

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
MARCH 7, 2023**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on March 7, 2023 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. Cooke gave the invocation.

PRESENT:

ERNEST CARLSON	CHAIRMAN
FRED BEARD	VICE-CHAIR
JON HENRY	COMMISSIONER, DISTRICT 2
JAMES (BO) BOWEN	COMMISSIONER, DISTRICT 4
SARAH CORDOVA	COMMISSIONER, DISTRICT 5
ALLEN DAVIS	COUNTY MANAGER
CAS TABOR	COUNTY ATTORNEY
CARA COOKE	COUNTY CLERK
TAMI WHITE	CHIEF DEPUTY COUNTY CLERK
LAURIE PRUITT	COUNTY TREASURER
RHONDA HATCH	COUNTY ASSESSOR
MATTHEW HUTCHINSON	CHIEF DEPUTY SHERIFF
KIM BALLARD	SHERIFF'S OFFICE ADMIN ASST
MARIA MALDONADO-MERJIL	DETENTION CHIEF ADMIN ASST
ADRIENNE JONES	EXEC ADMIN ASSISTANT
AMY DUGAS	DETECTIVE
ROBERTA GONZALES	FINANCE DIRECTOR
ANISIA CERNA	PRODUCTION
WESLEY HOOPER	COMMUNITY/ADMIN SVC DIRECTOR
STEVE MCCROSKEY	COUNTY PLANNER
JASON BURNS	PUBLIC WORKS DIRECTOR
ROXANN BRANNON	HR DIRECTOR
BILLY MASSENGILL	DETENTION WARDEN
CAROL HENNINGTON	INFORMATION SYSTEMS DIRECTOR
JASON FLOREZ	ASSISTANT IT DIRECTOR
ANDREW MEDRANO	IT SPECIALIST I
JOSHUA MACK	FIRE CHIEF
JAROD ZUNIGA	DEPUTY FIRE CHIEF
VERONICA PARRAS	HEALTHCARE SUPERVISOR
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. APPROVE:

- a. *COMMISSION MEETING MINUTES FOR FEBRUARY 21, 2023. Beard moved, seconded by Henry, to approve the Commission Meeting Minutes for February 21, 2023. Voting yes: Beard, Carlson and Henry. Abstaining: Bowen and Cordova. Passed 3-0.
- b. *EXPENSE APPROVAL REPORT FOR FEBRUARY 2023. Cordova moved, seconded by Beard to approve the Expense Approval Report for February 2023. Voting yes: Bowen, Cordova, Henry, Carlson and Beard. Passed 5-0. The Expense Approval Report for February 2023 was recorded as Exhibit 1.b.

2. TREASURER'S REPORT FOR JANUARY 2023 – LAURIE PRUITT – FYI ONLY.

3. *JANUARY 2023 REVENUE REPORT – ROBERTA GONZALES. Gonzales stated GRT collected was over \$4M or \$31M thus far for the FY. Oil and Gas revenues were over \$10.4M, or \$76M for the FY. She added the figures were for the October business month. Henry moved, seconded by Bowen, to approve the January 2023 Revenue Report. Voting yes: Bowen, Cordova, Henry, Carlson and Beard. Passed 5-0. The Expense Approval Report for January 2023 Revenue Report was recorded as Exhibit 3.

4. *BUDGET VS. ACTUAL – JANUARY REVENUE AND EXPENSES – ROBERTA GONZALES. Gonzales stated 117% of revenue had been collected and 38% had been expensed for January. The General Fund stood at 138% revenue collected and 81% expensed, transfers included. Beard moved, seconded by Cordova, to approve the Budget v. Actual - January Revenue and Expenses. Voting yes: Bowen, Cordova, Henry, Carlson and Beard. Passed 5-0. The Expense Approval Report for January 2023 Revenue Report was recorded as Exhibit 4.

5. *APPROVE SAFETY NET CARE POOL CERTIFICATION OF PUBLIC FUNDS FOR FY 2022/2023 – 3RD QUARTER – VERONICA PARRAS. Cordova moved, seconded by Henry, to approve the Safety Net Care Pool Certification of Public Funds for FY 2022/2023 – 3rd Quarter. Voting yes: Bowen, Cordova, Henry, Carlson and Beard. Passed 5-0. The Safety Net

Care Pool Certification of Public Funds for FY 2022/2023 – 3rd Quarter was recorded as Exhibit 5.

6. ***TRAFFIC CONTROL FOR US 82 FOR NAVAJO REFINING TURNAROUND – SHERIFF MARK CAGE.** Hutchinson stated 900 to 1,200 employees would be accessing the area during shift change and the SO had been asked to assist with traffic control during the period of March 27 through April 4, the maintenance shutdown period. The funding would be reimbursed through them in the amount of \$27,600. Beard moved, seconded by Bowen, to approve the Traffic Control for US 82 for Navajo Refining Turnaround. Voting yes: Bowen, Cordova, Henry, Carlson and Beard. Passed 5-0.
7. ***APPROVAL OF FY23-24 FUNDS FOR ARMORED VEHICLE – SHERIFF MARK CAGE.** The vehicle currently used during SWAT events had been donated and was experiencing significant maintenance issues. Davis added that the letter of commitment from the Commission would lock in the current price for the Bearcat that would be expensed in the next budget. It would take 8 to 12 months to receive the Bearcat. Beard moved, seconded by Cordova, to approve the FY23-24 Funds for Armored Vehicle in the amount of \$326,770. Voting yes: Bowen, Cordova, Henry, Carlson and Beard. Passed 5-0.
8. ***OVER HIRE 2 FIREFIGHTER/EMT POSITIONS – CHIEF JOSHUA MACK.** Mack explained the Captain and Battalion Chief position had been open since July, 2022. The request was to over-hire two firefighters into those positions who could be possible future candidates for internal transfers to those vacant positions once they became certified. There would be no new positions added. Bowen moved, seconded by Henry, to approve the Over Hire 2 Firefighter/EMT Positions. Voting yes: Bowen, Cordova, Henry, Carlson and Beard. Passed 5-0.
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-23-14; CERTIFICATION OF THE 2023 ANNUAL COUNTY MAINTAINED MILEAGE REPORT – JASON C. BURNS.**
 - ii. **R-23-15; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.**

- iii. R-23-16; 2023 COMMITTEE, BOARD AND COMMISSION APPOINTMENTS AND DESIGNATIONS – ALLEN DAVIS.
- iv. R-23-17; NEW FUND CREATION – FPF, EDDY COUNTY FIRE & RESCUE – ROBERTA GONZALES.
- v. R-23-18; RESOLUTION FOR NMDOT TRANSPORTATION PROJECT FUNDING (TPF) APPLICATION 2023 – JASON C. BURNS.
- vi. R-23-19; AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR THE 2023 NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT), TRANSPORTATION PROJECT FUND (TPF) FOR PHASE THREE B (3B) OF THE SOUTHEAST LOOP ROAD PROJECT WITHIN EDDY COUNTY, NEW MEXICO – WESLEY HOOPER.

b. AGREEMENTS:

- i. A-23-32; HVAC SERVICES BETWEEN HONEYWELL INTERNATIONAL INC. AND EDDY COUNTY IN REGARDS TO RFP 22-12 HVAC SERVICES – ANISIA CERNA.

Cordova moved, seconded by Henry, to approve the Resolution and Agreement Consent Agenda. Voting yes: Bowen, Cordova, Henry, Carlson and Beard. Passed 5-0. R-23-14 through R-23-19 were recorded as Exhibits 9.a.i through 9.a.vi, respectively. A-23-32 was recorded as Exhibit 9.b.i.

10. ELECTED OFFICIAL/DEPARTMENT UPDATES. Burns stated with weather warming up, road chip/seal season would begin. He updated on progress of current and future road construction projects, stating it was hoped to have Lea Street opened by April 7. It was noted the DOT message boards were notifying of progress on future traffic signals. Carlson reminded of the request for stop signs in Malaga. Gonzales stated work had begun on the new budget and departments had submitted their requests. An interim budget would hopefully be presented in the near future; it was early and the State site was not open for access yet. She noted Fire Service Funds would all be consolidated this year, going from 45 different funds to three. The recommendation would serve to improve the ISO ratings and safety, which would translate to savings on insurance for the citizens. Mack updated on the recent fires in Eddy County and thanked the SO for blocking the road, the City and BLM for sending out brush trucks and the Public Works for sending a truck to help with the water supply. Noting a recent serious accident on NM31, Eddy County FD/EMS was able to arrive on the scene, secure the scene, evaluate patients and conduct extrication before anyone else arrived. Noting improved response times, he stated overall scene time structure/tank battery fires used to be 5 to 8 hours. Now trucks are on the scene, clearing and back in use in about 1.5 hours. Zuniga stated that they were in the architecture phase for the Tumbleweed property.

11. LEGISLATIVE UPDATES. Davis updated on the Legislative Session. He noted the omnibus tax bill had passed the House and Tax and Rev. HB 367, referring to pyramiding, was tabled the week prior but became dumped in on one of the dummy bills set up early in the Session. It would probably go to the House soon. He stated a lot of legislation was currently in motion, making it difficult to stay on top of them all. House Bill 520 was tied to redefining the OCD, the Oil Conservation Division, for their own purposes of environmental protection, a work-around for the Green Amendment Bill. A self-appointed board would oversee the OCD, which would not be good for any industry in the state.

12. *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. **SHERIFF MARK CAGE ATTENDED THE NATIONAL SHERIFFS' ASSOCIATION CONFERENCE IN WASHINGTON, DC FROM FEBRUARY 2, 2023 THROUGH FEBRUARY 14, 2023.**
- b. **GARRETT SILVA ATTENDED BALLISTIC SHIELD TRAINING IN SOUTH JORDON, UT FROM MARCH 1, 2023 THROUGH MARCH 4, 2023.**

FUTURE:

- a. **TREVOR RANKIN TO ATTEND TRAFFIC CRASH RECONSTRUCTION IN STILLWATER, OK FROM FEBRUARY 26, 2023 THROUGH MARCH 10, 2023.**
- b. **SHERIFF MARK CAGE TO ATTEND THE WESTERN STATES SHERIFFS' ASSOCIATION CONFERENCE IN RENO, NV FROM MARCH 5, 2023 THROUGH MARCH 10, 2023.**
- c. **COMMISSION CHAIRMAN ERNEST CARLSON TO ATTEND THE CONSTRUCTION EXPO 2023 IN LAS VEGAS, NV FROM MARCH 15, 2023 THROUGH MARCH 17, 2023.**
- d. **JASON BURNS TO ATTEND THE CONSTRUCTION EXPO 2023 IN LAS VEGAS, NV FROM MARCH 15, 2023 THROUGH MARCH 17, 2023.**
- e. **SCOTT LYND TO ATTEND FBI-LEEDA TRAINING IN FORT COLLINS, CO FROM MARCH 26, 2023 THROUGH MARCH 31, 2023.**

- f. KENNEY RAYROUX TO ATTEND THE 2023 FDIC INTERNATIONAL CONFERENCE IN INDIANAPOLIS, IN FROM APRIL 23, 2023 THROUGH APRIL 29, 2023.
- g. BRYAN RAYROUX TO ATTEND THE 2023 FDIC INTERNATIONAL CONFERENCE IN INDIANAPOLIS, IN FROM APRIL 23, 2023 THROUGH APRIL 29, 2023.
- h. ALEXANDER CAPRILOZZI TO ATTEND THE AMERICAN JAIL ASSOCIATION CONFERENCE IN OMAHA, NE FROM MAY 19, 2023 THROUGH MAY 25, 2023.
- i. MARK TRUJILLO TO ATTEND IACP TECHNOLOGY CONFERENCE IN SALT LAKE CITY, UT FROM MAY 21, 2023 THROUGH MAY 25, 2023.
- j. ROBBIE SMITH TO ATTEND THE IACP TECHNOLOGY CONFERENCE IN SALT LAKE CITY, UT FROM MAY 21, 2023 THROUGH MAY 25, 2023.

Beard moved, seconded by Henry, to approve the Travel Request Consent Agenda. Voting yes: Bowen, Cordova, Henry, Carlson and Beard. Passed 5-0. The Travel Request Consent Agenda was recorded as Exhibit 12.

13. EMERGENCY BUSINESS. None.

14. LEGISLATORS & ELECTED OFFICIALS' COMMENTS/ANNOUNCEMENTS/UPDATES. None.

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

Davis was very pleased with the department submissions and progress made on the budget process. Upon initial review, the County should have a surplus budget. He had received a letter from the USDOJ with respect to being a cooperative agency in the development of solar power (see attached letter). Possible positive and negative impacts on the County were discussed. It was noted that solar development had not been a priority for County purposes. Discussion ensued on the environmental footprint of solar energy farms with relation to the amount of energy in megawatts generated by solar or wind compared to coal-fired and other generators. The solar and wind environmental footprint would be significant. Renewable energy was not binary and did not have the capacity to replace oil and gas. It was felt that global demand in the next 20 to 30 years would require all energy sources, and that the green movement would deprive the global population of access to life-changing energy sources. A letter of thanks had been received by Lakeview Christian Home for the funding received from ARIPA funds (see attached letter). Davis noted the current School Bond extended the existing bond for an additional term and did not change mill rates. He felt it would be prudent allowing them to acquire the capital assets.

16. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES.

Cordova appreciated the work done on County roads and Davis' feedback on the Legislative Session. Henry inquired of the acreage in New Mexico. Davis replied New Mexico was comprised of 61% Federal land, 22% State land and 18% private ownership. He wanted a seat at the table with regards to solar panel farm discussions. He noted as far as environmental statistics went, the US was #1. He was disheartened at the bills flying through the Legislative Session making it hard to diversify the state's economy. He reminded that sports State Tournaments were beginning. Bowen noted on his return trip from Albuquerque that not one wind turbine was spinning in the 90 mph winds on Sunday. He had an eye-opening experience touring the ECDC and he thanked Warden Massengill and his staff for taking time to show him around. He was impressed that the employees all seemed to genuinely enjoy their jobs and took pride in their work. He had attended a Literacy Convention recently, noting that one in three adults were literate only to an eighth-grade level, adding that poor literacy often was linked to crime and poverty. He recommended the public vote 'yes' on the Carlsbad Municipal School Bond election. The ballots should be returned by the 28th of the month. He stated the two city middle schools each had over 800 students and an additional middle school was needed. The Bond Election would be a continuance of the current bond and would not raise taxes. He congratulated Fabian Padilla on winning the National JCC NCAA Championship in wrestling. He had seen Padilla grow up wrestling in Carlsbad, become a two-time All American and was now a national champion. Beard felt one thing that was missing from every energy conservation conversation was nuclear energy. Carlson stated oil and gas in Eddy and Lea Counties produced the dollars to fund school State tournaments. He spoke to the future possibility of Holtec being an alternative energy manufacturing facility using spent low-level nuclear rods.

17. EXECUTIVE SESSION: None.

Meeting closed at 9:48 a.m.

~Asterisks denote vote is required~

EDDY COUNTY BOARD OF COMMISSIONERS
EDDY COUNTY, NEW MEXICO


Ernie Carlson, Commission Chairman

Date: March 21, 2023

ATTEST:


Cara Cooke, County Clerk

