

August 6, 2013
Roosevelt County Courthouse
Portales, New Mexico 88130

The Roosevelt County Commission met in its regular business meeting Tuesday, August 6, 2013, at 9:00 a.m. in the Commissioner's Room in the Courthouse with those present being: Commissioners Scott Burton, Bill Cathey, Kendall Buzard, Richard Leal, and Jake Lopez; County Manager Charlene Webb; Administrative Assistant Jena Wilbanks; County Clerk Donna Carpenter; Chief Deputy Janet Collins; County Attorney Rick Queener; Road Superintendent Ricky Lovato; Johnny Montiel; Chief Deputy Assessor Stevin Floyd; Treasurer Nancy Belcher; Sheriff Darren Hooker; Detention Center Administrator David Casanova; Attorney Randy Knudson; Benny Pacheco Representing Herrera's; Attorney Ruth Schifani; Infinity Wind Power Jonathan Koehn; Roosevelt General Hospital Amber Hamilton; Portales City Councilman Matt Hunton; Matt and Elizabeth Belcher; Joe Van Ruiten; Jim Russell; Don Pool; Texico School Superintendent Miles Mitchell; Texico School Bus Contractor Brent Queener; JLUS Member Charles Bennett; Roosevelt County Community Development Doug Redman; USDA Wildlife Specialist Cliff Ruppert; Pastor Gary Piepkorn; and PNT Staff Writer Eric Norwood.

Commissioner Cathey called the meeting to order at 9:00 a.m.

Pastor Piepkorn gave an Invocation and Sheriff Parker led the Pledge of Allegiance and the Salute to the Flag of the State of New Mexico.

Motion to move agenda Public Request up was made by Commissioner Lopez with a second by Commissioner Buzard. 5 yes votes.

Motion to Approve the Agenda was made by Commissioner Lopez with a second by Commissioner Buzard. 5 yes votes.

Motion to Approve Minutes of the July 16, 2013 Regular Meeting was made by Commissioner Buzard with a second by Commissioner Burton. 5 yes votes.

Motion to Approve Accounts Payable and Payroll from July 16, 2013 through August 6, 2013 was made by Commissioner Leal with a second by Commissioner Lopez. 5 yes votes.

Public Requests:

City Counselor Matthew Hunton invited everyone to attend a welcome reception for the new military Colonels. It will be August 9th from 6-8 p.m. at the Yam Theater.

Informational Items

Jonathan Koehn with Infinity Wind Power gave an overview of the Roosevelt Wind Ranch that they have recently acquired. He stated that Infinity Wind Power has an approach of land owner advocacy. The Roosevelt Wind Ranch contains 131,000 acres from 66 landowners. The economic benefits would include 150-200 construction jobs and approximately 10-15 full time positions. There will be on going payments made to the landowners.

Attorney Ruth Schifani informed the Commission about an Industrial Revenue Bond, which is an economic tool to allow companies deductions from personal property. She stated that companies such as Infinity Wind Power have a low profit margin and need to use this tool as payment in lieu of taxes. The county would be giving up property taxes and the county would receive jobs, gross receipts tax on equipment and the payment in lieu of taxes. First the company would ask for an inducement resolution which is non binding to allow Infinity Wind Power to publish notices necessary to go forward with the bond ordinance and to start acquiring equipment. Infinity Wind Power would need school district approval. Then they would ask the County to issue a bond ordinance. It would provide that there are no liabilities to the county from any expenses associated with this. Commissioner Cathey inquired about the method of calculating the amount paid to the county. Ms. Schifani replied it should be a number that the project can bear and a figure that all are comfortable with including the two schools, Dora and Elida. Transmission lines routs have not been finalized.

Elected Officials/Department Heads Reports:

- a. Roosevelt County Community Development Corporation Report Doug Redmond presented the year end budget. He stated that it is the 1st year to finish in black. The Chamber continues to work with retail applications and have inquires about the industrial park.
- b. USDA Wildlife Specialist Cliff Ruppert reported that all was going well. He had signed up two new cooperators. There have been no additional sightings of wild hogs.
- c. Assessor Chief Deputy Stevin Floyd reported that the low income apartment properties have been measured and will receive a tax bill for 2014. There was discussion concerning mobile home trailer owners which do not report. The Commissioners are getting complaints about them. Treasurer Nancy Belcher stated that her office and the Assessor's office are working closely to get names and locations. She asked the Commissioners to report the complaints that they receive.
- d. Treasurer Nancy Belcher invited everyone to the August birthday luncheon and to pick up produce provided by the Detention Center.
- e. Sheriff Darren Hooker reported that all is going good.
- f. Detention Center Administrator David Casanova reported 18 females and 85 males for a total of 103 inmates currently housed in the local detention center. Included in the numbers are 25 inmates from Eddy County. There are 2 juveniles, one located in Quay County and the other in Curry County. Mr. Casanova stated that the garden is producing well. The inmates are consuming some of the produce from the garden and it seems to boost their moral.
- g. County Clerk Donna Carpenter reported the office has gone online with the indexes and we now have the capability to take credit cards over the counter and over the phone. Next week part of the staff will be attending a voter training school in Santa Fe.
- h. Road Superintendent Ricky Lovato reported that the crew is shredding and blading on Roosevelt Road 6.
- i. County Manager Charlene Webb reported that Financial Administrator Daniel Saiz has recently attended procurement training.
- j. Fire Departments Commissioner Leal reported that there will be an area wide fire department meeting at the Sheriff's Department.
- k. Commissioners Commissioner Cathy thanked everyone who worked on the County Picnic. Commissioner Lopez reported that he had attended a two day workshop in Angel Fire to go through resolutions to be recommended to the legislators.

New Business

Discussion and Possible Action Regarding Maintenance and Closure of South Roosevelt Road A that runs between Hwy 202 and NM 88. County Attorney Queener stated the problems of the road. It is on the New Mexico side of the state line boundary of the Texas border. Road Superintendent Ricky Lovato presented an estimate of \$181,979.00 per mile as the cost for repairing nine miles with a caliche top. He stated all the materials will need to be hauled from a distance. This road is very sandy and the crew would need to dig down to reach a hard pan. The road would take all 3 of the County's water trucks to keep it wet during construction. Mr. Lovato also presented a sheet outlining the times in the past year that the road department has done maintenance for the road. Mr. Lovato estimated the road may last 6 to 7 years if it were repaired. Traffic runs heavy in harvest time and part of the road is a school bus route transporting children. Attorney Kundson representing the Belchers indicated that his client s would provide water at 400 gal a minute. It was pointed out that there is a Sanders Gravel pit in Texas. Texico School Superintendent Miles Mitchel stated that he needed to make decisions concerning bus routes before the school year began. He said it takes his bus approximately 30 minutes to travel 3.1 miles from Hwy. 202. Commissioner Buzard asked how long the road had been open. Mr. Belcher said he believed the road has been open for 40 years. Ms. Belcher listed many and various people who use the road. Jim Russell and Don Pool stated they use the road a lot and it is vital to their business. Bret Queener Texico Bus Contractor stated that he is concerned with safety issues. County Attorney Queener stated that it is a public road and the

Commissioners are liable for the road. If it is closed then it will be made private and the land owners can control it. Attorney Knudson stated that he has a question or concern about this law because the law is based in 1915. He believes the County is faced with a couple of bad options. Attorney Knudson ask the commissioners to consider that this is a statue with no procedures in place and also no criteria in selecting the viewers. He read parts of the George and Susan Dick case. Attorney Knudson wanted the record to reflect that he completely objects to the appointment of visitors to view the road and urges the county to try to work for another solution. He asks the Commissioners to consider the closing of the road very carefully and to keep some indication of keeping the road open. It would be affecting citizen's rights to close a road that has been open for 40 years. County Attorney Queener recommended that the Commissioners go about it in as many ways as possible and to involve the citizens in the process. Commissioner Lopez stated that he is against closing any road. Commissioner Burton suggested we work together in working for a solution. He also recommended installing speed bumps if the road is repaired. The problem of repairing the road has been on previous agendas, but no funding has been available. Mr. Belcher offered to knock down hills and they felt many would donate their trucks to haul caliche. The county would have to look at the liabilities issues if we accept this help from private citizens. County Manager Webb stated that this problem had been going on for years and some decisions need to be made concerning the road. Commissioner Leal suggested that the entire commission look at the road. Commissioner Buzard suggested that the county consider doing the road in increments. He also stated that the Commissioners picked the road viewers very carefully.

Motion for all of the Commissioners to visit South Roosevelt Road A that runs between Hwy 202 and NM 88 on Tuesday, August 13, 2013 was made by Commissioner Leal with a second by Commissioner Lopez. 5 yes votes.

Motion to approve Final plat for Herrera Subdivision Pending Submission of Documentation of the Roads being in place was made by Commissioner Burton with a second by Commissioner Leal. 5 yes votes. Chad Lydick stated that the protective covenants and road plans are submitted for review. County Manager Webb stated that improvements such as the roads must be completed before any lots are sold. Benny Pacheco representing the Herrera's stated that the roads will be in place before lots are sold. Ms. Webb said this must be documented.

Contracts – Agreements – Procurements:

Motion to Approve Contract for Library Services for Fiscal Year 2014 between the New Mexico State Library and Roosevelt County was made by Commissioner Cathey with a second by Commissioner Buzard. 5 yes votes. This is an annual contract servicing Pep and Milnesand Communities and it is in the budget. The Library shall permit citizens of the Community to access the materials in the bookmobile collection during the Library's regularly scheduled stops in the Community.

Motion to Approve Dissolution of Joint Powers Agreement Eastern New Mexico Rural Water Authority by and between the Communities of Clovis, Portales, Texico, Melrose, Elida and Grady the counties of Curry and Roosevelt was made by Commissioner Lopez with a second by Commissioner Buzard. 5 yes votes by roll call. County Manager Webb stated that this entity no longer exists and it is a formality to dissolve it.

Motion to Approve Roosevelt County Community Driving While Impaired 2014 Project Agreement between the New Mexico Department of Transportation, Traffic Safety Division and Roosevelt County was made by Commissioner Lopez with a second by Commissioner Buzard. 5 yes votes. The purpose of this Agreement is to fund activities to reduce instances of driving while impaired ("DWI") which are of permanent direct benefit to traffic safety in New Mexico.

call. Motion to come out of Executive Session at 11:20 was made by Commissioner Buzard and a second by Commissioner Leal. 5 yes votes. No action taken.

View S. Roosevelt Road A between NM 202 and NM 88 to Determine Condition and Any Further Action Necessary

Discussion was directed to Commissioner Leal since this road lies within his Commission District. Commissioner Leal stated he felt the County was spending too much money on this road that was taking away resources from other needed areas as well as the extra wear and tear on the equipment for the repeated trips to maintain the road. Commissioner Cathey stated this was a tough decision.

Attorney Queener stated there were two options for the Commission at this time. Number one was to write a letter to the Texaco School District outlining the Commission's viewpoint on the road and notify them of whether the commission intended to continue to maintain the road or close it.

Number two is to notify what your decision is.

Commissioner Buzard stated that there were no other intersecting county roads between S. Roosevelt Road A and Portales and those producers in that area relied on the use of that road due to its location.

Motion to continue to make a reasonable effort to maintain the road was made by Commissioner Buzard with a second by Commissioner Burton. 4 yes votes with 1 no vote from Commissioner Leal.

Attorney Queener then asked what the will of the Commission was to deliver the information to the Texaco School District.

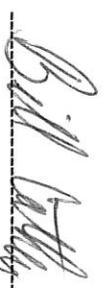
Motion for Attorney Queener to draft a letter to the Texaco School District stating the County's position on the road was made by Commissioner Cathey with a second by Commissioner Buzard. 5 yes votes.

Meeting adjourned by Commissioner Cathey at 11:30 a.m.

Board of County Commissioners
Roosevelt County, New Mexico

ATTEST


Donna Carpenter, County Clerk


Bill Cathey, Chairman

