

MINUTES
REGULAR MEETING
HIDALGO COUNTY BOARD OF COUNTY COMMISSIONERS

July 9, 2014 at 9:00 A. M.

BE IT REMEMBERED that the Hidalgo County Board of County Commissioners met in regular session on July 9, 2014, at the hour of 9:00 A.M. at the Hidalgo County Chambers at 305 Pyramid Street, Lordsburg, New Mexico, for the purpose of conducting any and all business to come properly before the Board.

The following elected officials, staff, and public were present:

John Salazar, County Manager	Edgar Gomez, LFNM
Star Gonzalez, Deputy Clerk	Jose Gardea, U.S. Border Patrol
Melissa De La Garza, County Clerk	Jason Jackson
Marianne Stewart	Mike Jackson
Dolly Ward, HCSC	Saturino Madero, HCSO
Priscilla Maxwell, Dispatch	
David Whipple, Emergency Services	
Jennifer Medina, Animas Foundation Diamond A Ranch	
Martin Neave, Chief Deputy Assessor	

CALL TO ORDER: Chairman Kerr called the meeting to order at 9:00 A.M. and led the Pledge of Allegiance.

Roll Call: Chairman Eddy H. Kerr, Present
Commissioner Richard A. Chaires, Present
Commissioner Darr R. Shannon, Present

APPROVAL OF AGENDA AND MINUTES:

County Commissioner Chaires made the motion to approve the agenda as presented. Commissioner Shannon second the motion, motion passed. Commissioner Shannon motioned to approve Special Meeting, May 28, 2014, Special Meeting June 5, 2014, Regular Meeting June 11, 2014, Special Meeting June 16, 2014, and Special Meeting June 23, 2014. Commissioner Chaires second the motion, motion passed.

RESOLUTIONS/AGREEMENTS/CLAIM OF EXEMPTIONS

CLAIM OF EXEMPTION- JODY EDDY

County Manager Salazar explains the claim of exemption that Jody Eddy's requesting is the division of Land of grazing and farming with colored maps. The Treasure's office requests a tax verification form as well as the office. County Manager Salazar recommended that this be approved. Commissioner Chaires moved to approve the claim of exemptions for Jody Eddy. Commissioner Shannon seconds the motion, motion passed.

NMDOT AGREEMENT- CAP-1-15 (452)

County Manager Salazar speaks about the CAP agreement that this is the final stage to secure for the funding for the next three agreements. County Manager recommended that this agreement be approved to move forward. Once it has been approved from the NMDOT at that point he can request change route termini for another project. County Manager Salazar explains it is important to sign once George with Engineers Inc. presents the Animas acres of how it can be utilized. Commissioner Shannon moved to approve NMDOT for the amount \$168,685.00. Commissioner Chaires seconded the motion, motion passed.

NMDOT AGREEMENT SP-1-15 (952)

County Manager Salazar explains SP-1-15 is NMDOT project for the amount of \$94,135.00. These funds are being directed for County Road 96, which is known as the CO AP fund. County Manager Salazar recommends that this agreement be approved. Commissioner Chaires moved to approve agreement, for \$94,135.00, Commissioner Shannon seconds motion, motion passed.

NMDOT AGREEMENT- SB-7730 (903)

County Manager explains SB-7730 (903) agreement for the amount \$44,876.00 pertaining to County Road 72. This agreement will provide a chip seal project to the existing road. County Manager Salazar made the recommendation for NMDOT agreement to be approved. Commissioner Chaires moved to approve NMDOT agreement for \$44,876.00. Commissioner Shannon seconded the motion, motion passed.

RESOLUTION 2014-22 –NM HUNGER WEEK

County Manager Salazar explains that Resolution 2014-22 represents July 14-July 18, 2014 as New Mexico Hunger week. Nationwide New Mexico has one of the highest rates for overall food insecurity for our residents, including children, veterans, the homeless and seniors. Annual feeding America Statistics ranked New Mexico as the most food insecure state for children in the nation. Forty-thousand New Mexicans seek food assistance each week. Forty percent of New Mexicans who receive food assistance are children under the age of 18, while 7% of those children are under the age of five. Thirteen percent of the people who seek food assistance are Senior citizens and people who are unemployed. In reality only 8% of people who seek food assistance are homeless while 30% of households seeking food assistance include at least one adult. Thousands of New Mexicans seek assistance through the Supplemental Nutrition Assistance Program. The funding is only provided for three weeks of groceries whereas New Mexicans face choices between paying for food, utilities, rent, mortgage, medicine and medical care. An urgent need to address food insecurity to eliminate hundreds of New Mexicans where the hunger summit is sponsored by North New Mexico Economic District in non-metro area. Statewide protection is expected to include federal agencies food banks, and other entities that are addressing hunger issues. County Manager asked the board to approve the resolution. He asked HMS food bank service providers to answer any questions in regards to this resolution. Lesley Tomerland explains how HMS is combined forces with Sprit of Hidalgo through two distribution sites for commodities and food that comes from Roadrunner Food Banks. Approximately 150 families per month are served between the two. They also serve an additional 30 seniors with senior boxes that come through a separate funding. On a monthly average

about 25 emergency food boxes are kept on hand to distribute. Two hundred families have access to this monthly distribution. The Senior Center is preparing over 100 meals per day that are home delivered. Kristy explained that between the two entities there are 200 boxes of food a month. They have several different sites that they serve out of emergency pantries. The Animas site has closed down and they are trying to open a Rodeo site, but Roadrunner cannot deliver there so they have a lot of work to be done, to bring in more food to distribute locally. They have also started having food pantries at meetings so that they are not duplicating services. Both Kristy and Lesley explain how they are making progress in Hidalgo County; the hunger index has gone down 1.5% this year. Chairman Kerr asks how to apply for these services and both women responded that customers have to be below 200% of poverty level and it comes with a guideline chart. County Manager Salazar asks the Sheriff to explain how the Sheriff's office helps support the seniors. Sheriff Madero explains that his deputies deliver meals to locals in Animas and Rodeo. Sheriff Madero explains how the senior community appreciates the transportation the County deputies have provided for these meals. Commissioner Chaires makes a motion to approve Resolution 2014-22, Commissioner Shannon seconds motion, motion passed.

RESOLUTION 2014-23 –DETENTION OF WATERS OF THE U.S. UNDER THE CLEAN WATER ACT

Commissioner Shannon presented Resolution 2014-23 for approval. Whereas the USEPA and USACE have proposed, a new rule to define "waters of the United States." USEPA and USACE have chosen to selectively interpret various Supreme Court decisions related to the Clean Water Act. The proposed rule will infringe upon sovereignty of New Mexico. The proposed rule would require Counties and special districts to obtain costly and burdensome Section 404 permits. If adopted it would fringe on private property rights. Legislation needs to expand jurisdictional authority of the CWA as described. The USEPA and USACE have been criticized by the U.S. Senate and U.S. House of Representatives for rules. Hidalgo County strongly opposes the proposed new rule to define "waters of the United States". Congress, not federal agencies make the laws and therefore any such change in jurisdictional power of federal government should only occur as a result of the passage of federal legislation. Commissioner Shannon would appreciate the consideration of approving Resolution 2014-23. Commissioner Chaires moved to approve Resolution 2014-23, Chairman Kerr seconded motion, motion passed.

RESOLUTION 2014-24 –TO DISSOLVE AND TERMINATE THE GILA NEBLETT VOLUNTEER FIRE DEPARTMENT

David Whipple has provided state statute 59A53-14, which would be exhibit A to close down the fire department's nonfunctional status. He asked if resolution 2014-24 be approved and the next step would be to liquidate the equipment. Commissioner Shannon moved to approve resolution 2014-24, Commissioner Chaires seconded the motion, motion passed.

RESOLUTION 2014-25 –SUPPORT THE CREATION OF A JUVENILE DETENTION CENTER WITHIN OUR CURRENT DETENTION FACILITY

County Manager Salazar has communicated to several lawmakers that are interested in the creation of a juvenile detention center in our County. The Hidalgo County Board

of Commissioners is requesting consideration for the support of 2015 Legislative session to prioritize and create a juvenile detention center located in Lordsburg, NM. Hidalgo County constructed a 148-bed facility to house just the current twelve adult inmates. This is an important step to have a proper facility to house juveniles in order to support the county's request in the legislative session. Therefore, County Commissioners request consideration support for 2015 legislative session to prioritize in a Southwest Juvenile Detention Center. Commissioner Shannon explains how there is a lot of support for a juvenile detention center but that they need to create this resolution as a county so the Southwest County Commissioners can show legislators their interests. Dolly Ward discussed how there will be quite a bit of reconstruction in their jail she requests that there should be certain officers that just deal with male inmates and officers that deal with juveniles. Commissioner Shannon suggests that they should send the inmates elsewhere. In addition, Grant County is pushing this issue for a juvenile detention center here in Hidalgo County. Commissioner Shannon requests that the current facility should become a juvenile detention center. Commissioner Chaires moved to approve Resolution 2014-25, Chairman Kerr seconded the motion, motion passed.

AGREEMENT BETWEEN SOCORRO COUNTY AND THE HIDALGO COUNTY DETENTION CENTER FOR HOUSING OF INMATES

Dolly Ward discussed the agreement with Hidalgo County holding a maximum of 28 inmates for about a year. She explains how a detention center is being built and that Socorro County needs a place to house their inmates for the time being at a rate of \$54 an inmate per day. Transportation will be provided half way with the meeting place being in Hatch. Socorro County is responsible for all medical issues. Prisoners would be sentenced, low risk security status inmates. Three trips will be made due to only eight-passenger capacity in the vehicle. Commissioner Shannon moved to approve the agreement between Socorro County and Hidalgo County Detention center. Commissioner Chaires seconds the motion, motion passed.

MISCELLANEOUS

APPROVAL TO AWARD BID- ANIMAS ACRES ROADWAY AND DRAINAGE IMPROVEMENT PROJECT

George Esqueda explains how he has been working with the Animas Acres for some time, which consists of roadway and drainage improvements on Maverick Road, Thunderbird, and Rolls Road. Bids were received during July 2 at 11:00 am at the County Managers office, only three bids were submitted. The lowest total bid included the sum of all six-bid laws for \$995,348.06 that does not include RT. Marrow Enterprises requested to verbally withdraw their bid of the bid opening. With that, they move to the next smallest total bid, which was received, from Deming starting for \$15,142,996.00 by the time you add gross receipts tax against the total bid of \$1,325,733.61 Deming complies with the bid to perform the required work. The total bid exceeded the amount of money that is currently available for the construction of the project. They currently have approximately \$156,000.00 available for the construction. With that in mind, it is their recommendation of Engineers Inc. to award bid lots number one, two, three and four for a total amount of \$799,472.76 plus GRT. GRT gets into a total project cost \$846,941.46 with bid lots one-four there would leave some project contingency in the budget. George recommends that they stay with bid lot number four

with the budget amount of \$956. Commissioner Shannon asks to eliminate bid lot number four because the road department should be able to cover it. George disagrees, he explains what his recommendation is for which is to get a complete project. Because of that, he asked to open up communications with the New Mexico Department of Transportation. County Manager Salazar explains how there is still a budget left over to complete the project. George explains how he needs to provide a letter for the DOT saying that they want to include this new funding into the project by not changing the scope of work. Once the steps are completed then they would get with a contractor and execute a change order in whichever bid the County selects. Commissioner Chaires moved to approve the award contract for \$799,472.76. Commissioner Shannon seconded the motion, motion passed.

APPROVAL TO SUBMIT COMMENTS ON THE SOUTHLINE TRANSMISSION PROJECT

County Manager Salazar submitted comments in July 2012 for comments on the South Line Transmission Project. Chairman Kerr and Commissioner Chaires are in support of the comments that were submitted. Commissioner Shannon is not in support of the comments. Chairman Kerr explains his support for the comments, and does not think they need to do anything differently. County Manager Salazar explains how July 10, 2014 is the deadline to submit the comments.

REQUEST APPROVAL TO FUND \$1,500 FOR THE SWCCA APPEAL REGARDING THE RECORDS OF DECISION ON THE GILA NATIONAL FOREST TRAVEL MANAGEMENT PLAN- COMMISSIONER SHANNON

Commissioner Shannon is requesting that she be allowed to spend \$1,500.00 from the public lands legal fund to contribute to Catron County, Grant County, Luna County and Hidalgo County. If approved Commissioner Shannon will work with the travel management plan that has to do with the National Forest, which extremely constricts interests to the forest taking out usage of many roads. Commissioner Chaires thinks that its money well spent and moved to approve this fund. Chairman Kerr seconded the motion, motion passed.

PERMISSION TO SOLICIT RFP FOR ELECTRONIC PAYMENT SERVICES- TREASURES OFFICE

County Manager Salazar stated the County Treasurer is not present and the proposal is a request for a common collection for the Treasurer's Office. The process is to advertise to companies so that vendors can bid. The deadline to submit is August 7 at 5pm. County Manager Salazar explains that at the next meeting in August recommendations to approve the contract for the selected vendor. County Manager Salazar recommends moving forward with this request. Commissioner Chaires moved to approve the RFP for electronic payment services for the Treasurer's office. Commissioner Shannon seconded the motion, motion passed.

BUDGET INQUIRY REQUEST- COMMISSIONER SHANNON

Commissioner Shannon states the County is relying on a City employee to help with the transfer station when both Tommy and Eddie are not present. She feels it is liability problem and is requesting to hire a part time employee. Commissioner Shannon states that it is not right for city employees to help when County employees are not at work. County Manager Salazar says that they are in the process of hiring a part time

employee without getting into specifics. Chairman Kerr would like input from Tommy Dimas on hiring a part time employee. Commissioner Shannon recommends a part time employee not a casual employee. Chairman Kerr explains states no motion is needed for this budget inquiry request.

REQUEST TO SUBMIT A LETTER TO HEALTH SERVICES REQUESTING RELIEF FROM FIRST SIX MONTHS OF 2014 CALENDAR YEAR PAYMENT FOR SAFETYNET

County Manager Salazar explains how there are many issues with all the counties around. Some counties feel that the Governor did not do this law properly. County Manager Salazar requested to submit a letter to leave a payment for the first six months of this year. GRT is provided for the states Medicare program. He explains how this law is going to affect the seniors in the community. For the first six months of this year, they are asking for this request. County manager Salazar is going to submit the request and send copies to Chairman Kerr. Commissioner Chaires moved to approve the letter request. Commissioner Shannon seconded the motion, motion passed.

MANAGERS OFFICE UPDATE- COUNTY MANAGER

County Manager Salazar stated as of June 30th meeting, the Department of Finance Administration has granted an extension for the annual quarterly report. Although it was expressed to County Manager Salazar that the update should move forward. All that is required is that the Treasurer's office provide what revenue has been collected so the reports can be reviewed in a timely manner. Adjustments can be made prior to the end of October of this year and would prevent the delay of approving the budget.

County Manager Salazar informs the Board of his intent to retire as County Manager effective October 31, 2014. County Manager Salazar will report his 30 day written notice of his retirement by the end of September. Chairperson Kerr, Commissioner Chaires and Commissioner Shannon thank County Manager Salazar for all the hard work he has put into the County.

REQUEST TO ADVERTISE FOR CHIEF FINANCIAL OFFICER

County Manager Salazar requests the approval to move forward to advertise for a Chief Financial Officer for the County. The City of Lordsburg requests to have a four-year business degree or a closely related field, with the salary to be determined. Chairman Kerr explains how at least two years experience is needed as well. Commissioner Shannon moved to approve the request to advertise for Chief Financial Officer. Commissioner Chaires seconded the motion, motion passed.

SET DATE FOR SPECIAL MEETING

County Manager Salazar requests to set a meeting for the final approval of the budget. The Board requested the meeting to be held on July 29, 2014 at 9 A.M. Commissioner Chaires moved to approve the special meeting date. Commissioner Shannon seconded the motion, motion passed.

ROUND TABLE DISCUSSION

Commissioner Shannon introduces the new Border Patrol Chief, Joe Gardea, who has served in many places near Hidalgo County. Chief Gardea explains how he is looking

forward to working in Hidalgo County. Chief Gardea is looking forward to setting up an open house for the Border Patrol station and inviting the community. The Border Patrol station is looking for a supervisor mechanic with the starting pay of over \$20 an hour. Chief Gardea explains how the border patrol station is increasing work force due to increased border activity. County Manager Salazar explains how there will be a meeting at 1 P.M. with Bart Valenzuela about the concerning current border issue of housing mothers and children in our detention center.

Discussion on a rebate the county received for insurance premiums.

EXECUTIVE SESSION

EXECUTIVE SESSION-COMMISSIONER SHANNON MOVED TO GO INTO EXECUTIVE SESSION TO DISCUSS LIMITED PERSONNEL MATTERS AS AUTHORIZED PURSUANT TO NMSA 1978 SECTION 10-15-1(H) (2)-MANAGER'S OFFICE AND SHERIFF'S OFFICE. COMMISSIONER CHAIRES SECONDED THE MOTION

Roll Call Vote: Chairman Kerr-Aye

Commissioner Chaires-Aye

Commissioner Shannon-Aye

Moved, Seconded, and carried unanimously to go into Executive Session at 10:44 A.M.

RECONVENE

Commissioner Chaires moved to return to open session and affirmatively stated that only those matters of which the meeting was closed were discussed in executive. Commissioner Shannon seconded the motion.

Roll Call Vote: Chairman Kerr-Aye

Commissioner Chaires-Aye

Commissioner Shannon-Aye

Moved, seconded, and carried unanimously to reconvene at 1:12 P.M.

NO ACTION TAKEN

CERTIFICATION OF PAYROLL AND ACCOUNTS PAYABLE

Commissioner Chaires moved to approve payroll and accounts payable. Commissioner Shannon seconded the motion, motion passed.

ADJOURNMENT

There being no further business before the Board, Commissioner Chaires moved to adjourn. Commissioner Shannon seconded the motion. Motion passed. The meeting adjourned at 1:14 P.M.

ATTEST:

HIDALGO COUNTY BOARD
OF COUNTY COMMISSIONERS

Starr Gonzalez, Deputy Clerk

Eddy H. Kerr, Chairman

APPROVED:

Richard A. Chaires, Member

Darr R. Shannon, Member