

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
March 3, 2020**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on March 3, 2020 at 8:30 a.m. Davis called the meeting to order and led the Pledge of Allegiance and the Salute to the New Mexico State flag. Fanning gave the invocation.

PRESENT:

ERNEST CARLSON	CHAIR, DISTRICT 1
STEVE MCCUTCHEON	VICE-CHAIR, DISTRICT 4
JON HENRY	CHAIR, DISTRICT 2
LARRY WOOD	COMMISSIONER, DISTRICT 3
SUSAN CROCKETT	COMMISSIONER, DISTRICT 5
ALLEN DAVIS	COUNTY MANAGER
MATT BYERS	COUNTY ATTORNEY
ALAN GRIFFITH	CHIEF DEPUTY SHERIFF
ROBIN VAN NATTA	COUNTY CLERK
RONDA NELSON	DEPUTY CLERK
LAURIE PRUITT	TREASURER
GAY WEST	EXECUTIVE ADMIN ASSISTANT
JESSICA STYGAR	ASSISTANT FINANCE DIRECTOR
ROXANN BRANNON	HR DIRECTOR
CAROL HENNINGTON	INFORMATION SYSTEMS DIRECTOR
KEN KEMP	IT DEPT
ROSIE MUNOZ	IT DEPT
KIM BALLARD	SHERIFF'S OFFICE ADMIN ASST
MARIA MALDONADO-MERJIL	DETENTION CHIEF DEPUTY ADMIN
VERONICA PARRAS	HEALTH CARE ADMINISTRATOR
JASON BURNS	PUBLIC WORKS MANAGER
JOSHUA MACK	FIRE SRVC DIR/FIRE MARSHALL
STEPHANIE YBABEN	RED ROCKET MEDIA

TIMED AGENDA

8:30 A.M.:

- 1. PUBLIC COMMENTS/ANNOUNCEMENTS. (THREE MINUTE TIME LIMIT PER PERSON) (WE REQUEST ALL COMMENTS BE RESPECTFUL AND COURTEOUS IN NATURE):** None.

TRAILING AGENDA:

1. **TREASURER'S REPORT FOR JANUARY 2020 – LAURIE PRUITT:** This report was for information only. The January 2020 Treasurer's Report was recorded as Exhibit 1.
2. ***JANUARY 2020 REVENUE REPORT – JESSICA STYGAR:** Stygar summarized the January 2020 Revenue Report. She stated \$1.4M GRT had been collected bringing the total to \$11.7M. The County was over the budgeted amount collected by more than \$3.6M. The County had collected over \$2.6M in Oil and Gas Production, pushing the County to \$8.8M over the budgeted amount collected. Total O&G receipts collected was \$21.5M. Crockett moved, seconded by McCutcheon to approve the January 2020 Revenue Report as presented. Voting yes: Wood, Crockett, McCutcheon, Carlson and Henry. Passed 5-0. The January 2020 Revenue Report was recorded as Exhibit 2.
3. ***FEBRUARY 2020 REVENUE REPORT – JESSICA STYGAR:** Stygar stated GRT collected was over \$1.7M, with a total of \$13.5M over the budgeted amount collected by \$4.3M. Oil and Gas collected was \$2.9M, totaling \$24.4M, over the budgeted amount collected by over \$10.2M. Henry moved, seconded by McCutcheon to approve the February 2020 Revenue Report. Voting yes: Wood, Crockett, McCutcheon, Carlson and Henry. Passed 5-0. The February 2020 Revenue Report was recorded as Exhibit 3.
4. ***BUDGET VS. ACTUAL – JANUARY 2020 – JESSICA STYGAR:** Stygar noted the report showed where the County stood in Revenue and Expenses based on the amounts budgeted and collected or dispersed as of January, 2020. The budgeted amount was \$108.7M, collecting over \$100.7M showing 92.64% of the budget. The budgeted amount was \$127M showing \$61.7M having been expended, 48.5% of the budget. The General Fund Revenue was at 87% and expenses were 62.87% of the budgeted amounts. The Road Fund revenue was at 98.76% and expensed was 29.94%. Crockett moved, seconded by McCutcheon to approve the January 2020 Budget vs. Actual Report. Voting yes: Wood, Crockett, McCutcheon, Carlson and Henry. Passed 5-0. The January 2020 Budget vs. Actual Report was recorded as Exhibit 4.
5. ***APPROVE SAFETY CARE NET POOL CERTIFICATION OF PUBLIC FUNDS FOR FY 2019-2020 – 3RD QUARTER – VERONICA PARRAS:** McCutcheon moved, seconded by Henry to approve the Safety Care Net Pool Certification of Public Funds for FY 2019/2020 – 3rd Quarter. Voting yes: Wood, Crockett, McCutcheon, Carlson and Henry. Passed 5-0. The Safety Care Net Pool Certification of Public Funds for FY 2019/2020 – 3rd Quarter was recorded as Exhibit 5.

6. ***APPROVE/DISAPPROVE – ONE (1) INDIGENT BURIAL – VERONICA PARRAS:** Crockett moved, seconded by Wood to approve one indigent burial. Voting yes: Wood, Crockett, McCutcheon, Carlson and Henry. Passed 5-0.
7. ***RECLASSIFICATION OF TWO (2) DEPUTY SHERIFF POSITIONS TO ONE (1) PATROL SERGEANT AND ONE (1) DETECTIVE SERGEANT – SHERIFF MARK CAGE:** Griffith thanked the Commissioners for their help and support. The request would be a 5% pay difference for the two positions. He stated the budget change would be offset by eliminating the overtime issues and allow for supervision on the shifts. The Commissioners thanked Griffith and the SO for doing a great job and putting their lives on the line each day to protect the community. Crockett moved, seconded by McCutcheon to approve the reclassification of two Deputy Sheriff positions, to one Patrol Sergeant and one Detective Sergeant. Voting yes: Wood, Crockett, McCutcheon, Carlson and Henry. Passed 5-0.
8. ***REQUEST TO PROVIDE MONIES TO CARLSBAD DEPARTMENT OF DEVELOPMENT – ALLEN DAVIS:** Crockett explained the funds would go towards the study collecting data on various areas of concern and interest of Eddy County. The data would supplement data collected by the Road Study. Funding would be a one-time request of \$10K from Crockett's Contingency Fund. Henry inquired of the Road Study funding. Crockett stated the City of Carlsbad had contributed a little money stating this would offset that, as the project came in at more than initially budgeted. The County had added a few things of County interest to the City's study. Henry inquired how much the PSA was for the CDOD. Crockett stated \$85K that went towards the daily administration of CDOD. She stated the study was geared towards housing, employment and health care study. Henry felt this had been presented during budget and was now back to raise it after being budgeted. Crockett moved, seconded by Wood to approve \$10K from Crockett's Contingency Fund to be given to the Carlsbad Department of Development to support the work and efforts toward various county activities. Voting yes: Wood, Crockett, McCutcheon and Carlson. Voting no: Henry. Passed 4-1.
9. ***RESOLUTION AND AGREEMENT CONSENT AGENDA:** Since all of the items listed below have been distributed to the Commissioners in advance for review and are of a routine and non-controversial nature, they will be enacted by a single motion. Any Commissioner or the County Manager may remove an item from this Resolution and Agreement Consent Agenda if separate discussion is desired. Any item so removed shall be placed on the Trailing Agenda immediately following the approval of this Resolution and Agreement Consent Agenda or later, at a specific time or place on the Trailing Agenda.

- a. **RESOLUTIONS:**
 - i. **R-20-20; FTI CONSULTING'S MONTHLY REPORT FOR DECEMBER 2019 – ALLEN DAVIS.**
 - ii. **R-20-21; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.**
 - iii. **R-20-22; FTI CONSULTING'S MONTHLY REPORT FOR JANUARY 2020 – ALLEN DAVIS.**
- b. **AGREEMENTS:**
 - i. **A-20-19; EQUIPMENT SERVICE CONTRACT WITH SPARKS OFFICE SOLUTIONS – LAURIE PRUITT.**
 - ii. **A-20-20; VARSITY SPORTS UNLIMITED AGREEMENT – JOSHUA MACK.**

Wood moved, seconded by Crockett to approve the Resolution/Agreement Consent Agenda as presented. Voting yes: Wood, Crockett, McCutcheon, Carlson and Henry. Passed 5-0. R-20-20 through R-20-22 were recorded as Exhibits 9.a.i-iii and A-20-19 and A-20-20 were recorded as Exhibits 9.b.i-ii., respectively.

10. DEPARTMENT UPDATES: Strong presented a yearly update of activities and progress of her department. She stated EAB had prepared a strategic plan with three areas of focus: code enforcement, housing and road infrastructure. She thanked Hennington for help getting County social media sites initiated and updated with press releases, and noted community engagement with the Facebook site had improved. NMOCD had presented brine well updates. Burns had been helpful getting road status information out to the public. She had received information requests from radio stations and media. Current enforcement ordinances would be reviewed focusing on illegal dumping of tires, RV waste, and gaining buy-in from the community on litter pick-up. McCutcheon added Lea County had purchased a trash baler for the side of the road and wondered if an MOU could be presented for them to run that for Eddy County. Strong felt perhaps grants would be available to purchase an item like that after seeing how well it worked for Lea County. Brannon informed the Commission of an upcoming Eddy County Job Fair on March 18. Detention position applicants would be able to obtain help for online applying, expediting fingerprinting, etc. She requested the Commission's help to spread the word of the Job Fair. Carlson inquired if the location of the County Admin third floor was the best location for the fair, as it was difficult to get in and out of the area. Davis suggested checking with Robert for use of one of the conference rooms. Burns updated the Commission on Road projects in South and North Eddy County. He stated the permit policy would be revisited and revised for commercial vendor access to County ROWs due to deterioration from heavy truck traffic, trucks turning in and out of the entrances. Payment for a certain length of pavement by the commercial entity was a possible future solution to the issue. Complete closure of Twenty-Sixth Street in Artesia was discussed, allowing the road

work to be completed in four to six weeks. Mack stated Motorola would soon be doing two to three days' maintenance on each tower site in Eddy County. He thanked the Commission for approving Varsity Sports for recruitment shirts, etc.

- 11. *TRAVEL REQUEST CONSENT AGENDA:** Since all of the items listed below have been distributed to the Commissioners in advance for review and are of a routine and non-controversial nature, they will be enacted by a single motion. Any Commissioner or the County Manager may remove an item from this Travel Request Consent Agenda if separate discussion is desired. Any item so removed shall be placed on the Trailing Agenda immediately following this Travel Request Consent Agenda or later, at a specific time or place on the Trailing Agenda.

PRIOR

- a. **DANIELA RIOS AND AMBER DUGAS INTERVIEWED IN LAS VEGAS, NV FROM FEBRUARY 3 THRU FEBRUARY 6, 2020.**
- b. **SCOTT LYND ATTENDED PRW TRAINING IN FORT LUPTON, CO FROM FEBRUARY 25 THRU FEBRUARY 28, 2020.**

FUTURE

- c. **COMMISSION CHAIRMAN ERNIE CARLSON AND JASON BURNS TO ATTEND CONSTRUCTION EXPO 2020 IN LAS VEGAS, NV FROM MARCH 9 THRU MARCH 13, 2020.**

Henry moved, seconded by Wood, to approve the Travel Consent Agenda. Voting yes: Wood, Crockett, McCutcheon, Carlson and Henry. Passed 5-0.

- 12. EMERGENCY BUSINESS:** None.

- 13. LEGISLATIVE UPDATE:** Fanning updated the Commission on the results of the recent Legislative Session in Santa Fe. Henry inquired of the Red Flag Law and the County's previous resolution. Davis felt the issue should be thought through, discussed and consider what direction it meant for County officials and officers. Griffith noted the Sheriff's Association was taking legal action on the issue. Carlson added HB249 would distribute \$26,395,900, of which District 2 (Eddy County) was allocated \$6,146,500 and Albuquerque getting \$12,052,400, noting the disparity there. Fanning noted Eddy County's name and issues were brought up in every committee he attended; it was evident they had appreciated what Eddy County was doing for the State, but the vote had been quite different. Fanning's Legislative Report was attached as Exhibit 13.

- 14. LEGISLATORS AND ELECTED OFFICIALS' COMMENTS/ANNOUNCEMENTS/UPDATES:** None.

15. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES:

Davis stated he had attended meetings with industry to solicit funds for NMDOT Secretary Sandoval's commitment to Eddy County roads of \$10M if funds were matched. He noted the objective was to have the funds and commitments of the State providing 50% of the total for the project, the County providing 25% of the total, and private contributions providing 25%, starting construction before 285 construction began. He felt the commitment on the matching funds was attainable. Capital Outlay had been garnered for both relief routes and the SE portion would be the focus with the SW side progress to planning.

16. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES:

Crockett had been busy with six breakfast/lunch meetings. Representative Brown had been concerned with the Corona Virus. Davis added Armendariz had been working with Artesia, Carlsbad and State officials with updates on the issue. Crockett thanked Stephens for help with MainStreet. Hooper and McCroskey had been helpful getting a Malaga Water issue taken care of. Senator Fulfer had also thanked them. Woods thanked McCroskey for help with a Quail Road resident. He reminded all of the upcoming legislators' meeting in Roswell at the ENMUR ITC building on March 26 at 10:00 a.m. He congratulated Brendan Harvey for being awarded the State Fire Investigator of the year. Henry expressed appreciation to how smoothly things had been running. He had received quick response to issues he had called the County about. He also had received a compliment on the Clerks' Office. He felt all interactions were providing results and people were appreciative of it. Issues were being addressed and figured out as opposed to saying "no". He noted Artesia Chiefs had been concerned with fire and police employee shortages. He reminded Artesia would play in the State Basketball Tournament. Henry had attended a meeting on birds, noting someone had a hawk that had helped control the grackle problem.

17. EXECUTIVE SESSION: THE BOARD MAY GO INTO EXECUTIVE SESSION IN ACCORDANCE WITH THE STATE OF NEW MEXICO OPEN MEETINGS ACT, SECTION 10-15-1-H (2) & (7), WHICH AUTHORIZES THE BOARD OF COUNTY COMMISSIONERS TO GO INTO EXECUTIVE SESSION TO DISCUSS:

- a. **LIMITED PERSONNEL MATTERS.**
 - i. **DISCUSSION OF EDDY COUNTY PERSONNEL MATTERS – ALLEN DAVIS.**
- b. **THREATENED OR PENDING LITIGATION.**
 - i. **FEMA UPDATES – ALLEN DAVIS.**

At 9:58 a.m. McCutcheon moved, seconded by Crockett to go into Executive Session, and re-open the meeting at 10:24 a.m. Voting yes: Wood, Crockett, McCutcheon, Carlson and Henry. Passed 5-0.

18. RE-OPEN MEETING: At a.m. McCutcheon moved, seconded by Crockett, to re-open the meeting and certified the only topics discussed were limited personnel matters and threatened or pending litigation. Voting yes: Wood, Crockett, McCutcheon, Carlson and Henry. Passed 5-0.

19. TAKE ACTION, IF ANY, ON ANY MATTER RELATING TO THE EXECUTIVE SESSION.

a. LIMITED PERSONNEL MATTERS.

i. DISCUSSION OF EDDY COUNTY PERSONNEL MATTERS – ALLEN DAVIS. None.

b. THREATENED OR PENDING LITIGATION.

i. FEMA UPDATES – ALLEN DAVIS.

20. *ADJOURN: At a.m., Crockett moved, seconded by Henry to adjourn the meeting. Voting yes: Wood, Crockett, McCutcheon, Carlson and Henry. Passed 5-0.

~ASTERISKS (*) DENOTES VOTE IS REQUIRED~

Commission Chair

ATTEST:

County Clerk

Date