand from this is to show them how quick an incident can happen. Sometimes they are a little too relaxed. What happened was there was a bondsman attempting to tell Judge Quinn that the individual that was out on bond had his bond revoked. There were inmates sitting in the jury box next to his prosecutors. He showed the defendant running trying to escape and Sandy Loomis doing what he was supposed to do. Loomis used his taser to keep the defendant from escaping. This shows how quick and vulnerable their officers are. The tape also showed the reaction of the people after the man was tased. They came out to see what the noise was which is a very natural reaction.

37 Chandler said certain things were preventable in the courtroom and certain things weren't. There is the impulse or emotional rage scenario and then there is the well-planned, methodical attack scenario. Preventing these are two different things. They have had the opportunity to have a very high profile and very dangerous prosecution with regard to the area brotherhood. In that particular case they brought in several snipers from the FBI. One of the U.S. Marshals showed up and said if someone was willing to sacrifice their life to take theirs; it was probably going to happen. If somebody wants to do harm to a prosecutor, judge, public defender, or a victim and they are methodical and plan it out, there is not a whole lot they can do other than just be saved by the grace of God. However, when they have a spontaneous and emotional attack, you can prevent those through deterrents and that is why he was here.

38 There are just two things in his request. He would request that the courthouse be kept locked prior to 8 a.m. and relocked immediately at 5 p.m. Right now at 7:15 on any given morning anybody can enter the courthouse and security may or may not be present. They can plant drugs, weapons, bombs or anything they want. They can also do it after 5 p.m. when security starts to leave if the courthouse is not locked down. As a second part of his request, he

1 would ask that the commission consider making the courthouse a one entrance/exit facility. The south entrance/exit
2 seems like it would be the most logical one due to the fact that it is the handicapped entrance/exit and is directly
3 accessible to the elevator. Currently the security has to take place on the landing between the first and second floors.
4 That security and metal detector can be bypassed simply by stepping onto the elevator and taking it to any floor.

5 The District Court has ordered an x-ray machine much like is seen in airports. It is approximately a \$20,000
6 purchase. There is only one and it seems to him it would make the most sense to move it to the south entrance/exit
7 and set the metal detectors up there as deterrents to keep all our employees and our public safe within the courthouse.
8 That way if someone is attempting to bring something in they won't make it past ground level, and they will understand
9 they always have to go through security. He knows it compromises the convenience of the public to not have a Main
10 Street entrance, but he thinks it is a small price to pay in order they don't compromise public safety. He thanked them
11 for considering this option.

12 Blackburn asked what happened to the security door and security area they were going to place at the bottom
13 of the first floor steps. Chandler explained the security measures right now, if they enter on the east side Main Street
14 entrance as they go up the steps they can also go to the county offices to the left or right or they can go downstairs or to
15 the elevator, but they don't hit security until they hit the second floor landing. They have a metal detector there that
16 they have to go through if anyone is manning that station. Judge Hartley said he appreciated the fact that Matt
17 Chandler wanted to come and make this presentation. His emphasis is important to us all. They have several things
18 that are going on right now out of the money that the Administrative Office of the Courts has given them to help with
19 their security issues. He said he would run through them quickly. The stairway that is in the first floor hallway is going
20 to have additional equipment. DA Chandler wants to have more security by having only the one south entrance/exit.
21 Hartley stated they had looked at that about a year or so ago, and there was concern about a fairly rigid masonry
22 construction with a solid roof over the pathway that leads into that door. There were problems with the courthouse's
23 age and the National Historic Register requirements. In addition to that, they are redoing the jury room for Judge
24 Quinn to put bathrooms in. They are also adding a new secure south entrance on to Judge Orlik's courtroom at the
25 Dan Buzzard Library.

26 One of the things that can be undertaken immediately and can be done while they are considering the one-
27 door option is to add deputies. Sheriff Murray has done a great job in giving them help and they have paid for some of
28 that. They don't have the ability to continue paying the last \$25,000 because it was basically outside their budget
29 authorization. What they want to do is point out they have spent a couple of hundred thousand dollars out of the
30 court's budget to help with security on things that they could do. Mr. Higgett from the Sheriff's Office has helped them
31 but they need one more Sheriff's deputy to help with the courthouse. They have furnished the commission with
32 statutory references to the obligations of the county in regards to courthouse security. One of the reasons security is a
33 constructional problem is because the design for the new buildings that Matt Chandler has gone to see is the security is
34 embedded. It is hard to work with a building like the one we have. It was built in 1936 with WPA money. The
35 inconvenience that Chandler talked about will be for the people who work in the courthouse and those people that use
36 the courthouse for all kinds of things such as paying taxes, getting married, etc. That is a little inconvenient but that is
37 the reason he is still pushing for a criminal justice complex which would let the county elected officials be a little more
38 at ease. Hartley said he thought their immediate need was to have additional Sheriff's Department people.

39 Hartley said the security entrance/exit on the south side that Chandler talked about would be the most effective
40 safety measure that would be practical. While he was here he said he also wanted to mention there was no fire escape
41 on his side of the building and he didn't know what kind of coverage the county had but his heirs would be happy to
42 have whatever they had.

43 Blackburn asked if the man in the video that ran out was a witness. Chandler said that was the defendant, the
44 one charged with some felony crimes. Blackburn said he was surprised he didn't have leg irons on. Chandler said he
45 was not in custody at that time. He was ordered by the court to go into custody and Sandy Loomis was going to take
46 custody of him and return him to the detention center. That is when he decided to exercise his flight.

47 Chandler asked Pyle if there were any legislative capital outlay requests approved for remodeling the
48 courthouse this past session. Pyle said they had received a reauthorization of \$300,000 and \$150,000 was for a needs
49 analysis for a criminal justice complex and the other \$150,000 is for the courthouse. Chandler asked if that specified
50 what kind of courthouse improvements. Pyle said they are mainly looking at the heating and cooling.

51 Stoddard asked if they had thought about how they were going to control the elevator if they just have that one
52 security entrance/exit. Matt Chandler said if they channel everyone through the south side handicapped entrance, once
53 they clear security, they can access the elevator or stairs to any particular part of the building. Currently, they can get to
54 the elevator through three different entrances and never meet security. It would be an inconvenience to the public but
55 it wouldn't compromise the safety of the building. Blackburn said they could work on opening the south entrance/exit.

56 Lyman said she wanted to remind them that all the voting machines are stored in the basement of the
57 courthouse. The voting machine carts weigh approximately 200 pounds each and have to come up and down the
58 elevator two at a time. Asked that in the planning stages, they remember the voting equipment and large numbers of
59 people who will also be using the elevator and handicapped door if they make the south entrance the one entrance/exit.
60 The only other solution she can think of for their voting issue would be to provide them with an outside facility that is
61 climatically controlled. Hartley asked if he could speak. He said the off site facility needed to happen as there was
62 valuable office space being taken for storage. They have all kinds of needs for Drug Court, Sheriff's Deputies, etc.
63 Bostwick asked if it would be feasible for them to investigate or look at someone to come in and evaluate their various
64 options whether it is another offsite storage facility or something that could be done architecturally to the entrances.
65 Blackburn said he would like for the manager to put something together. **Commissioner Bostwick moved they have**
66 **the county manager proceed in getting information from various consultants and architects to see what their options**
67 **might be and bring it back before the commission.** Sandoval 2nd. Hartley said some of the things the courts have
68 planned will happen in the next 30 to 45 days. Chandler said if the commission decides to have an architect look at this

1 and they want to solve the problem without chopping up the courthouse they need to be sure that the County Clerk's
2 concerns and the County Treasurer's security concerns are addressed. He assumes they might have some money to
3 spend out of the legislative appropriation. He asked Pyle if he was correct. Pyle said they actually haven't got a signed
4 contract back from the state, but he is pretty sure they could look at getting an architect. Sandoval said he wanted to
5 thank Matt Chandler and Judge Hartley for their presentation and said it was certainly an eye opener. He said the
6 county was 100 years old but they couldn't afford to keep thinking like they were 100 years old. They have to think
7 about now. The County Treasurer and County Clerk are their responsibility. Matt Chandler said he also wanted to
8 thank the commission for their time. He knows it is an issue and he knows they all recognize it as an issue, but they
9 have been fortunate over the past 100 years not to have had a tragedy at the courthouse. Chandler said the two options
10 he proposed of keeping the courthouse closed until 8 a.m. and security is in place plus moving the security entrance to
11 the south side entrance will not cost the county anything to do, but it could save a life and he would ask the commission
12 to gravely consider it. Hartley said a criminal justice complex is eventually going to have to happen. But right now they
13 need another deputy. He asked them to think about that as a band aid. Lyman said she thought that was a perfect plan
14 and didn't have any problem with it on a regular day, but by statute they are required to have the facility open at 6 a.m.
15 to the public on any election day. There will have to be exceptions to the rule. 5 verbal ayes.

16 COMMITTEE REPORTS

17 Bostwick reported during the last two weeks he attended Colonel Lenfant's Appreciation Reception in Portales
18 as well as attended the Interstate Stream Commission hearing in Portales. He took a tour of the courthouse and all its
19 departments with some Melrose students. He thanked each department head and elected official for treating the kids
20 and for all they did for them. It was a real eye opener for the kids and they have a new appreciation of county
21 government. He attended his last session with the Leadership New Mexico Elected Official's workshop and received
22 his diploma. He also attended the Special Commission meeting on May 12 and they all met with the Governor in
23 Clovis. He attended a Ute Water meeting in Portales and a Safety meeting.

24 Chandler attended the meeting with the Governor and discussed county needs. He attended a meeting with
25 the Portales City Commission and Water Authority with Bostwick. He also met with the county manager several times
26 about budget and several other issues.

27 Sandoval attended various meetings that will be discussed later--Jail Committee, Amenities Committee, etc.

28 Stoddard attended a Revenue Enhancement meeting and participated on the county team for the Relay for
29 Life. They raised a little more money this year as a whole. He attended the Special Commission meeting and the
30 meeting with the Governor.

31 Blackburn attended the Melrose Elementary tour of the courthouse where he explained what commissioners
32 were and what they do. He received a poster from the Melrose 4th, 5th, and 6th graders. It says, "We appreciate your
33 kindness when we visited the courthouse. We learned so much by visiting with you. Your kindness was greatly
34 appreciated." Blackburn said the note was signed by every one of them and said he would hang that in his office. He
35 said the Parkview Honor Patrol also came to visit the courthouse. These kids earned the right to be in the Honor
36 Patrol by doing good deeds. Their reward was the tour of the courthouse. He thanked all the elected officials and
37 department heads for their participation. He said he had attended an Investment Committee meeting where they
38 discussed and discussed. Other than that he attended a Revenue Enhancement meeting and the meeting with the
39 Governor.

40 ELECTED OFFICIALS DEPARTMENTAL REPORTS

41 ASSESSOR - RANDY WILLIAMS

42 Williams had no report.

43 CLERK - CONIJO LYMAN

44 Lyman said she wanted to welcome, thank, and congratulate Connie Harrison and told her she looked forward
45 to working with her. Reported the tours were the highlight of spring time for her. She always tells the kids she has the
46 best office because they do a lot of different and exciting things. She doesn't know if they believe that and she is sure
47 the other elected officials don't appreciate it, but they hear that in her office anyway. The Clerk's Office is working on
48 their new software. They have new minute software they are working with that resides on the "iSeries" better known as
49 the AS400. She has been working with Randy Williams and they have been perfecting a set of instructions that they
50 can share with the other departments. They got Pyle up and on yesterday. The Clerk's Office is in the process and she
51 has Trujillo scanning every ordinance, resolution, and every set of minutes and supporting documentation that go along
52 with the agenda and they are working backwards. Everyone should be able to do a word search once they get a
53 repository built. They are very excited about this project. The other thing is that the commission previously approved
54 an ordinance and the Clerk's Office has a kennel license and a fireworks license they are required to sell pursuant to
55 the ordinances. They have never had a way to do that other than using something that was built in WordPerfect.
56 There also has never been a way to search those other than manually. The office has invested in the software through
57 Triadic to build a kennel license and a fireworks license. They are in the final development stages because as they are
58 aware fireworks licenses went on sale on May 1. They have already sold eight or nine licenses so fireworks are getting
59 ready to hit the streets. Their new software is very close to being perfected.

60 She said she would like to talk about Magistrate Judge Positions. Back in the early part of 2008 she received a
61 faxed copy of a court order from Senior US District Court Judge C. Leroy Hansen. He ordered that the current at-
62 large system of electing two magistrate court judges in Curry County no longer be utilized in future elections and that
63 they be elected from two electoral divisions (districts). At her request Steve Doerr contacted the Secretary of State's
64 Office and they responded that they do not have the authority over the redistricting process for judicial positions.
65 Lyman said she needs direction on how to proceed to implement these districts. Pursuant to New Mexico statute on
66 October 1 she has to make nominating petitions available for potential candidates so they have about five months to
67 finalize this issue. Stated she is pleading with the Commission if they are going to do something by ordinance to be in
68 compliance they get on it. To meet the publication requirements of an ordinance will take a couple of weeks along with

1 the public hearings. Then it will take her office probably a month to perfect putting the voters into the right divisions.
2 Stated she does not want to be held in contempt of court because she has not done anything because she has not
3 received any first generation instructions. She hasn't done anything because she is not sure she has the authority to split
4 the voters up, but knows the clock is ticking.

5 Sandoval said that would be on their next meeting's agenda. He doesn't know what they are going to do as he
6 hears this and that. However, he does know that whatever they do they will have to do quickly. He is like Lyman and
7 does not want to be held in contempt of court. Stated he would ask Pyle to put it on the agenda for their next meeting.
8 They will deal with it one way or the other, but they need to deal with it whether it is yes or no. He asked Doerr if they
9 could be held in contempt of court.

10 Doerr said for the record he didn't know if he wanted to make a statement that broad. There is a federal order
out there that requires Curry County to do a change in their magistrate districts. That court order needs to be
implemented.

13 Chandler asked Doerr if that ordered the county to do anything. Doerr said that directly, to Curry County, it
14 was no. It does say all future Curry County magistrate elections will be in compliance with that order. He said he
15 couldn't speak for the Clerk but she has to comply with that portion but it doesn't specifically say that Curry County has
16 to do anything. Doerr said there are different ways that it can be implemented and between now and October the only
17 way it can be implemented is by an ordinance adopted by this commission that the Clerk's Office would follow.
18 Chandler said he had not read the order where it said who had to do it. It could be the county commission or it could
19 be the state legislature and it didn't say when it had to be done. He asked if that was correct. Doerr said it did say the
20 next election must comply with this court order. Therefore, the election process is defined by the statute.

SHERIFF - MATT MURRAY

21 Murray said he also wanted to thank them and the county manager for their wisdom in appointing Harrison as
22 assistant county manager. They look forward to working with her. He wants to bring to their attention that right now
23 the Sheriff's Department runs dispatch between 8 a.m. and 5 p.m. at their own console center. At night from 5 p.m.
24 until 8 a.m. dispatch is ran by the City of Clovis. Approximately 15 years ago together they purchased five dispatch
25 centers. The centers are now breaking down regularly and they have to rob from Peter to pay Paul because they don't
26 make parts for the consoles any more. Two weeks ago the Chief called him and said their repeater channel one had
27 gone down. He requested permission to start switching all emergency traffic over to the Sheriff's channel two. Murray
28 told him to go ahead. They were able to get Dustin from Yucca Communications to resolve their situation quickly. He
29 foresees in the near future that the City of Clovis might be asking for help in replacing radio equipment. The consoles
30 cost approximately \$60,000 apiece. He just wanted to make the commission aware of the fact the consoles are on their
31 last leg and if one of them goes down and it happens to be the county's they will be stuck in the water from 5 p.m. to 8
32 a.m. They will have to ask to overtime a dispatcher to dispatch at their center or hopefully get Dustin to get theirs back
33 up. The City only has two consoles working. That is City PD channel and their fire channel and the county's channel
which has all their emergency dispatch on it and all of the county fire departments emergency channels on it.

Blackburn told Murray that Chief Judge Hartley needed a deputy and he had stepped out during Hartley's
request. He said he wanted to let Murray know Hartley would be calling him.

38 Harrison asked if that wasn't something they applied for jointly with the city. Murray said it wasn't, it was for
39 the repair of the radio tower. What they applied for jointly was to upgrade their computer aided dispatch. Now they
40 have applied for a radio tower north of town which would help in communicating with the deputies in Grady. That
41 grant is for specific purposes. They don't have any grant money for communication centers.

42 Stoddard asked if they hadn't applied for a grant for a couple more officers. Harrison said they actually
43 applied for three but they won't be hearing anything on that until September. Stoddard asked if Murray was fully
44 staffed right now. Murray said he was. Stoddard asked if he had any applicants in case they got some assistance.
45 Murray said he did.

46 Murray said Judge Hartley and Matt Chandler talked about the Main Street entrance and the handicapped
47 south entrance. Right now they have a camera on the south entrance/exit. If they put a control buzzer on that entrance
48 they could monitor that entrance on camera. The bailiffs could go greet handicapped people at the entrance and
49 screen them like they do right now. It is just a suggestion and may alleviate some of the problems.

TREASURER - BERNICE BAKER

51 Baker said she too would like to congratulate Harrison. She attended an Investment Committee meeting and
52 they did do a lot of discussion. The Treasurer's Office has had a very good tax season.

COUNTY ADMINISTRATION REPORTS

DETENTION DEPARTMENT - LOIS BEAN

55 Bean said the Adult Detention Center's population was 292 and they have 11 in Holding. They have 207
56 males and 39 females. They have 11 out on the JEHD program, 16 on furlough, and 8 out of county. They have 10 in
57 the Juvenile Detention Center with 9 of them being males and 1 being female. They don't have any juveniles from out
of county. Their detention officer positions are currently filled. They have one supervisor position that is open and
they will be interviewing for that position later this afternoon. Monday they will start their second Training Academy.
They have five detention officers and one lieutenant attending. They will have a NMAC supervisory training that will
be held here and is open to anyone that needs the supervisory training. Last week they had NMAC members tour their
facility. They have three vacancies at the Juvenile Detention Center and they will be interviewing tomorrow to get those
positions filled.

MAINTENANCE SUPERVISOR - LEE DELK

APPROVAL OF CHANGE ORDER PROPOSAL TO BID NO. 2008/09-03 - DIRT WORK

APPROVAL OF CHANGE ORDER PROPOSAL TO BID NO. 2008/09-03 - FIRE PROOFING

67 Delk said he had two change order items both of which referenced Bid No. 2008/09-03 that is for the La Casa
68 Senior Center garage. The first change order involves dirt work, fill, and labor to compact for the slab. It is for \$919

1 and was brought about because of the depth of the sewer line coming off the main La Casa building which was much
2 more shallow than indicated on the drawings. Commissioner Sandoval moved to approve the change order for dirt
3 work on Bid No. 2008/09-03. Stoddard 2nd. 5 verbal ayes.

4 Delk said the second change order was a little larger. It concerns the same project and involves the installation of
5 firewalls. Due to the proximity of where they located the building between the main county Health Department and
6 the La Casa Senior Center, they received two different interpretations of the code of which one is Table 602 of the
7 National Building Code. One was from the City of Clovis Inspection Department and one was from Rudy Romero
8 from Construction Industries (CID). The City said it was required, but the State has precedence. CID quoted Table
9 602 and he said he would read it. "For the building of Type 2-B construction and occupancy group classification of S2
10 a one-hour fire resistant rating is required for exterior walls based on fire separation distance greater than or equal to 5
11 feet and less than 10 feet. The south wall (on this building, is a 50-foot wall and is adjacent to the La Casa Senior
12 Center) and 5 feet from the existing building. The north wall (adjacent to the Curry County Health Department) is less
13 than 10 feet; therefore, the state requires a firewall on the east side." Their request is for labor of \$3,750.
14 Commissioner Chandler moved to approve the change order for fire proofing on Bid No. 2008/08-03. Stoddard 2nd.
15 Sandoval asked if they were still under budget with the amount of money they had to do this project. Delk said they
16 were still \$10,000 under budget and would have the money to do the façade work. 5 verbal ayes.

17 Sandoval asked Delk when he thought that would get finished. Delk said all they are waiting on before they get
18 their Certificate of Occupancy is the final inspections on the electrical and general.

19 Bostwick asked engineering questions of Delk on this project. Delk said what they did was bid a pre-
20 engineered building. Bostwick asked what the cost of engineering services on something like this was. Delk said it
21 would be approximately 6 to 7 percent of the construction bid. Bostwick asked what this bid's total was. Delk said it
22 was \$54,000. Bostwick said they would have been looking at about \$3,000 for architect expenses. Delk said by the
23 time they added that, it would have put them over the \$60,000 limit which means they would have had to pay scale
24 wages. That would have cost them another \$13,000 to \$14,000. The current bid through this contractor even with the
25 change order is still less than half the next bidder.

26 FINANCE DIRECTOR - MARK LANSFORD

27 Lansford said before he began, he would like to elaborate on the garage project. As they will recall they had
28 two grants to do the La Casa Senior Center garage. One of the grants terminates June 2009 and they had expended the
29 grant and closed it out. The other grant terminates June 30, 2010. In regards to the façade of the facility, they still have
30 time to do it and they aren't under the gun to get it done. He knows Delk has projects he is looking at but they will
31 begin that with some haste as soon as the building is up. Sandoval thanked Lansford and said he dealt with probably 25
32 to 30 people from La Casa. When they bring him the questions about when they are getting this done, he tries to have
33 some good answers.

34 UPDATE ON THE PRIORITIZATION AND ACQUISITION OF THE SPECIAL EVENTS CENTER 35 AMENITIES

36 Lansford said in the packets was a detailed listing of the Amenities Committee's priorities and what the status
37 of those priorities was. He showed actual costs they have expended for amenities and/or encumbered at approximately
38 \$1,121,000 and they started with a \$1,536,000 budget so they are about \$414,000 under budget at this point and time.
39 All of the priorities on the list have been addressed. He said most of the items that are listed as "In Progress" will be
40 complete by the end of June except for the Storage Building. Delk said they were currently setting forms for the slab
41 on the storage building. As soon as the concrete cures, they will start installing. He hopes to have that up by the first of
42 July. Chandler asked when they could expect the scoreboard. Lansford said he thought they would get that sometime
43 in June. Chandler said not in time for the Pioneer Days Rodeo though. Lansford said he didn't think so but it could
44 be possible. Chandler asked about the large sign for the Events Center. Lansford asked if the Amenities Committee
45 had approved the sign. Delk said they had approved the design. Lansford said once the Amenities Committee
46 approves it, they can make the sign fairly quick since we have already paid them for the essential parts. It is just the
47 façade part they need to configure and put together.

48 Blackburn asked when they would be done with amenities. Lansford said with the ones on the list, it would
49 probably be soon but they would be dealing with amenities probably from now on because with the size of facility, they
50 would probably always have something come up that they will need to add to and expand. He envisions that one of
51 these days they will come before the commission to cover the horse stalls. A lot of the contestants coming in are
52 expecting that. Sandoval asked if the reason for covering the horse stalls was. Delk said it was a huge revenue
53 generator and they would pay \$15 to have their horse in a barn but wouldn't pay \$10 to plug in their AC. Lyman said
54 that was because a quality competitive horse is a huge investment and they don't want their horses where they could get
55 hauled on, and direct sun will suck a horse down and they won't perform as well. That is why they want them in a
56 covered stall.

57 APPROVAL OF RFP. NO. 2008/09-07 FOR BANKING SERVICES

58 Lansford presented RFP. No. 2008/09-07 for banking services. Treasurer Baker, Assistant County Manager
59 Harrison, and Accounts Payable Clerk Shannon Jackson evaluated the bids. He acted as the facilitator. They had five
60 very good proposals from local banks. These were Wells Fargo, First Community Bank, Bank of Clovis, Bank of
61 America, and NM Bank & Trust. It was a difficult decision for the committee but they recommended the bank with
62 the most number of points in the evaluation process and this is NM Bank & Trust. Commissioner Chandler moved to
63 award RFP No. 2008/09-07 to NM Bank & Trust. Sandoval 2nd. 5 verbal ayes.

64 APPROVAL OF CONTRACT MODIFICATION WITH TRIADIC ENTERPRISES, INC. FOR 65 SOFTWARE SUPPORT SERVICES

66 Lansford presented a contract modification with Triadic Enterprises, Inc. for software support services. The
67 county has proprietary software on their i5, formerly known as the AS 400, for software services. As the Clerk
68 mentioned earlier, they are now doing their minutes and licenses on the system. Triadic is in agreement of an

1 additional \$150 per month to the existing service contract for the services they are proposing. That is also
2 management's recommendation. Commissioner Stoddard moved to approve the contract modification with Triadic
3 Enterprises, Inc. for additional software support services of \$150 per month. Sandoval 2nd. 5 verbal ayes.

4 **APPROVAL OF RESOLUTION 2009-31 AUTHORIZING BUDGETARY ADJUSTMENTS AND**
5 **REVISIONS**

6 Lansford presented Resolution 2009-31 authorizing budgetary adjustments and revisions. They received
7 correspondence from DFA that their DWI Distribution amount would be increased for the fiscal year 2008/2009 by
8 \$6,036.78. He apologized for not getting that into their packets but said they didn't get the information until late. He
9 said they had before them a distribution report from the Department of Finance Administration. He asked for
10 approval of the resolution. Commissioner Bostwick moved to adopt Resolution 2009-31. Chandler 2nd. Roll call
11 vote. Stoddard aye, Sandoval aye, Blackburn aye, Chandler aye, and Bostwick aye. By 5-0, the motion carried.

12 **ASSISTANT COUNTY MANAGER - CONNIE HARRISON**

13 **APPROVAL OF MEDIAN BEAUTIFICATION PROJECT**

14 About six months ago, Manager Pyle organized a committee to study the medians between Veteran's Park and
15 Cannon Air Force Base. On that committee there are county members, city members, CAFB members, and business
16 leaders. The committee has been meeting and during the meetings Chris Pacheco has done some research on the
17 medians and what it would cost to cement them. They talked about several options to beautify the medians. One is to
18 plant trees and other dry tolerant plants in the medians. After discussing the water situation, they all agreed it would be
19 much better if they used patterned cement on them. She said she would let Chris Pacheco talk to them about the size
20 of the medians and the patterns he did research on.

21 Pacheco said they had looked into cost for doing the medians which vary in size. Some of the ones between
22 here and CAFB are about a half-mile long. They picked the first one after Veteran's Park that has not had anything
23 done to it. It will be at the intersection of CR M and US 60/84. The median has total square footage of 3,001. He will
24 get three quotes to follow all purchasing rules. What they want to do is run a grate pattern on the outside with a strip in
25 the center of an adobe colored pattern. This would be similar to the ones on South Prince. Sometimes the medians
26 can get weeds if they put in a planter area. That is why they want to go with concrete so they won't have to mess with
27 weeds. However, there has to be a plan that is approved through the District Department of Transportation. That is
28 what they are trying to get accomplished.

29 Blackburn said he would applaud their decision as he used those intersections and concrete is the only way to
30 go. Trees would block the view and would be risky. Harrison said Pacheco would be applying for an enhancement
31 grant in the amount of \$300,000 which would help them with a lot of those medians. What they want to present today
32 is the first median Pacheco talked about. They would like to team with the city and complete this specific median.
33 The total cost of cementing that median would be \$16,278. What they are requesting today from the county and from
34 the city on Thursday is that they divide the cost which would be \$8,139 each which Pyle has said is in their commission
35 budget.

36 Stoddard said one of the things the past colonel who is leaving was concerned about and wanted to use was to
37 have the median draw your eyes to the center of the road instead of out to the sides of the road. He asked if there was
38 a plan to put something in the median besides cement. Pacheco said they had discussed putting planters in them which
39 would not block the view. Blackburn said it would depend on the entrance. Stoddard said in Roswell the medians
40 look like they have water running through them and it really draws your eyes to them. As far as people driving back
41 and forth to work, it helps with a better attitude than what they get looking out at the feed lots, trailers, etc. Harrison
42 said Colonel Lenfant was one of the members of the committee and she said this is one of the things she really wanted
43 to see before she left on June 7. Commissioner Sandoval moved to approve the median beautification project with the
44 city and county sharing the cost of the median at CR m and US 60/84. Chandler 2nd. 5 verbal ayes.

45 Harrison said she wanted to report there has been some landscaping done in front of the Adult Detention
46 Center. That was a team effort between the Maintenance Department, Road Department, 4-H members from Grady,
47 Stan Jones, and inmates. She asked they go by and look at that.

48 Harrison said the Melrose and Parkview Elementary tours were mentioned and she wanted to thank every
49 department. They did a fantastic job when the kids asked a lot of questions. She knows that when they toured the
50 Juvenile Detention Center there were some that were scared to death. There were a lot of comments and the teachers
51 have e-mailed her back and said they will be ready to come back next year.

52 Blackburn asked where their Golden Dumpster was. Harrison said it was actually at Cannon Air Force Base.
53 They had 44 members helping the county so they kind of overruled. They put an ad in their paper and mentioned
54 they were a part of Curry County's team. Lyman said she had text messaged Harrison and Pyle about a 100th birthday
55 marquee at the Cotton Patch. It was a take on advertising for them, but it was nice to see. She wishes more community
56 businesses would participate in the county's birthday. It meant a lot to her to see that up there.

57 **COUNTY MANAGER - LANCE A. PYLE**

58 Pyle asked if the commission didn't mind he would move his last three items up first. He said Dean Dennis
59 with Global Spectrum was present. He said they could go page by page or he could give an overview. Last week after
60 they had the special meeting, he and Doerr had a conference call with Global. Doerr also sent them a letter addressing
61 the commission's concerns and questions. He believes they have all those items incorporated into the new contract that
62 was e-mailed to everyone. Chandler said he would prefer they went page by page since they have just received this. He
63 has read over it but thinks they can give a better explanation.

64 **DISCUSSION/ACTION ON CONTRACT WITH GLOBAL SPECTRUM ON EVENTS CENTER**
65 **MANAGEMENT**

66 Dennis thanked them for bringing his item up on the agenda. He received Doerr's letter and they went
67 through it in order to make the necessary corrections and he and the county manager have talked about the corrections

1 and changes made. They did this on Friday so some of it didn't actually get red-lined and back until yesterday
2 afternoon.

3 Dennis said the first couple of pages are just definitions. In the definitions it talks about an Operations
4 Manual. They will be developing one specifically for this facility. It goes through everything from booking procedures
5 all the way down to how they do housekeeping. He said they would be getting an Operations Manual as part of their
6 current agreement. The county will have input into the manual in terms of how the county wants different procedures.

7 Bostwick asked if he would explain legal fees. Dennis said if they legally had to go collect a bill or for any sort
8 of legal action with the Events Center itself those things would be an operating expense.

9 Doerr said to provide some very brief assistance; he would like to address their concern with the contract.
10 Under Commercial Rights they have added a sentence which reads, "Manager shall obtain the prior written approval of
11 Owner prior to committing to any sale of naming rights at the Facility." Under the definition of Facility there are some
12 questions regarding parking. They have added a sentence to this that reads, "...except that Manager shall manage the
13 parking lots surrounding the Facility in connection with Facility events (but no other time)." Under Operating
14 Expenses, they have deleted fixed management fee at the county manager's request. They will be paid pursuant to a
15 separate direct line item. They have taken out the definition. Under Revenues, they have added Parking Income in
16 connection with the Facility. Those were the concerns the commission raised.

17 Dennis said one other one was the Capital Expenditures. They will be responsible. Doerr said they deleted
18 that entirely. He said they could go to Article 2, Scope of Services. It really hasn't changed from the original memo
19 that was done about 30 days ago in terms of what their actual scope of work would be. Essentially, their Scope of Work
20 includes all the things attached to Exhibit A which is at the very back of the document.

21 On Article 3, Compensation, Dennis said he talked to Pyle about the gross receipts tax. They ask that the
22 county pick up part of it and they will pick up part of it as the original \$8,000 did not include the gross receipts tax if
23 that is agreeable. Pyle said they could put a statement in here that the contract is capped at \$49,999. Chandler asked if
24 there had to be language in here regarding the sharing also. They all agreed there should be. Doerr said they had
25 added the language as far as taking Compensation out of the operating budget and billing the county separately each
26 month.

27 Dennis said the Term six months was now five months ending September 30, 2009. Termination states the
28 Agreement may be terminated within 30 days if they fail to comply. Section 4.3 is the Effect of Termination which
29 basically states if they discontinue their services they will make available all the data, electronic files, etc. that they have
30 created for Curry County.

31 One of the issues provided them by Doerr was Use of Facility. For the record, this is a county facility and they
32 have put in here the events the county has identified as well as any other events the county will be able to use at its
33 request. Should Global have the opportunity to book a revenue producing event on a date which is otherwise reserved,
34 they will propose an alternative date to the county and they will use the best efforts to reschedule if at all possible. If
35 not, it is the county's facility and the county has the right to use that facility during those events. Doerr said they had
36 put in a Section 5.3 which is Use of Equipment. Basically, on the county equipment that is out there, the county has a
37 policy that says the equipment can only be operated by county personnel. This is an exception. Their people can use
38 it but only for the facility and the events necessary in the facility. On use of the fuel from the Road Department, they
39 can get the fuel there but they will provide a monthly report.

40 Chandler asked Dennis if they anticipated any problems with scheduling dates with the Fair, Pioneer Days
41 Rodeo, etc. Chandler said they usually have those events at the same time every year. This contract says if they have an
42 event booked...Dennis interrupted and said he was reading it wrong. It says that they mutually agree in advance on the
43 dates. It says the county has first right at the dates for those events. Dennis said if the county wanted to use the facility
44 for a beautification program and they want to do a rodeo, they would rather do a revenue producing event rather than a
45 county free event.

46 Under Article 6, Personnel, there was not too much. The commission asked about the right to inspect at any
47 time. He said Global Spectrum would only request that if they are having a major event like Pioneer Days Rodeo that
48 would probably not be the best day to try to come and do a tour. Dennis said this was their building so it was open and
49 they could come and inspect at any time. They can call the manager and do that at any agreed upon time.

50 They have to be real careful in terms of using Brock Neely as the General Manager. He has a job to do at the
51 Civic Center. In their conversations with Joe Thomas and the City, they will be real careful about Brock. He has been
52 helpful to them and some of the folks at the Civic Center they will be able to use in some sharing opportunities and can
53 get them more working hours. In using that staff it would be much like having a temporary agency but they would have
54 to pay the staff even though they are coming from the Civic Center. They are not provided at no charge.

55 Section 6.4 talks about Non-Solicitation/Non-Hiring. As they know, they have added a couple of county
56 employees to their operation. They have Max Chavez and Charlene Maclean so they have already solicited the
57 county's employees. Basically what this says is if they have a manager, the county won't solicit them because they are
58 their employee.

59 Article 7 is the Operating Budget. Dennis said it had been provided and they would be discussing that later. It
60 is a pretty detailed budget they provided for a six-month period. Dennis said this said they have to contact the county if
61 they are going to have any expense over \$5,000. In the Operating Budget, one of the questions the county had was
62 about the commissions on the concessions. Dennis said all the revenue goes back to the county less a 10 percent fee
63 that goes to the non-profit that is operating the concession. Global already took their. He said he thought it was going
64 to be 4.H for Pioneer Days as they have done it in the past. All the rest of the revenue goes to the operating budget.

65 In the letter from Doerr are the Event Account and the Operating Account. An Event Account is for deposits
66 associated with an event and ticket sales of the event. Should those have to be refunded, that money would be
67 refunded to the people who bought the tickets. Once that event takes place the money is transferred into an Operating
68 Account and the bills are paid. They are actually two different accounts that take place for the facility. Chandler said as

1 he understood it all of the money except for money that would go into the trust account goes into the operating budget
2 and the county can write checks on that and Global can write checks on that but only to the extent of the budget they
3 have approved. He asked if that was correct. Dennis said that was correct. Everything is controlled through the
4 operating budget. They do ask for more of an aggregate than line by line only because some lines may be higher in
5 staffing, but they might be a lot lower in utility costs or vice versa. The county will get a financial report every month so
6 they will be able to see where those differences are but it is all part of the annual operating budget. If it goes beyond
7 that it has to have a reason as to why it is going beyond that whether it is the revenue or the expense side. Chandler
8 said this would allow them to make line item transfers without county approval. Dennis said they were not transfers but
9 expenditures. Dennis said in Adherence to the Budget, it says the Manager shall not exceed, commit, or contract to
10 expend any sums in excess of the aggregate amounts allowed in the operating budget or otherwise approved by the
11 Owner, except for emergency repair. For example someone runs into the building and puts a big hole in it. They have
12 to make sure it is secure and they have to have an expense to have security there overnight or whatever. That is an
13 emergency repair but for the most part everything has to be approved if it is in excess by the county manager.

14 Chandler said this sentence reads aggregate amounts. He said that didn't say they couldn't do line item
15 transfers. He asked if that was what it said. Doerr said they do not have authority to transfer outside the amounts of
16 the line items. What it is talking about is basically aggregate overruns versus line item overruns. There was some
17 questions at a previous meeting that the commission wanted to limit the line item overruns they could have but as
18 Dennis explained, that is going to be difficult especially for six months to a year because it may be like \$10,000 over in
19 one line item and \$10,000 under in another one so the aggregate budget hasn't changed. They don't have authority
20 right now to transfer from line item to line item. This just allows them to be able to comply with the budget.

21 Dennis said one of the issues they have is they have a brand new building without any history. They don't
22 know what the utilities are going to be. They have a guess but they really have no idea. They put a budget together they
23 think is good, but there may be some changes. There is a bottom line. Chandler said this took care of that but he just
24 didn't see any language in here that deals specifically with that. Doerr said it did and what the commissioner is stating is
25 that Global has agreed they can't have a transfer from a line item to a line item, but it doesn't specifically say that Global
26 has agreed they cannot have a transfer. Doerr said if they didn't mind they would add that. Chandler said he
27 understood the problem with no history but as far as transfers, he would like to see it in the language. Doerr said he
28 would recommend they put it in Section 7.3.

29 Dennis said he had jumped ahead to Article 8, Procedure for Handling Income. In the Operations Manual
30 they will get a pretty detailed set of procedures regarding the handling of income revenue, but this section does talk
31 about the two types of accounts.

32 Bostwick asked if they run over a holiday weekend would they keep a lot of cash out there that would be
33 exposed more than three or four days. Dennis said they actually did a drop deposit every night. Doerr said there was
34 language in there that said no less often than once a day.

35 Article 9, Funding and Source of Funding. Dennis said it was in terms of money being put in the operating
36 account by the county. Section 9.2, Advancement of Funds says they have to spend their own money to do something
37 that they get reimbursed for. Dennis said in certain cases that has to happen in New Mexico.

38 Article 10, Fiscal Responsibility and Reporting. It is their recordkeeping and monthly financial reports. They
39 are pretty detailed. They will see their first set coming for April. They also have an in-house auditor and he will show
40 up at the end of the six month period.

41 Article 11, Capital Improvements. Responsibility for Capital Expenditures will be the Owner. They have
42 talked to their crews about punch lists for the contractor and making sure they get back to the county to make sure all
43 the items on the punch list are done. Other repairs or capital improvements that need to be made will all be run
44 through the county manager's office.

45 Article 12, Facility Contracts. Dennis said this basically said that they comply with all existing contracts and
46 everything the county has done to date. When they negotiate other contracts on the county's behalf they will come
47 back through the county manager and will be executed by the Owner.

48 Bostwick asked about 12.3 and said if they have enacted policies or ordinances then those will be enforced or
49 incorporated as part of their operation. Dennis said that was right and in fact, Pyle forwarded him all policies that have
50 been adopted to date by the county. He said they could attach those as an exhibit to the contract. He said as they
51 made policies regarding the Events Center, they would get them. Chandler asked if that would take care of things like
52 the 20-inch seating and the alcohol free section, etc. Doerr said that was right. They discussed them and Pyle has
53 provided them with those policies. Vehicles with exhaust, etc. all those have been provided. Dennis said they had
54 motorized vehicles, county promotional passes for county sponsored events, seating, and non-alcohol section that were
55 all a part of that.

56 In Article 13 Dennis said was the Agreement Monitoring via what they call a contract administrator. In this
57 case they are assuming the contract administrator is Pyle, but it can be whoever the commission needs it to be. That is
58 the person who they will be in contact with on a regular basis in terms of overall policy and different pieces associated
59 with this contract.

60 Dennis said Article 14 was Indemnification and Liability for Claims. Doerr and their attorney got into a nice
61 discussion on that and now understands New Mexico laws. They have eliminated part of that section and reworded
62 other parts. We are giving them authority to sign on behalf of the county for events and if the county fails to pay on
63 that, they would be responsible. Section 14.3 provides for either party to assert a claim for damages against the other
64 party if they breach. If either party breaches, the non-breaching party is entitled to damages, attorneys fees, and costs.

65 Dennis said one of the concerns was Insurance, Article 15. They were concerned the county was an initial
66 insurer which they are. They get insurance for every event and the county is an additional insured for all of those.
67 Bostwick asked if when they were looking at volunteers and those kinds of things were they covered under this

1 insurance agreement if they are operating concessions and those types of things. Dennis said they were and even
2 though they were volunteers they were working on behalf of the county and were covered.

3 Article 16 is Representations, Warranties, and Covenants and Dennis said this was pretty much legalities. It
4 states they will comply with all the laws of New Mexico. Article 17 is Miscellaneous and discusses No Discrimination,
5 Use of Facility Names and Logos. It basically says they have a right to use the county's logos and the facility logo.
6 Doerr said 17.1 in the old contract was Confidentiality and they explained how Curry County fully complied with the
7 Public Records Act and the Open Meetings Act and that they could not enter into a contract that required them to hold
8 anything confidential. They have stricken that paragraph entirely.

9 Dennis said he wanted to go back to Doerr's letter and a couple of things they addressed. One was in the
10 newspaper this morning in regards to law enforcement at their events. They have a great relationship with all their law
11 enforcement officials at all their facilities and invited the Sheriff to call and talk with folks in Laramie County in terms of
12 when they use uniform law enforcement and when they don't. It really is their determination as to whether or not
13 depending on the type of event. It can be very expensive to have law enforcement there if they are not always required.
14 If they have a rap or hip hop show, they probably need six or ten officers, but if they have Pioneer Days Rodeo, they
15 only maybe need a couple. They ask in the contract that it be the manager's discretion in terms of when it makes sense
16 to have additional law enforcement mostly because of expense. Right now it is \$48 per hour for a Sheriff's deputy so it
17 can get quite costly to the promoter and it can affect how many shows they are able to bring if they require them to have
18 five or six officers when it really is not necessary. When they have alcohol at the event they typically will have one or
19 two officers. Chandler asked if there would ever be any event where they wouldn't have at least two law enforcement
20 officers. He asked if Dennis could give him an example. He said he could think of one. The crusade that is going to
21 be sponsored by Central Baptist Church is probably not going to require two officers, but other than that, would there
22 be any others. Dennis said at the event last weekend he wasn't sure that security-wise they couldn't get along with just
23 T-shirt security. Chandler asked if alcohol was served at that event. Dennis said it was not. Murray said in talking with
24 Delk there was a problem with alcohol even though it was not served or supposed to be there, it was there. At the last
25 two events, the Roping Event and the other event alcohol was not served but they were called out there, but they
26 couldn't handle it. The City handled the roping event, but they didn't do anything. Chandler said he would think that
27 at most events there should be a couple of officers and he would encourage them to do that. He doesn't think they
28 could ever get by with one officer because that puts that officer in danger without a backup. He would encourage them
29 that at most events they anticipate some problems. Dennis said one of the issues they have had with alcohol has been
30 that they have been bringing it onto the fairgrounds for many years. It has just been kind of the norm and now they
31 have a new building and are trying to shut that off and to change that is going to be a process. Chandler said that was
32 probably right, but since they recognize that they should be proactive and plan for it. Dennis said he would suggest the
33 Sheriff talk to the person in Laramie County and kind of get a feel for how they do it there. Murray said he had not
34 talked to them. Dennis said if he could, and could kind of get a feel for what that is, then they can come to some
35 agreement with the Sheriff's Department as to how they want to handle that in the future. Murray said he would come
36 back and advise the county commission. It is their building and if they want the security, it is up to them. It is not for
37 them to decide. He will present it and let them make the decision.

38 Sandoval said he would agree they will need security most of the time. But he can see a couple of instances
39 like when they are having a dog show. He doesn't know that they would need any security for that and maybe he will
40 stand corrected. Dennis said the issue becomes it is an extensive dog show so the dog show would have to pay for it. If
41 the county requires it, they will have them there. He doesn't know what the hourly charge is for the officers now.
42 Murray said it was \$35 per hour. The last two events there were no officers there and there was the presence of
43 alcohol. The times they are there they control it. Dennis said maybe during this initial period they can make sure they
44 have them there and as they figure it out and time goes on they can determine what they need it for and if not they can
45 make that decision as they move forward. Bostwick said it was a new facility and everyone was going to establish their
46 own rights, but it is their building and they would like to try to do everything they can and they know when they drive
47 up there that it will be monitored and controlled and that they are in control.

48 Dennis said Exhibit A was Manager Duties and Exhibit C was Insurance requirements which had been
49 provided. He said this was essentially it and that it covered the 17 points Doerr brought to their attention. Stoddard
50 asked if every time there was an event the Manager would be coming into town. Dennis said no that he would be here
51 more frequently. They have asked Kevin Jolly their Assistant General Manager in Nueces County, Texas and he has
52 provided them schedules which have in turn been provided to Pyle. He will certainly be here for the events but will be
53 here more often. He is here all this week working to get some additional work done. One of the difficulties for them
54 has been that it is a six-month agreement and getting someone temporary and having them uproot their family to come
55 here on a permanent basis, but it is not really permanent. The county may decide they don't want them here so then
56 they are stuck doing something with that person so they have been kind of cautious trying to figure that out and develop
57 a scouting plan. Trying to manage from afar is a recipe for disaster.

58 Blackburn said they continued to hear complaints about high cost sandwiches and high cost drinks and who
59 serves, etc. He asked how they would work that out as they kind of had a low income group here in New Mexico.
60 Dennis said they could lower the prices today and that was the county's prerogative. They set those prices based on
61 national standards of having a captive audience in the buildings they operate across the country, but if the county wants
62 those lowered and think they need to be lowered, they certainly can be. It just limits the county's profit margin but that
63 is totally the county's prerogative. Blackburn asked what the sandwiches were selling for. Jolly said the barbecue
64 sandwiches were \$5.50 and the chicken sandwiches were \$6.00 and drinks were \$3.50. Sandoval said that sounded
65 pretty reasonable to him as that would be what they would pay when they go to a restaurant. Chandler said he thought
66 it sounded reasonable and what Dennis says is if they cut down the price that cuts down the income for the county and
67 the taxpayers are having to pick up enough of this already. Dennis said they certainly could work with the county
68 manager and look at their margins and make sure that their margins are covered. Bostwick said they would have some

1 history a little later and they could make some changes if necessary. Blackburn asked Dennis if they had an agreement
2 worked out with the vendors that traditionally have served the food, like student organizations, etc. Dennis said they
3 have not yet but Jolly was working on that this week. He said that Wilma Fulgham had called him and she suggested
4 that the 4-H had done it for Pioneer Days so certainly that is going to be their first choice.

5 Dennis said he had forwarded the agreement they have with their non-profits and how that works and what
6 their requirements are under that agreement and what they ask the vendors to do and what Global Spectrum expects in
7 return. Bostwick said he would hope they would see one from Pyle before they see one from their constituents. Pyle
8 said he didn't have a non-profit agreement but he would get one to them by e-mail.

9 Dennis said he thought these were the major points they had on the original and that they addressed.
10 Blackburn asked if there were any more questions or discussion. **Commissioner Bostwick moved to approve the**
contract with the amendments and adjustments as discussed this morning. Chandler 2nd. 5 verbal ayes.

11 **APPROVAL OF OPERATING BUDGET FOR EVENTS CENTER AND TRANSFER TO**
12 **OPERATING ACCOUNT**

13 Pyle said their next item was approval of the operating budget for the Events Center and the transfer to the
14 operating account. They had numerous conversations on this with the Finance Director and Mr. Dennis. Based on
15 their projections for the first six months, the Events Center will lose \$113,452 which will be the amount of the cash
16 transfer they will need to make into the operating account. Pyle said if they had any questions they could go through
17 and discuss anything.

18 Bostwick asked if this was based on the current booking event days. That is his assumption but Mr. Jolly
19 already assured him they would have more bookings. He asked if these would be subject to change with more booking
20 days. Pyle said it was. Dennis said they estimated what the county already had on the books and those that they think
21 they can bring in addition to that. One of the things that can happen with the booking dates, after the six-month period
22 expires, is they will still be doing work for the county with these bookings. They tend to be pretty conservative but they
23 certainly like to make this less of a deficit and will work towards that end. That is why the county hired them, but the
24 will try to be conservative and know that it is a realistic number.

25 Pyle said he was also requesting, if they approve this, to give them permission to transfer the amounts they have
26 already collected on contracts they have signed and the deposits already made with the County Treasurer. They want
27 to also transfer those deposits into the Event Account with Global as well as any User Fees that they have already
28 received for events. Stoddard asked Pyle if they were going to be reimbursed for those deposits they have already made
29 for security at the Fair and those types of things. Pyle said what they could do with those agreements was basically on
30 the County Fair that was separate than this agreement. That comes out of the Fair budget and they will continue to pay
31 the remainder of the deposits out of the Fair budget.

32 **Commissioner Sandoval moved to approve the operating budget for the Events Center and to transfer**
33 **\$113,252 to the operating account. Stoddard 2nd. 5 verbal ayes. Pyle said to let them know on the transfer he would**
not transfer all of that as of right now. They will transfer it by the month according to the contract.

34 **Commissioner Chandler moved to transfer the deposits and User Fees that the county has collected to date to**
35 **the Events Center operating account. Bostwick 2nd. 5 verbal ayes.**

36 **APPROVAL OF LEASE AGREEMENT FOR COUNTY GOVERNMENTAL LIQUOR LICENSE**

37 Pyle presented the lease agreement for the transfer of the county governmental liquor license to Global
38 Spectrum. Global agrees to pay the county \$10 per year as consideration. Global Spectrum will comply with all
39 applicable local, state, and federal rules and regulations related to the sale of alcohol at the premises (including without
40 limitation New Mexico laws and regulations relating to the sale of alcoholic beverages). It shall be Global's obligation to
41 ensure that no other type of alcoholic beverages are brought into, consumed, sold or distributed in the Special Events
42 Center except for alcohol that is sold and distributed pursuant to Curry County governmental liquor license #9053.

43 **Commissioner Stoddard moved to approve the lease agreement for the county governmental liquor license**
44 **with Global Spectrum. Sandoval 2nd. 5 verbal ayes.**

45 Dennis said they had identified their Regional Vice President for this account, Rick Hans. Hans is also the
46 General Manager of the Laramie County Budweiser Events Center. He has also taken the oversight of Santa Ana Star
47 Center at Rio Rancho, so Hans will be in New Mexico next week. They will begin to see them staff up now that their
48 first 30 days are behind them.

49 **APPROVAL OF RESOLUTION 2009-30 FOR THE PRELIMINARY BUDGET FOR 2009/2010**

50 Pyle presented Resolution 2009-30 for their preliminary budget for the 2009/2010 fiscal year. He said he
51 wanted to first thank the elected officials and department heads as it was a hard budget to get balanced, but everybody
52 worked together as a team. He said they had excellent officials and department heads. Also, Lansford devoted a lot of
53 his time into keying in the numbers and assisted so Pyle said he wanted to thank him as well. He said he would give
54 them some brief information and if they had any questions he or Lansford could assist them.

55 The preliminary budget is due to DFA by the end of May. The commission can make changes to it into July
56 when they approve the final budget. The total general fund revenues and expenditures on this budget is \$11,550,000.
57 Including the Road Department, Fair, Indigent, and other special funds the total operating budget for the county is
58 \$19,176,833. He asked them to note the projected transfers they will be doing from the general fund. They will be
59 transfer \$888,400 to the Road Fund; \$53,300 to the Fair; and \$250,000 to the Events Center. Pyle said he felt that
60 \$250,000 to the Events Center was very conservative. They are transferring \$8,000 to the Foster Grand Parents for a
61 match; Retired Senior Volunteers is \$2,324; and for Courthouse Security the state has a Memorandum of
62 Understanding with the county and they have transferred money to the county. This next budget year the county is
63 going to basically need \$10,000 to cover salary and benefits and they will keep it in a special fund. Next year when they
64 do the budget they will incorporate that security position into the Sheriff's budget.

65 Chandler asked about the \$25,000 the courts were not going to do that Hartley spoke about. He asked Pyle if
66 that was what he was talking about now. Pyle said it was and to basically finish next year, it will be \$10,000 and that
67

1 includes not receiving the \$25,000. Pyle said this was something they have not done at the county in the eleven years
2 he has been around. Line item 414 is a carryover from the previous year of \$500,000 which is tied to funds the
3 commission did as a budget resolution for detention center improvements. They are not going to be able to finish in
4 this current budget year so they will be carrying over the \$500,000. That is showing as an expense in the detention
5 center budget. Pyle said out of the preliminary budget, salaries and benefits make up 54.5 percent, law enforcement
6 and Sheriff's Office make up 15.7 percent, and the detention centers make up 42.25 percent of the budget. He also
7 wanted to see what insurance as far as liability, worker's comp, law enforcement, detention, and even employee's
8 medical insurance made and that was 10.6 percent of the budget. There is one new position in the budget and that is
9 an Information Technology Director. He thinks it is a need in the county and if they talk to any elected official or
10 department head they all agree that position is needed. **Commissioner Bostwick moved to approve Resolution 2009-20**
11 **for the preliminary budget as presented by Pyle. Sandoval 2nd. Roll call vote. Sandoval aye, Blackburn aye, Chandler**
12 **aye, Bostwick aye, and Stoddard aye. By 5-0, the motion carried.**

13 APPROVAL OF POLICY ON STALE DATED CHECKS

14 Pyle said he was presenting a policy for stale dated checks. As they are aware last year they received an audit finding
15 based on the number of stale dated checks that were still on the county's books. They had five general fund checks
16 and 638 checks at their detention facility. Last week they ran a report and they still have 9 checks from 2007 that are
17 outstanding and total \$838.77. Basically what this policy will do is help put them in compliance and give them an
18 option on how to handle stale dated checks. The policy states that any check that is not cashed or negotiated within
19 366 days from the day it is written shall be deemed as stale dated. Also, the County Treasurer will keep a separate
20 ledger account containing an aging report prepared for any and all county checks that have not been cashed or
21 negotiated for seven calendar months from the date of issue. They can make efforts to contact the person the check is
22 made to and try to see if the check was lost or what is going on. They will also make effort on grant related checks to
23 make sure those checks are cashed within a year. What they are doing with those is setting up an account where after a
24 year if a check has not been cashed, they will transfer those funds into a separate account and after a five-year period if
25 no one has come forward requesting those funds, they will transfer them back into the general fund.

26 **Commissioner Chandler moved to accept the policy on state dated checks. Bostwick 2nd. Bostwick asked if**
27 **they would have to pay \$10 to stop payment on a 24 cent check. Pyle said our county checks had language on them**
28 **that stated after so long they are void. Lansford said our current bank did not charge them for stop payment orders. 5**
29 **verbal ayes.**

30 APPROVAL OF DETENTION FACILITY NOTARY PUBLIC POLICY

31 Pyle said as county manager he has had some concerns about the amount of notary service and the type of
32 notary services being provided to the inmates by our staff. Under New Mexico Notary Public Law, we cannot prohibit
33 certain notary acts from being performed so if they are a notary anything that comes in the facility, we have to notarize
34 it. What he is asking with this policy is to have it go into effect immediately so that no county employee during work
35 hours while working at the Curry County Adult Detention Center or the Curry County Juvenile Detention Center shall
36 act as a notary or notarize any documents for a non-county employee other than a law enforcement officer acting in
37 his/her official duty and capacity. **Commissioner Chandler moved to approve the detention center notary public**
38 **policy. Bostwick 2nd. Chandler said it was his understanding that notary publics that the county did have and have**
39 **paid for would be terminated immediately. Pyle said they currently only had two notaries the county has paid for and**
40 **as soon as this policy is recorded they will cancel those notaries. 5 verbal ayes.**

41 DISCUSSION AND ACTION REGARDING RESOLUTION 2009-21 BANNING OPEN FLAME 42 FIRES IN CURRY COUNTY

43 Pyle presented discussion and action regarding Resolution 2009-21 banning open flame fires in Curry County.
44 He received an e-mail from the NM Energy, Minerals, and Natural Resource Department. The state has enacted a
45 burn ban which includes Curry County. Pyle said he would recommend they not take any action on Resolution
46 2009-21 and just let the state ban supersede. Our resolution expires the first week in June. Chandler said as he
47 understood it, the state fire ban could be enforced by the county Sheriff's Department by state statute. He thinks they
48 would have a problem with their county ordinance on that, but this takes care of it.

49 AGREEMENT TO PROVIDE OCCUPATIONAL MEDICINE AND WORKER'S COMPENSATION 50 SERVICES

51 Pyle presented an agreement for Presbyterian and PRMC to provide occupational medicine and worker's
52 compensation services to Curry County. He said in the packet was an agreement that Doerr and the Presbyterian
53 attorneys had worked on regarding these. He talked to Hoyt Skabelund and there are two changes they want to be
54 made to the agreement. Their attorneys have agreed to this but he has not gotten that contract back. Those are
55 sections 7 and 10 regarding arbitration. They have agreed to take arbitration off the agreement. Basically, with this
56 agreement Presbyterian and Plains Regional Medical Center will provide free employment physical exams and they will
57 schedule those exams within five days. They will also provide the flu vaccine and administer the Hepatitis B vaccine
58 and tetanus vaccine to the county employees. They will also serve as the county's worker's compensation doctor and
59 they will assist and administer collections for drug and alcohol testing. They agree to bill Curry County at 72 percent of
60 the bill charges plus gross receipts tax. **Commissioner Sandoval moved to approve the Presbyterian and PRMC**
61 **agreement. Stoddard 2nd. Chandler said we had been getting these services without cost in the past. He asked if that**
62 **was correct. Pyle said that was correct and they have been honoring these services for free since September. Chandler**
63 **asked if they had plugged this into the preliminary budget somewhere. Pyle said it was in the employees' medical line**
64 **items. 5 verbal ayes.**

65 DISCUSSION/ACTION REGARDING CHANGING THE JUNE COUNTY COMMISSION 66 MEETING DATES

67 Pyle said the first meeting in June fell on June 2 which is the start of the annual conference with the NM
68 Association of Counties and it is also County College Day in Hobbs. What he is requesting is to cancel that meeting

1 and the meeting that is scheduled for June 16 be moved to Tuesday June 23 and any matters that need to be taken care
2 of pertaining to the end of the fiscal year could be taken care of at that time. Commissioner Stoddard moved to cancel
3 the June 2 meeting and move the June 16 meeting to June 23. Sandoval 2nd. 5 verbal ayes.

4 **DISCUSSION AND/OR ACTION REGARDING TELEVISIONING COMMISSION MEETINGS**

5 Pyle said several of them had approached him about televising their commission meetings and asked him what
6 was being done with that. He said he had researched this and talked to Juanita Mondragon at Sudden Link
7 Communications. In the packet is an e-mail from Mondragon stating there will be no charge to televise the meetings.
8 The only expense would be that the county would have to have a staff member present to man the cameras and provide
9 technical support. Currently, Aaron Jones their contract IT person is here in the mornings and he previously worked
10 for the City of Clovis so he is experienced in that area as well as Sudden Link has provided one of their techs to be
11 available to run the live feed from their office. Chandler said he thought it was an excellent opportunity to give the
12 public more access with what is going on with the county commission meetings. He thinks the county commission has
13 taken several steps. One is moving to the North Annex and one is taking government to the rural areas. This seems
14 like it follows those steps. Commissioner Chandler moved to televise the county commission meetings. Sandoval 2nd.
15 Pyle said if they approve this, he would request they start with the first meeting in July which would give them enough
16 time to work out the details. 5 verbal ayes.

17 **APPROVAL OF AGREEMENT FOR SERVICES EASTERN PLAINS HOUSING DEVELOPMENT**
18 **CORPORATION - (SHELTER PLUS CARE GRANT)**

19 Pyle presented an agreement for services for Eastern Plains Housing Development Corporation. He said this
20 was for the Shelter Plus Care Grant. He said Sandra Hidalgo was not present so he and Harrison would try to answer
21 any of their questions. Pyle said it was a federal grant they received and they have to have a governmental agency as
22 their fiscal agent. We went into contract with them this year for the first year and the county will get a \$5,000
23 administrative fee to administer this grant. Sandra Hidalgo who is with the Eastern Plains Housing Development
24 Corporation manages the program. The contract begins on July 1 and goes through June 30, 2010. The amount is
25 \$122,760 and provides 17 units of tenant based rental assistance. It includes the \$5,000 administrative fee and the
26 remaining \$117,760 is to be utilized by Eastern Plains Housing Development Corporation pursuant to the terms in the
27 grant agreement. The executive director will also meet quarterly with them to go over the project and program.

28 Commissioner Sandoval moved to approve the agreement for services with the Eastern Plains Housing
29 Development Corporation for the Shelter Plus Care Grant. Bostwick 2nd. 5 verbal ayes.

30 **APPROVAL OF LOCATION FOR MARQUEE SIGN FOR THE EVENTS CENTER**

31 Pyle presented a request for approval of the location of the marquee sign at the Special Events Center. The
32 Amenities Committee met and voted to put the marquee sign on Norris Street close to the main entrance.

33 Commissioner Chandler moved to accept the Amenities Committee's recommendation to put the marquee
34 sign on Norris Street. Bostwick 2nd. Chandler asked about the other signs the Amenities Committee had suggested.
35 He asked if those were in the works and would the commission need to take action on those. Pyle said if they were
36 okay with the other signs since those were lower dollar amounts they would just take the Amenities Committee's
37 recommendation and place them. Chandler said since they were not going to have the big sign up for the Pioneer Days
38 Rodeo could they possibly get those other signs up before then. Pyle said he would get with Delk and try to get on that.
39 5 verbal ayes.

40 Pyle said he wanted to report on the Relay for Life. He thanked everybody that participated. There was a very
41 good turnout of county employees this year.

42 They have submitted a letter to the Governor requesting \$2 million for various county road improvements
43 around Cannon Air Force Base. They should have a copy of that in their mail boxes.

44 They are watching the stimulus funds daily. Last week he attended a presentation on stimulus funds in
45 Tucumcari. Harrison will be leaving for Albuquerque this afternoon to attend another meeting. It appears they are
46 saying one thing one day and then it changes so it is confusing but they feel like they are staying on top of that.
47 Anything they can apply for that will serve the residents of the county they will make their best efforts to get those funds.
48 Chandler asked if this was the same stimulus money that the \$940,000 came from for SR 209. Pyle said this was a
49 different package. The funds for SR 209 came from Southeastern Regional Planning Organization (SERPO). It was a
50 branch of that. Chandler said he understood most of those are already getting under contract and ours is not. He
51 would like to request that Pyle write a letter to the Governor and ask if there is anything further that we need to do to
52 get him to sign off on that. Pyle said it had been done and was number six on the list.

53 Pyle announced the Shenandoah advertising was going on and it is on May 30. Tickets are \$15. Bostwick
54 asked if they had a report on sales. Pyle said it was basically the same as when they had the centennial events. Sales are
55 kind of low right now but closer to the event sales of tickets should pick up.

56 He said they had already announced that Connie Harrison had been made the Assistant County Manager. She
57 started Monday and had her first official duty yesterday. He called her around 7 p.m. and she handled a problem for
58 him and he said he appreciated it.

59 They will be starting an office remodeling in the Finance Department in the next couple of weeks. It will be
60 taking up a little less than half of the conference room. It will provide for two additional office spaces in the finance
61 department and that way they can have the whole finance department together.

62 He has been working with the state and at the next commission meeting he should have an update and request
63 for action regarding the lease for the Drug Court building for the approximate \$24,000 a year the county is paying.

64 The current liquor license expires on June 30 so he is in the process of applying for a renewal on it.

65 **INDIGENT BOARD MEETING**

66 At 11:47 a.m. Commissioner Sandoval moved to go into an indigent board meeting. Stoddard 2nd. 5 verbal
67 ayes.

68 **RECONVENE**

1 At 11:49 a.m. Commissioner Chandler moved to come out of the indigent board meeting and back into
2 regular session. Bostwick 2nd. 5 verbal ayes.

3 **PUBLIC INPUT FOR WHICH NO ACTION WILL BE TAKEN**

4 Rube Render asked for clarification on the Magistrate Judges districting. What he thought he heard was that
5 the Clerk was responsible and the County Commission thinks they are responsible and Commissioner Chandler thinks
6 the Legislature is responsible. Then he heard they will talk about this next week. He is unsure of what they are going
7 to determine. Are they going to determine who is responsible for the districting?

8 Doerr said in his opinion it was the commission's decision to make. Render said then the commission was
9 going to be responsible for districting. Render asked Chandler if that was correct. Chandler said this was what they
10 were going to talk about at their next commission meeting on June 23.

11 Sandoval asked when the commission would be meeting in Grady. Pyle said he thought it was the second
12 meeting in July.

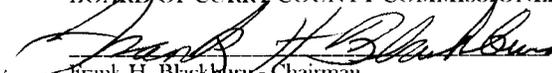
13 Wilma Fulgham said she just had an observation and comment. In talking about the prices for the concession
14 stand, she didn't feel like she should have said anything when it was discussed, but they were kind of pricey. Most of us
15 are accustomed to going out of town like to the Las Vegas Events Center and places like that, but knowing cowboys,
16 they are going to go where they can get their food a little cheaper. Her son was among the ropers last weekend and he
17 said the people were going to McDonald's, Taco Villa, etc. and bringing food back. She doesn't know how busy the
18 concession was but her son said he ate a Snickers bar and had water for \$3.50. In the future if there are events where
19 they do not charge admission such as the rodeo will people be allowed to bring food in even though there is a
20 concession? Maybe that is opening up another whole can of worms, but she thought she would ask. One other
21 comment—during the Pioneer Days Rodeo, her church, Central Baptist Church, has for 10 years had the contestant
22 hospitality. They furnish food and snacks to the contestants at no charge. They set up outside the Events Center.
23 They are hoping they won't have any problem with this as everyone knows that they do it from Delk all the way to the
24 rodeo producers. She said she had not passed this through Global Spectrum but it shouldn't be a problem because it is
25 part of the rodeo.

26 Chandler said his understanding has been that there should not be a problem with that because it is one of the
27 things they talked before the agreement. He asked Pyle if he was correct. Pyle said this was outside the facility and
28 shouldn't be a problem as long as it is in the original agreement that the county signed with the Mounted Patrol.
29 Fulgham asked if there was a non profit agreement that they would need to get like for the upcoming high school
30 rodeo. Pyle said they would as the commission had approved non profit and for profit agreements. She will need to
31 get with Jolly or Maclean and get one signed. Harrison asked if Fulgham was referring to the concession or the rental.
32 Fulgham said it was the concession. Pyle said Global was working on the concession. They can get that but she has to
33 deal with Global. Fulgham said they normally used Matt 25 for the High Plains Junior Rodeo. She just wanted to be
34 sure they were all together on it.

35 **ADJOURNMENT**

36 At 11:50 a.m. Chairman Blackburn adjourned the meeting.

37
38 **BOARD OF CURRY COUNTY COMMISSIONERS**

39
40 
41 Frank H. Blackburn - Chairman

42
43
44 **ATTEST:**

45 
46 Coni Jo Lyman - County Clerk

47
48
49 In compliance with the Americans with Disabilities Act of 1990, the County will provide appropriate auxiliary aids and
50 services to afford an individual with a disability an equal opportunity to participate in any public meeting held by the
51 County. A minimum of 48 hours advance notice is requested.

52
53 **OTHER ELECTED OFFICIALS IN ATTENDANCE:**

54 Coni Jo Lyman - Clerk
55 Matt Murray - Sheriff
56 Randy J. Williams - Assessor
57 Bernice Baker - Treasurer

58 **STAFF IN ATTENDANCE:**

59 Lance Pyle - County Manager
60 Stephen Doerr - County Attorney
61 Wesley Waller - Undersheriff
62 Lee Delk - Maintenance
63 Chris Pacheco - Road Department
64 Lois Bean - CC Detention Center
65 Jennifer Burden - CC Detention Center
66 Beni Dampier - Clerk's Office
67 Mark Lausford - Administration
68 Connie Harrison - Administration

- 1 Carol Pipes - Administration
- 2 OTHERS IN ATTENDANCE:
- 3 Ted Hartley - District Judge
- 4 David Reeb - District Judge
- 5 Matt Chandler - District Attorney
- 6 Ben Cross - District Attorney's Office
- 7 Louis Moore - 9th Judicial District
- 8 Robert Orlik - District Judge
- 9 Genaro Soto - 9th District Court
- 10 David Essex - Xcel Energy
- 11 Sharna Johnson - Clovis News Journal
- 12 Casey Peacock - Rooney Moon Broadcasting
- 13 Wilma Fulgham - Concession/Events Center