

November 5, 2013
Roosevelt County Courthouse
Portales, New Mexico 88130

The Roosevelt County Commission met in its regular business meeting Tuesday, November 5, 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, 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; Chief Deputy Assessor Stevin Floyd; Assessor Kenner Carrasco; Treasurer Nancy Belcher; Sheriff Darren Hooker; Under Sheriff Malin Parker; Deputy Sheriff Shawn Gore; Detention Center Administrator David Casanova; Johnny Montiel; USDA Wildlife Specialist Cliff Ruppert; Arch Fire Department EMS Director Jared Shearer; Arch Fire Department Chief Cliff Neece; Paisley Business Law Bonnie J. Paisley; Infinity Wind Representative Jonathan Koehn; Modral Sperling Law Daniel M. Alsup; Senior Vice President and Manager for Hutchinson, Shockey, Erley and Co. Leo V. Valdez; Pastor Gary Piepkorn; and PNT Staff Writer Eric Norwood. Commissioner Rick Leal was absent.

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

Pastor Gary Piepkorn gave an Invocation with a special prayer for the families of the two ENMU students who were tragically killed in an auto accident.

Sheriff Darren Hooker led the Pledge of Allegiance and the Salute to the Flag of the State of New Mexico.

Motion to Approve the Agenda was made by Commissioner Buzard with a second by Commissioner Burton. 4 yes votes.

Motion to Approve Minutes of the October 15, 2013 Regular Meeting was made by Commissioner Burton with a second by Commissioner Buzard. 4 yes votes.

Motion to Approve Minutes of October 15, 2013 Indigent Meeting was made by Commissioner Buzard with a second by Commissioner Burton. 4 yes votes.

Motion to Approve Accounts Payable and Payroll from October 15, 2013 through November 5, 2013 was made by Commissioner Buzard with a second by Commissioner Burton. 4 yes votes.

Resolutions—Ordinances—Proclamations

Motion to go into public hearing concerning the Adoption of Ordinance No. 2014-01 was made by commissioner Buzard with a second by Commissioner Lopez. 4 yes votes. Pastor Piepkorn asked why the funding is being done by the county and not handled by private funds. Moderal Sperling Attorney Daniel Alsup explained that by having Roosevelt County issue bonds, the County acquires the bonds and Infinity Wind Farm gets a property and gross receipts tax break by having the County acquire the project. Infinity Wind Farm indemnifies the County because the county has fair legal title to the project; the Company gets a tax break. Infinity Wind will make payments in lieu of taxes with parts of the payments going to the Dora and Elida school districts determined by the number of towers and mega watts in each district. The payment will be a flat fee of \$700,000.00 per year with 63% of it going to Roosevelt County. Assessor Carrasco stated that this will change the tax structure to the landowner. There was discussion of the amount of full time employees once the project is finished. The question of what provision there is for the county should the wind farms fail was asked. Mr. Alsup stated that clawbacks are in place to obligate the Wind Farm to pay the issuer within ninety days of non-completion of the Project an amount equal to a percentage of the ad valorem taxes. This is called Performance Clawbacks. Mr. Alsup could not answer how these figures are calculated; he thought it was a matter of negotiation. He stated that without Industrial Revenue Bonds these projects could not work economically. Infinity Wind Farm representative Jonathan Koehn stated that there will be 100 to 150 wind turbines between Dora and Elida. They have signed the power purchase agreement, the IRB competing with other projects; done the environmental surveys

and they have interconnections with the power grid. Infinity Wind Farms will be bringing in a partner to help move the project forward. Construction will start late next year and be completely operational by 2015. A general contractor that is experienced in large projects will be hired and then they will subcontract out to smaller companies.

Motion to come out of Public Hearing Concerning the Adoption of Ordinance no. 2014-01 was made by Commissioner Buzard with a second by Commissioner Burton. 4 yes votes.

Motion to approve Ordinance 2014-01 Authorizing the Issuance and Sale of Roosevelt County, New Mexico Taxable Industrial Revenue Bonds (Roosevelt Wind Project) Series 2013 in the Maximum Principal Amount of \$430,000,000 to provide funds to finance the acquisition, construction and equipping of a wind farm for the purpose of generating electricity; Authorizing the execution and delivery of an indenture, a lease agreement, a bond purchase agreement, bond, and other documents in connection with the issuance of the bonds and the projects; making certain actions taken previously; and repealing all actions inconsistent with this ordinance was made by Commissioner Burton with a second by Commissioner Buzard. 4 yes votes by roll call.

Informational Items

Senior Vice President and Manager for Hutchinson, Shockey, Erley and Co. Leo V. Valdez made a presentation about financing for the construction of the Magistrate Court Project. Mr. Valdez gave a little background information about his past experience with rural areas. He presented three different options with varied pricing in the three and one half million dollar range. He stated that he would be working as the counties' agent and his fee comes out of the option. County Attorney Richard Queener pointed out that the purchase of fixtures was up to the Magistrate Court. Mr. Valdez answered questions concerning the time line.

Elected Officials/Department Heads Reports:

- a. USDA Wildlife Specialist Cliff Ruppert reported that there are 24 cooperators. He has had a few calls regarding Prairie Dogs. One county resident reported that 25 lambs had been killed by dogs.
- b. Assessor Kenner Carrasco reported that tax bills have gone out and his office is busy explaining to people the reason they are not allowed to make tax roll corrections at this time and any corrections to the taxable properties should be made within 30 days of receiving their Notice of Values. He reported that the online system is working well.
- c. Treasurer Nancy Belcher invited everyone to the November birthday luncheon. She stated that many taxpayers came in and paid their taxes in full upon receipt of their bill.
- d. Sheriff Darren Hooker stated that there had been a crash in the early morning on South Roosevelt Road 6 and Roosevelt Road L involving a milk truck rollover. A deputy was hired yesterday. A transport position is open. He said they were helping with the Santa Cop by having a pancake breakfast at their office for \$6.00 per ticket.
- e. Detention Center Administrator David Casanova reported 17 females and 79 males for a total of 96 inmates currently housed in the local detention center. Included in the numbers are 10 inmates from Eddy County and 10 from Curry County. There is 1 juvenile. Mr. Casanova stated that the numbers were down due to the installation of the new doors and locks. He invited the Commissioners to take a look at the new doors and locks.
- f. County Clerk Donna Carpenter thanked the road crew for delivering the voting material to Dora and the Jake Lopez Building for the elections today. She stated that voting was going on today at the Jake Lopez Community Building for the Hospital District Five Board Member and at Dora School for the Dora School Bond Election.
- g. Road Superintendent Ricky Lovato reported that the crew finished chip sealing on South Roosevelt Road 6. They are now cleaning out cattle guards and blading. Mr. Lovato stated that he documented signs where the milk truck had turned over.

h. Risk Management Jena Wilbanks reported that an Afflac representative will be here on the 12th and the 13th. She stated that all employees need to sign whether they have Afflac or not.

i. Commissioners Commissioner Lopez stated that Steve Kopleman had been hired as the new director of NMAC. Mr. Lopez has a CBDG meeting in Santa Fe soon. Commissioner Cathey had a question about driving county vehicles. County Manager Webb stated that the insurance company strongly recommends using county vehicles when available.

Old Business

Motion to Deny the Request from Portales City council for Roosevelt County to fund a portion of the Family Entertainment Center Feasibility Study was made by Commissioner Buzard with a second by Commissioner Burton. 4 yes votes. County Manager Webb stated that there are more important requests coming before the commission than this one and she recommends denying this at present.

New Business

Motion to Appoint Commissioner Richard Leal as a Member and Commissioner Jake Lopez as an Alternate to the Ute Water Commission was made by Commissioner Burton with a second by Commissioner Buzard. 4 yes votes. Roosevelt County has a seat on the Ute Water Commission which needs to be filled.

Motion to Approve Sheriff's Department request for a Special Vehicle Purchase was made by Commissioner Buzard with a second by Commissioner Burton. 4 yes votes. Sheriff Hooker stated special equipment is needed to transport the canine. The current canine vehicle needs a new engine. The Sheriff's Department is willing to put in \$18,000.00 and they are asking for \$17,158.00. County Manager Webb asked Sheriff Hooker if his department could squeeze a little more from the LEPF fund. Sheriff Hooker said they could. The Ford Explorer they are considering is from the State Contract. The 2006 Dodge Durango may be used as a backup vehicle when a new engine is installed because it still has the canine equipment installed.

Motion to Approve Recommendation from Road Viewer Committee regarding North Roosevelt Road 1 and North Roosevelt Road A was made by Commissioner Cathey with a second by Commissioner Burton. 3 yes votes. Commissioner Lopez voted nay. Road Superintendent Ricky Lovato gave a report of the road viewer's recommendation to close the roads.

Motion to Approve NM Department of Health Vehicle Purchase Application for FY 2015 for Arch Volunteer Fire Department was made by Commissioner Buzard with a second by Commissioner Lopez. 4 yes votes. EMS Director, Jared Shearer of the Arch Fire Department stated that the department needed a new ambulance because the one they are using is old and extremely rough for the patients. The cost of the new ambulance is \$119,000.00. The department would put 25% of the cost with the state giving 75%. Mr. Shearer thinks they will have enough but the Arch Department is asking for the Commissioners to help if needed. The Arch Fire Department has \$29,818.75 to put toward the ambulance out of a \$34,000.00 budget, so it will be tight.

Motion to Approve NM Department of Health Local System Improvement Project Application for FY 2015 for Arch Volunteer Fire Department was made by Commissioner Burton with a second by Commissioner Buzard. 4 yes votes. EMS Director Shearer stated this is for a new Striker gurney and it is a grant that is 100% paid for by the state.

Motion to Approve Roosevelt County Specifications for Crushed Caliche was made by Commissioner Burton with a second by Commissioner Buzard. 4 yes votes. Commission approval of these specifications is now required for Local Government Road Fund projects. The changes will drastically affect the amount of miles of road reconstruction the county will be able to complete. When the County is audited it must show compliance.

The LGRF projects now require an environmental and archeological survey, engineering design and signage plan. The Capital Outlay Projects now require NMDOT spec material, an environmental and archeological survey and must be engineered by a professional licensed engineer. This is federal money that comes down from the state. This will increase the cost of each mile of road. Road Superintendent Ricky Lovato stated these requirements will cause the county to have fewer miles of improvement per year.

Contracts – Agreements – Procurements:

Motion to Reject Bid 2013-08 Caliche was made by Commissioner Burton with a second by Commissioner Buzard. 4 yes votes. County Manager Webb recommends rejecting all bids due to discrepancies in the bid specs. It will be rebid later when the county gets better specs.

Motion to Approve the Purchase of Bunks for the Detention Center was made by Commissioner Cathey with a second by Commissioner Burton. 4 yes votes. Commissioner Buzard stated that 38 new bunk beds are needed to replace the old ones that have been repeatedly repaired and welded. The new bunks will prevent inmates from dismantling them. The cost can be absorbed in the existing General Fund Budget.

Motion to Approve the Consolidated Project Agreement between the State of New Mexico Department of Transportation and Roosevelt County for Highway Safety Projects was made by Commissioner Burton with a second by Commissioner Lopez. 4 yes votes. The purpose of the agreement is to provide funding to New Mexico Law enforcement agencies or government agencies through state and federal programs to reduce traffic related injuries and deaths. Roosevelt County has been awarded \$8,856.00 in funding for the Operation Driving While Intoxicated program. They have also been awarded \$6,027.00 in funding for the 100 Days and Nights of Summer.

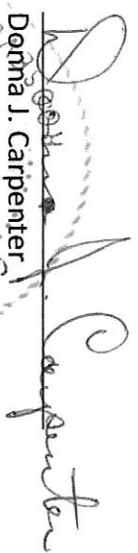
Executive Session

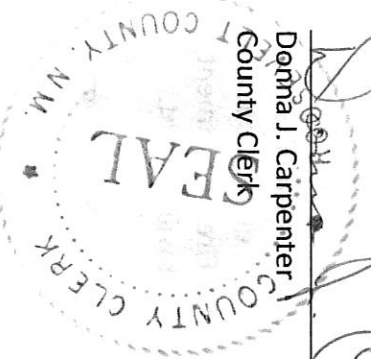
The Motion was made to go into Executive Session at 10:45 a.m. for the purpose of Threatened or Pending Litigation was made by Commissioner Buzard with a second by Commissioner Burton. 4 yes votes by roll call. Motion to come out of Executive Session at 11:05 a.m. was made by Commissioner Buzard with a second by Commissioner Lopez. 4 yes votes. No Action taken.

Meeting adjourned at 11:06 a.m.

ATTEST:

BOARD OF ROOSEVELT
COUNTY COMMISSIONERS


Donna J. Carpenter
County Clerk




Bill Cathey
Commission Chairman

