

# Board of County Commissioners

417 Gidding Street  
Clovis, NM 88101

Friday, March 27, 2020

Special Meeting

Commission Chambers

1 **I – CALL TO ORDER**

2 Chairman McDaniel called the meeting to order.

Attendee Name	Title	Status	Arrived
Ben McDaniel	Chairman	Present	9:00 AM
Seth Martin	Vice Chairman	Present	9:00 AM
Robert O. Sandoval	Commissioner	Present	9:00 AM
Chet Spear	Commissioner	Present	9:00 AM
Robert Thornton	Commissioner	Present	9:00 AM

3 **Approval of Agenda**

4 Chairman McDaniel asked for County Staff on the meeting call to identify themselves. The  
5 following individuals identified themselves: County Attorney Doerr, County Manager Pyle,  
6 County Finance Director Pipes, County Clerk Hogland, County IT Director Todd Ulses, and City  
7 of Clovis Emergency Manager, Dan Heerding. Chairman McDaniel asked for any reporters or  
8 news media on the line to identify themselves. The following individuals identified themselves:  
9 Mathew Brock of Eastern New Mexico News. Chairman McDaniel asked if there are any public  
10 on the line; none. Chairman McDaniel requested all participants mute their phones, reminding  
11 them to unmute when they are going to speak. At approximately 9:10am, Constance Williams  
12 with Congressman Lujan's Office entered the meeting telephonically.

13 **II – MINUTES APPROVAL**

14 **Changes Made to Minutes - County Clerk's Office - Hogland stated there were no changes.**

15 **1. Request Approval of Regular Commission Meeting Minutes of March 12, 2020**

16 **2. Request Approval of Indigent Board Meeting Minutes of March 12, 2020**

17 **3. Request Approval of Regular Commission Meeting Minutes of March 17, 2020**

18 **Spear moved to approve Regular Commission Meeting Minutes of March 12, 2020,**  
19 **Indigent Board Meeting Minutes of March 12, 2020, and Regular Commission Meeting**  
20 **March 17, 2020.**

21 <b>RESULT:</b>	<b>APPROVED BY ROLL CALL VOTE [UNANIMOUS]</b>
22 <b>MOTION:</b>	Chet Spear, Commissioner
23 <b>SECOND:</b>	Robert O. Sandoval, Commissioner
24 <b>AYES:</b>	Sandoval, McDaniel, Spear, Thornton, Martin

25 **III – RECOGNITION OF VISITORS AND PUBLIC INPUT FOR WHICH NO ACTION WILL BE**  
26 **TAKEN**

27 Chairman McDaniel stated that due to the fact that this is a telephonic meeting there would be  
28 no public input and requested that the public email or call Manager Pyle with questions or  
29 concerns.

30 **IV – CONSENT AGENDA**

31 **1. Request Approval of Accounts Payable Checks #134754 thru #134919; Payroll Checks**  
32 **#53227 thru #53232 for a Total of \$615,094.16 - Carol A. Pipes**

33 **2. Request Approval to Dispose by Auction or Salvage Value Two (2) Vehicles Stored at**  
34 **the Road Department; 2008 Ford Crown Victoria VIN #2FAFP73V48X121378 and a 2011**  
35 **Ford Expedition VIN#1FMJU1F53BEF32717 - Carol A. Pipes**

36 **3. Request Approval of Contract Between Curry County and San Juan County for**  
37 **Housing of Juvenile Detainees for a Term of May 1, 2020 thru April 30, 2021 Where Curry**  
38 **County Will Pay San Juan County \$225 per Day - Lance A. Pyle**

39 **Spear moved to place Items 1, 2, and 3 on Consent Agenda.**

40 <b>RESULT:</b>	<b>APPROVED BY ROLL CALL VOTE [UNANIMOUS]</b>
41 <b>MOTION:</b>	Chet Spear, Commissioner
42 <b>SECOND:</b>	Robert O. Sandoval, Commissioner
43 <b>AYES:</b>	Sandoval, McDaniel, Spear, Thornton, Martin

44 **Spear moved to approve Items 1, 2, and 3 on Consent Agenda.**

45 <b>RESULT:</b>	<b>APPROVED BY ROLL CALL VOTE [UNANIMOUS]</b>
46 <b>MOTION:</b>	Chet Spear, Commissioner
47 <b>SECOND:</b>	Seth Martin, Vice Chairman
48 <b>AYES:</b>	Sandoval, McDaniel, Spear, Thornton, Martin

49 **V – ACTION ITEMS**

50 **1. Request Action on Resolution #2020-23 Authorizing Budgetary Adjustments and**  
51 **Revisions to Increase Revenue in Road Department by a Total of Seven Hundred Sixteen**  
52 **Thousand Eight Hundred Nineteen Dollars (\$716,819.00) and Increase Expense Budget**  
53 **by the Payoff Amount on the Leased Caterpillars at Six Hundred Ninety-Two Thousand**  
54 **Five Hundred Sixty Dollars (\$692,560.00) - Carol A. Pipes**

55 Pipes presented proposed resolution, stating that it was decided to pay off the caterpillars and  
56 the need to increase the Road Department expenses only enough to pay off the motor graders.  
57 Reason for the difference in revenue is so to keep the balance of the 1/12 reserve of the  
58 budgeted expenses; the County does have additional revenue in the Road Department fund

1 from the culvert installation and sale of other county equipment for the road department;  
2 revenue at this point is over budget by \$716,819. *Chairman McDaniel asked for any questions  
3 or discussion; there was none.*

4 **Spear moved to approve Resolution 2020-23 Authorizing Budgetary Adjustments and  
5 Revisions to Increase Revenue in Road Department by a Total of Seven Hundred Sixteen  
6 Thousand Eight Hundred Nineteen Dollars (\$716,819.00) and Increase Expense Budget  
7 by the Payoff Amount on the Leased Caterpillars at Six Hundred Ninety-Two Thousand  
8 Five Hundred Sixty Dollars (\$692,560.00).**

9	<b>RESULT:</b>	<b>APPROVED BY ROLL CALL VOTE [UNANIMOUS]</b>
10	<b>MOTION:</b>	Chet Spear, Commissioner
11	<b>SECOND:</b>	Ben McDaniel, Chairman
12	<b>AYES:</b>	Sandoval, McDaniel, Spear, Thornton, Martin

13 **2. Request Action on Resolution 2020-24 Declaring Curry County to be an Emergency  
14 Area as a Result of COVID-19 - Lance A. Pyle**

15 Pyle stated that the Commission received a revised resolution and that County Attorney Doerr  
16 would go over those changes. Pyle explained that the New Mexico Department of Homeland  
17 Security General Council, National Association of Counties, and other entities are  
18 recommending counties to declare an emergency if anticipating a need to submit  
19 reimbursement and would allow the state to confirm compliance with FEMA's public assistance  
20 program and help justify costs associated with responding to the COVID-19 emergency. Pyle  
21 stated that as of March 20, the County has experienced cost in excess of \$79K; large portion  
22 being cancelled events pursuant to the Governor's Order and loss revenue for those events for  
23 the Events Center. The County departments have been out costs for things such as: installing  
24 the drop box, additional cleaning supplies and personal protective equipment etc. at almost  
25 \$15K. Attorney Doerr explained that this resolution allows the County to modify or amend the  
26 personnel policy as may be necessary to deal with the COVID19 crisis. The County is  
27 implementing the rules and policies that have been requested by the Governor and many  
28 County employees are working from home; Manager Pyle and staff are making new documents  
29 and arraignments to implement these steps. Doerr read aloud changes and modifications:  
30 Whereas the New Mexico Health Secretary has issued a Public Health Order suspending mass  
31 gathering in New Mexico effective immediately in order to prevent the spread of the virus; and,  
32 Whereas the CDC has advised that local governments should take immediate action to limit the  
33 spread of the virus through social distancing, cancellation of public meetings, limiting public  
34 gatherings and events, and implementing additional public health and education measures to  
35 prevent, contain and mitigate the virus; and, Whereas, Curry County complied with the State  
36 requirements for the notification of an emergency within Curry County to declare a State of  
37 Health Emergency; and, Whereas, Curry County is coordinating resources across local and  
38 State government to support the County and local officials and alleviating the impacts to people,  
39 property, and business, and is assessing the magnitude and long-term effects of the virus with  
40 the State Homeland Security Department. NOW, THEREFORE, BE IT RESOLVED... 3.) Dan  
41 Herding Clovis/Curry County Emergency Manager is hereby confirmed as the local coordinator  
42 of emergency management for the COVID-19 emergency as contemplated by Section 12-10-5  
43 NMSA 1978. 8.) The County Finance Director will maintain records and accounting of all  
44 expenditures and economic impact of COVID-19 on Curry County Government. 9.) The  
45 County's Personnel Coordinator and Safety Director with approval of the County Manager may  
46 set such safeguards for the public and employees regarding employees that travel out of the  
47 area or that become ill as are reasonable to protect the health and safety of the staff and the  
48 public, consistent with the most current public health guidelines. Spear noted as stated in the  
49 resolution that modifications made by Manager Pyle shall be brought before the Board of Curry  
50 County Commissioners.

51 **Spear moved to approve Resolution 2020-24 Declaring Curry County to be an Emergency  
52 Area as a Result of COVID-19.**

53 Martin asked if Heerding could address any crisis in Curry County at this time. Heerding stated  
54 there is no crisis right now in Curry County, however by passing resolution, it does allow Curry  
55 County to accept any Federal funds that might come down and released to states. Heerding  
56 added the State of New Mexico is expected to declare a State of Emergency. Heerding noted  
57 continuous changes in guidance of what expenditures will be allowed as reimbursable  
58 expenditures. Heerding reiterated the proposed resolution allows funds to be released from the  
59 State to the local level. *Chairman McDaniel asked for any additional questions or discussion;  
60 there was none.*

61	<b>RESULT:</b>	<b>APPROVED BY ROLL CALL VOTE [UNANIMOUS]</b>
62	<b>MOTION:</b>	Chet Spear, Commissioner
63	<b>SECOND:</b>	Robert O. Sandoval, Commissioner
64	<b>AYES:</b>	Sandoval, McDaniel, Spear, Thornton, Martin

65 **3. Request Action on the Rescinding of Ordinance 2004-07 Relating to Collective  
66 Bargaining for Curry County; Providing Rights, Responsibilities, and Procedures for  
67 Employment Relationships Between Employees and Employers - Stephen E. Doerr**

1 Doerr explained that Curry County adopted Ordinance 2004-07; Relating to Collective  
2 Bargaining agreement; earlier this year the New Mexico Legislature adopted a State Wide  
3 Collective Bargaining Act which takes precedents over any previously adopted Collective  
4 Bargaining Acts. Doerr explained that the law does allow local communities and counties to  
5 maintain its existing ordinances if it is significantly in compliance with the new law. Doerr read  
6 aloud: "The Board shall compose of three members appointed by the Chairman of the Curry  
7 County Commission and approved by the Commission. One member shall be appointed of the  
8 recommendation of individuals representing labor, one member shall be appointed on the  
9 recommendation of the County Manager, and one member shall be appointed on the  
10 recommendation of the first two appointees." Doerr explained that Curry County has had  
11 difficulty finding an individual or individuals willing to serve as a member appointed on the  
12 recommendation of the County Manager and has not had an individual on the Board filing that  
13 capacity for a while by State law. Doerr mentioned a letter from the State regarding compliance  
14 and Pyle has responded to that letter that there was not a third member; putting the ordinance in  
15 violation of State law. Doerr recommended the Commission to consider rescinding Ordinance  
16 2004-07 and once rescinded, the State law will go in place and apply to Curry County  
17 employees. Spear asked if the County anticipated revising the County's ordinance to  
18 correspond with the state. Doerr stated no; what is before the Commission is to rescind the  
19 County's ordinance and comply with state law. Martin reaffirmed that the County must comply  
20 with the state no matter what. Doerr: Yes. Martin asked if there was a federal law that would  
21 supersede the state. Doerr: No, generally the legal issue regarding employees is left to the  
22 individual state to decide. *Chairman McDaniel asked for any additional questions or discussion;*  
23 *there was none.*

24 **Spear moved to Rescind Ordinance 2004-07 Relating to Collective Bargaining for Curry**  
25 **County; Providing Rights, Responsibilities, and Procedures for Employment**  
26 **Relationships Between Employees and Employers.**

27	<b>RESULT:</b>	<b>APPROVED BY ROLL CALL VOTE [4 TO 1]</b>
28	<b>MOTION:</b>	Chet Spear, Commissioner
29	<b>SECOND:</b>	Robert O. Sandoval, Commissioner
30	<b>AYES:</b>	Robert O. Sandoval, Ben McDaniel, Chet Spear, Robert Thornton
31	<b>NAYS:</b>	Seth Martin

32 **VI – COUNTY COMMISSIONER'S REPORTS**

33 McDaniel thanked everyone for adjusting to the new form of Commission meeting. Sandoval  
34 and Spear attended a telecom with the Wing Commander at CAFB. Thornton spoke regarding  
35 accessing information off the County website and suggested contacting radio stations to provide  
36 information and where to obtain information as well; Ulises added that information is also  
37 provided on the County's Facebook page.

38 **VII – COUNTY MANAGER'S REPORT**

39 Pyle reported that the County is currently working on the FY21 budget; budget hearing will start  
40 next month and hopes to have a preliminary budget hearing in May. Pyle stated that the County  
41 owes approximately \$478,492 on a loan with New Mexico Finance Authority; with annual  
42 payments of \$58,500; payoff of loan in 2030; the County currently paying an interest rate of  
43 3.69%. Pyle has had discussions with Finance Director Pipes and Financial Advisor Burpo and  
44 explained that the County is earning less on money invested than what is paid on the loan; Pyle  
45 and Pipes will recommend at a future meeting to proceeding with paying off the loan with  
46 reserve funds; saving around \$79K in interest; there is no prepayment penalty. Pyle received  
47 the Events Center 2020 Capital Improvement pursuant to contract and stated that it will be  
48 presented on April 7. The camera change order at the Detention Center has not been signed;  
49 Pyle will attend a conference call later this afternoon regarding the change order. The deadline  
50 for the Census 2020 has been extended from July 31 to August 14; the County is still  
51 encouraging County residents to complete the census on-line. Books from Imagination Library  
52 will be mailed for April as normal and Pyle explained a proposal for audio recorded books read  
53 by Dolly Parton; a 10-week series called Goodnight with Dolly to be distributed to enrolled  
54 families electronically; the County will issue a press release around March 31 providing more  
55 information. New federal regulations regarding COVID-19 will go into effect April 2 regarding  
56 emergency paid sick leave and emergency family medical leave expansion; both expire  
57 December 31, 2020. Personnel Coordinator Gunn, County Attorney Doerr and Manager Pyle are  
58 working on how these new regulations will tie into Curry County and the workforce; Pyle will be  
59 posting and notifying employees before effective date.

60 **VIII – INDIGENT BOARD MEETING**

61 Entered Indigent Board Meeting at 9:42am and Returned to Regular Session at 9:45am. Next  
62 Commission Meeting is scheduled for Tuesday, April 7, 2020 at 9:00 AM.

63 **IX – FUTURE AGENDA ITEMS**

64 Spear asked that Manager Pyle and Administrator Gallegos prepare a presentation of the pros  
65 and cons of the operation of the Juvenile Detention Center and asked that it be presented at the  
66 next meeting held in the Commission Chambers. Martin would like to honor the Melrose boys  
67 and girls basketball teams for their accomplishment during the COVID-19 pandemic.

68 **X – ADJOURNMENT**

1 This meeting was adjourned by Chairman McDaniel at 9:49am.

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3 **BOARD OF CURRY COUNTY COMMISSIONERS**

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7 **Ben McDaniel - Chairman**

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9 **ATTEST:**

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12 **By: Annie Hogland - Curry County Clerk**

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

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17 **IN ATTENDANCE:**

Chet Spear	Robert Thornton	Robert Sandoval	Ben McDaniel
Annie Hogland	Lance Pyle	Steve Doerr	Carol Pipes
Todd Ulises	Constance Williams	Dan Heerding	Mathew Brock

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