

**EDDY COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A REGULAR MEETING  
March 17, 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 17, 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. Brannon 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
CAS TABOR	COUNTY ATTORNEY
ROBIN VAN NATTA	COUNTY CLERK
RONDA NELSON	DEPUTY CLERK
MARK CAGE	SHERIFF
KIM BALLARD	SHERIFF'S OFFICE ADMIN ASST
GEMMA FERGUSON	COUNTY ASSESSOR
MELISSA WASHBURN	CHIEF DEPUTY COUNTY ASSESSOR
RHONDA HATCH	ASSESSOR SUPERVISOR
CAROLYN STROBLE	CHIEF DEPUTY TREASURER
BILLY MASSINGILL	DETENTION WARDEN
GAY WEST	EXECUTIVE ADMIN ASSISTANT
ROBERTA SMITH	FINANCE DIRECTOR
JESSICA STYGAR	ASSISTANT FINANCE DIRECTOR
ROXANN BRANNON	HR DIRECTOR
CAROL HENNINGTON	INFORMATION SYSTEMS DIRECTOR
KEN KEMP	IT DEPT
ROSIE MUNOZ	IT DEPT
JERI STRONG	PIO/O&G LIAISON
VERONICA PARRAS	HEALTH CARE ADMINISTRATOR
JASON BURNS	PUBLIC WORKS MANAGER
JOSHUA MACK	FIRE SRVC DIR/FIRE MARSHALL
JENNIFER ARMENDARIZ	EMERGENCY MANAGER
BRIAN STEPHENS	M&O 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.
2. **SERVICE AWARDS:**
  - a. **FELICIA VOLDAHL, DETENTION – 10 YEARS**
  - b. **SUZANNA FLORES, CODE ENFORCEMENT – 5 YEARS**
  - c. **VERONICA PARRAS, HEALTH CARE ADMINISTRATOR – 5 YEARS**

Service awards were presented by Commissioner Wood for the employees' years of service to the County.

3. **RETIREMENT PRESENTATION:**
  - a. **SONNY HOPE – LOCO HILLS VOLUNTEER FIRE DEPARTMENT – 50 YEARS**

The presentation to Sonny Hope was postponed to a future date.

### **SHORT BREAK FOR PICTURES.**

4. **\*BID AWARDS:**
  - a. **RFP 19-02-R; BEHAVIORAL HEALTH SERVICES FOR THE EDDY COUNTY DETENTION CENTER – ROBERTA SMITH:** Smith stated the RFP had been reissued. Ronald R. Haugen was awarded the RFP for one year to begin April 1, renewable up to three years. Crockett moved, seconded by McCutcheon to award RFP 19-02-R to Ronald R. Haugen, as recommended. Voting yes: Crockett, McCutcheon, Carlson, Henry and Wood. Passed 5-0. RFP 19-02-R was recorded as Timed Agenda Exhibit 4.a.
  - b. **IFB 20-01; ANNUAL ROAD CONSTRUCTION AND MAINTENANCE – ROBERTA SMITH:** Smith stated bids from Constructors, Inc. and J&H Construction had met the specifications and she recommended awarding to both of those lowest bidders for up to three years beginning April 1. McCutcheon inquired how work would be divided between the two companies. Burns stated the work had been divided into 92 individual line items and each line item would be considered separately on a unit price for each project and based on availability for the job. McCutcheon moved, seconded by Henry to award IFB 20-01, as recommended. Voting yes: Henry,

Wood, Crockett and McCutcheon. Abstaining: Carlson. Passed 4-0. IFB 20-01 was recorded as Timed Agenda Exhibit 4.b.

5. **\*CANVASS LOVING SCHOOL ELECTION – ROBIN VAN NATTA:**  
The Loving School Bond Election had been held and the bond had been approved. McCutcheon moved, seconded by Crockett to approve the Loving School Election Canvass. Voting yes: Crockett, McCutcheon, Carlson, Henry and Wood. Passed 5-0. The Loving School Election Canvass was recorded as Timed Agenda Exhibit 5.

**TRAILING AGENDA:**

**1. APPROVE:**

- a. **\*COMMISSION MEETING MINUTES FOR FEBRUARY 18, 2020:**  
Crockett moved, seconded by Wood to approve the Commission Meeting Minutes for February 18, 2020. Voting yes: Crockett, McCutcheon, Carlson, Henry and Wood. Passed 5-0.
  - b. **\*COMMISSION MEETING MINUTES FOR MARCH 3, 2020:**  
McCutcheon moved, seconded by Crockett to approve the Commission Meeting Minutes for March 3, 2020. Voting yes: Crockett, McCutcheon, Carlson, Henry and Wood. Passed 5-0.
  - c. **\*SPECIAL COMMISSION MEETING MINUTES FOR MARCH 9, 2020:** Henry moved, seconded by Wood to approve the Special Commission Meeting Minutes for March 9, 2020. Voting yes: Henry, Wood and McCutcheon. Abstaining: Crockett and Carlson. Passed 3-0.
  - d. **\*EXPENSE APPROVAL REPORT FOR FEBRUARY 2020:** Henry moved, seconded by McCutcheon to approve the February 2020 Expense Report. Voting yes: Crockett, McCutcheon, Carlson, Henry and Wood. Passed 5-0. The February 2020 Expense Report was recorded as Exhibit 1.d.
2. **\*REQUEST NEW COLOR COPIER FOR THE RECEPTION AREA IN THE ADMINISTRATION COMPLEX – ALLEN DAVIS:** Crockett moved, seconded by McCutcheon to approve the purchase of a new color copier for the reception area in administration. Voting yes: Passed 5-0.
  3. **\*LETTER OF SUPPORT FOR GRAMMY’S HOUSE DOMESTIC VIOLENCE SHELTER, INC. – WESLEY HOOPER:** Hooper stated the letter had been prepared and signed due to it having been needed ASAP, but Commission approval was needed after the fact. McCutcheon moved, seconded by Wood to approve the Letter of Support for Grammy’s Domestic Violence Shelter Inc. Voting yes: Crockett, McCutcheon, Carlson, Henry and Wood. Passed 5-0.

4. **\*BULLETPROOF VEST PARTNERSHIP GRANT #2017BUBX17088198 – SHERIFF MARK CAGE:** Cage stated this helped offset the cost of the bullet-resistant vests for the deputies to wear in the field. It was a non-matching grant that was awarded each year. McCutcheon moved, seconded by Crockett to approve the Bulletproof Vest Partnership Grant #2017BUBX17088198. Voting yes: Crockett, McCutcheon, Carlson, Henry and Wood. Passed 5-0.
5. **\*APPROVAL OF GRANT MONIES FROM CONOCO-PHILLIPS –SHERIFF MARK CAGE:** Cage stated a grant had not been applied for. Conoco Phillips had asked how it could help the first responders of the County. Two radios for each responder were needed. Cage was requesting permission to accept the \$25K authorized by Conoco Phillips. McCutcheon requested the public be made aware of Conoco Phillips generosity, especially with the recent industry downturn. Crockett moved, seconded by Wood to approve grant monies from Conoco Phillips. Voting yes: Crockett, McCutcheon, Carlson, Henry and Wood. Passed 5-0.
6. **\*SUN COUNTRY VOLUNTEER FIRE DEPARTMENT-KENWORTH 4000-GALLON TANKER – ALLEN DAVIS:** Davis recommended that this item be pulled. Crockett moved, seconded by McCutcheon to pull and the purchase of a Kenworth 4000-Gallon Tanker for Sun Country Volunteer Fire Department. Voting yes: Crockett, McCutcheon, Carlson, Henry and Wood. Passed 5-0. Item 6 was tabled.
7. **\*PURCHASE OF ACTION TRAINING SYSTEM – ALLEN DAVIS:** Davis stated this on-line computer-based training would allow VFDs to complete specified training with a tracking system showing progress made towards compliance. McCutcheon moved, seconded by Henry to purchase the Action Training System. Voting yes: Crockett, McCutcheon, Carlson, Henry and Wood. Passed 5-0. Signature pages were passed for the Commissioners to sign.
8. **\*HYDRO TESTING FOR ALL SCBA BOTTLES – ALLEN DAVIS:** Davis stated the VFDs would have the items tested by group, making the process more efficient and effective. Wood moved, seconded by Crockett to approve hydro testing for all SCBA bottles. Voting yes: Crockett, McCutcheon, Carlson, Henry and Wood. Passed 5-0. Signature pages were passed for the Commissioners to sign.
9. **\*APPROVE CHANGE ORDERS TO PAST PO#1800467-R2 – JASON CIEMPA:** Ciempa, Loco Hills Fire Chief, stated the Commission had previously approved a purchase order for a heavy rescue vehicle for the department. He stated he had approved seven different change orders and did not get them approved through the Fire Services system. The amount

budgeted for the item was \$600K. When spec'd out, the truck was \$529K, knowing change orders would be forthcoming. Some items were changed that would not work on the unit when assembled. A larger foam pump that had been spec'd out did not meet the specifications needed. He stated the truck was in Artesia and equipment was being mounted. Crockett inquired if the Fire Board had been made aware of this item. Henry stated he was informed by phone. Ciempa stated he thought he was able to stay within the \$600K budget and had approved the change orders. Henry appreciated Ciempa's explanation ahead of time. Henry moved, seconded by McCutcheon to approve change orders to past PO#1800467-R2. Voting yes: Crockett, McCutcheon, Carlson, Henry and Wood. Passed 5-0.

**10. \*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-20-23; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.**
- ii. **R-20-24; AUTHORIZATION OF NEW MEXICO CDBG APPLICATION FOR PARIS ST. SEWER PROJECT – STEVEN MCCROSKEY.**
- iii. **R-20-25; FY 2019-2020 3<sup>RD</sup> QUARTER BUDGET ADJUSTMENTS – ROBERTA SMITH.**
- iv. **R-20-26; RESOLUTION RECOGNIZING 2020 NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK – BAMBI KERN.**
- v. **R-20-27; CERTIFICATION OF THE 2020 ANNUAL COUNTY MAINTAINED MILEAGE REPORT – ALLEN DAVIS.**
- vi. **R-20-28; RESOLUTION RESTORING LEA COUNTY'S EQUAL INTEREST IN EDDY-LEA ENERGY ALLIANCE (ELEA) – ALLEN DAVIS.**

**b. AGREEMENTS:**

- i. **A-20-23; FIRST AMENDMENT TO A-16-161; TRAFFIC SAFETY FUNDING APPLICATION PROJECT AGREEMENT 2020 – CAPTAIN VICTOR MARTINEZ.**
- ii. **A-20-24; NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION FIRST AMENDMENT TO INTERGOVERNMENTAL GRANT AGREEMENT NUMBER 2019-3410-ZD5037-01013 – WESLEY HOOPER.**

- iii. A-20-25; MOU BETWEEN THE UNITED STATES DEPARTMENT OF ENERGY WASTE ISOLATION PILOT PLANT, CARLSBAD FIELD OFFICE, EDDY COUNTY SHERIFF'S POSSE, COUNTY OF EDDY, AND THE EDDY COUNTY SHERIFF CONCERNING SHOOTING RANGE USE FOR TRAINING – WESLEY HOOPER.
- iv. A-20-27; AVI-SPL REPLACE CHAMBER'S DMPS PRESENTATION SYSTEM – CAROL HENNINGTON.

Davis stated item 10.a.iv. would take place in April. Henry moved, seconded by Wood to approve the Resolution and Agreement Consent Agenda as presented. Voting yes: Crockett, McCutcheon, Carlson, Henry and Wood. Passed 5-0. R-20-23 through R-20-28 and A-20-23 through A-20-25 and A-20-27 were recorded as Exhibits a.i.-vi and 10.b.i-iv, respectively.

**11. DEPARTMENT UPDATES.** Hooper reviewed an update of previously-anticipated monies that had subsequently been vetoed by the Governor. The SE Loop Route funds from Kernan (\$3M) and Fulfer (\$5M) had been line-item vetoed out of SB2. Approximately \$1M in a senate bill that was to be used for road projects had also been vetoed. Capital Outlay funds of \$2,750,000 was also line-item vetoed out by the Governor. He stated about \$12M had been vetoed; the majority of the funds had been for the SE Loop. Last year, \$14.7M had been awarded for the SE Loop along with County matching funds and \$1M from the City. He felt the engineering consultants' work would be slowed to make the project more efficient and effective. All the previous monies from the State had been tied into the SE Loop project. The Alternate Routes still had \$10M commitment from NMDOT, though he had not received an agreement as of yet. He stated most of the conversations with industry officials concerning matching funds had been very positive. An overlay map showing oil and gas activities and routes used by industry had been produced by the County Mappers.

Sheriff Cage stated the department was still down two employees. Deputy Turner was still deployed with the US Navy in Africa. The Municipal League had recently lost leadership. Priorities of NM Counties were still moving forward. Cage stated CDC recommendations were not achievable for his staff, as respirators were not available, but supervisors were being educated on the virus recommendations and status. His staff would offer the service of delivery of essential supplies from prepaid items from Wal-Mart and Albertsons for invalids and elderly. Volunteers from the community had also stepped forward to help with this service. Cage later added that a message would be given to the Governor requesting to have a group conference to talk to elected officials and managers to explain behind-the-scenes information and why decisions had been and were being made.

Burns updated on progress that had been made on road projects and public concerns that had been addressed. He noted chip-and-seal weather was approaching. McCutcheon complimented the road work that had been done on Angel Ranch Road. Wood had received a call concerning a bad cattle guard crossing on Car Wreck Road. A citizen had taken his own equipment and remedied the situation. Burns stated an order for cattle guards had been placed. A request for a dedicated Cattle Guard Crew would be presented for consideration in the future.

Armendariz updated the Commission on the rapidly changing Virus situation in the State and the nation. A working group had been formed with AFD, CFD, CMC, AGH and WIPP which had been meeting weekly. Each department had come up with a protocol for responding. They participated in a weekly call with DOH; often daily with changes. She stated there were 21 confirmed cases in NM with 14 in Bernalillo, 2 in Sandoval, 3 in Santa Fe and 2 in Socorro counties. She was in constant communication with emergency managers of the hospitals and WIPP. The EOC had been activated at Level 3, but felt it would change soon with more cases being confirmed. REDA and Carlsbad Dispatch had worked hard to filter calls with questions before responders had been sent. CDC guidelines were being followed. She noted a state-wide shortage of PPE; Eddy County was on the list to receive PPE items as they became available. A Corona Hotline was available for anyone to call if they had symptoms. The Commissioners complimented Armendariz's work. She noted the DOH now had the ability to make the final confirmation on test results. Roswell was in the process of opening a drive-up testing site. She noted approximately 65 people were needed to run one of those sites. Henry requested good information be made available to the public to help them and not create fear and panic. She stated all agencies were coordinating to put out the same meaningful information for the public. Strong had posted that information on the County page. Davis stated that making the County page a trusted source of information was important.

Strong gave kudos to Armendariz and thanked her for sharing information, allowing her to disseminate information to the public. She felt it was important for the community to hear from County leadership. She suggested having a weekly press release and statement from County leadership to ease public fears and panic. Wood had received a call concerning safety status of the Detention Center. Massingill stated ECDC's priority was sanitation, always cleaning, inspecting sanitation, questioning incoming prisoners, etc. He stated cautions and sanitation practices had always been there with previous concerns of tuberculosis, etc. Medical line was done three times a day and video arraignments with the courts were done. Staff had access to stations with gloves, masks, spit shields, spit hoods and Narcan throughout the jail. Davis noted the Warden had an Infection Prevention Policy that was followed daily with all the protocols already in place.

**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. **JAKODA MATHEWS AND STEVE CHAVARRIA ATTENDED FIRE HOUSE WORLD IN LAS VEGAS, NM FROM FEBRUARY 24 THRU FEBRUARY 26, 2020.**

**FUTURE:**

- b. **CHRIS CHAVARRIA, DAVID HARKNESS, TOM NAVARRETTE, AND ANDRES HOLGUIN TO PERFORM FINAL INSPECTION ON NEW TANKER IN BRADENTON, FL FROM MARCH 23 THRU MARCH 25, 2020.**
- c. **JASON FLOREZ TO ATTEND CISCO LIVE CONFERENCE TRAINING IN LAS VEGAS, NV FROM MAY 30 THRU JUNE 5, 2020.**

Davis stated the Future items 12.b and 12.c had been cancelled and were being pulled. Crockett moved, seconded by McCutcheon to approve the Travel Consent Agenda, pulling 12.b and 12.c indefinitely and approving prior item 12.a. Voting yes: Crockett, McCutcheon, Carlson, Henry and Wood. Passed 5-0.

**13. EMERGENCY BUSINESS:** None.

**14. LEGISLATIVE UPDATE:** Fanning updated the Commission on the capital outlay funding items. He passed around a list of items that were funded in Eddy County totaling about \$10M in various forms. He stated over \$99M had been cut out of the budget. He felt it was important to track positions open for election in this election year. There were 22 primary races that would be challenged in the legislature. He hoped to be appointed to a regional task force to give a SENM voice in the future. He felt markets were stabilizing.

**15. LEGISLATORS AND ELECTED OFFICIALS' COMMENTS/ANNOUNCEMENTS/UPDATES:** Hatch stated Notices of Value would be mailed to the public on March 31. The public then had 30 days to protest the assessment. Ferguson stated the notices showed an increased tax value of about \$800M.

**16. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES:** Davis reviewed the memo sent to all employees about the County operating business as usual. He stated the County business was about serving the citizens and noted the Notices of Value would bring a lot of public into the



office and then taxes would be due in the same timeframe with another stream of people going to the Treasurers' office. The Assessors', Treasurers', Clerks', SO, Detention were all open with the Facilities Department and IT support being necessary. He noted there was not a lot of opportunity to have people work from home stating our jobs were here serving the public. The Treasurers' Office could facilitate about one at a time; the Assessors' Office had more space and served as they were able; the Clerks' Office was a bit of a free-for-all. The MVD Artesia office had some barriers but all were interfacing with the public and he did not know a way to preclude that. The County had suggested employees with kids at home during school outage would stay home and take care of their children, using their accrued sick time. Several counties had declared a state of emergency for the county. He felt counties did that to take advantage of FEMA assets and processing, etc. In theory, the same would apply in a health emergency but we were not necessarily in a health emergency; there was a high level of awareness and concern. He was not recommending that the Board consider something like that, but had some examples of statements that counties had put forth about their tiered response criteria. He felt we were prepared and doing the right things in the right ways. As conditions adjusted, we would adjust with them and would keep them informed. We would continue business as usual doing what we could, the best we could and didn't know of a lot of opportunity to work from home. It wasn't the nature of our business. Carlson suggested adding temporary plexiglass barriers with a speaker to help avoid direct contact with the public. Ferguson stated chairs had been placed blocking access to sections of their department, with Assessors coming to that point to meet them, help them. Public still had access to whomever they needed to see, with the access managed. Van Natta stated the Clerks' office did not have that option. The bookroom was full at this point with landmen from all over the US.

**17. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES:**

Crockett had the CDC guidelines and would make them available to anyone who would like them. She noted her son, who had lived through two typhoons in Japan, felt the hysteria here was worse than what he had experienced in Japan. She asked for prayers for those in local nursing homes. McCutcheon welcomed Josh Mack to the meeting 47 minutes late, stating all his items had been approved. He stated it would be the last time he voted on any items for the Fire Service that Mack was not in attendance to present the items he had placed on the agenda. He wanted to be very clear about that. He felt we needed to be sure we didn't stop spending and stop life. He felt the Corona Virus would bankrupt a lot more people than it actually killed. He encouraged all to support restaurants, and not stop the flow of money which was basically the blood of an economy. Support industry and be cautious, be as clean as you could be. Wood reminded at the last meeting we were looking at a good budget then on Monday, the bottom fell out changing our lives totally. He felt the local hysteria had been maddening. He felt the Governor had jumped the

gun declaring a state of emergency with only four positive tests in NM, throwing people into this mode. He felt a lot of it was driven by this year's election, an attempt to get a man out of office that they despised. He stated it was real but the reactions from the public were blown out of proportion. He thanked Stephens for the Courthouse tour. He felt soon an order would come from the Supreme Court via Administrative Office of the Courts because the judges over there had contacted the AOC wanting a new building. The very small Court Clerks' office was desk-to-desk with filing cabinets that had to be rolled in and out. He felt in the near future a new courthouse would have to be built. He commended Stephens for doing the best he could to update the building as he was able. Henry piggy-backed on Wood's comments. He did not want to spend a lot of money, but also did not want to do what the Governor had done and that was backtrack. He did not want to continue to be behind. He noted small businesses had been hit hard with the mandated issues, and they were doing all they could to keep up. The shooting range had cancelled an event. He commended the Sheriff on helping the elderly and invalid in the community, putting people ahead of policy, making a difference right now. He had seen some companies put policy above people but felt the ones that would come through it would be those that put people first. He was proud that Cage was his Sheriff. He felt his God was definitely greater than this little virus and he did not fear things; he was aware of it but not scared of it. Carlson also commended the SO for helping the elderly. He explained the oil and gas freefall wasn't due to the virus but due to Russia and Egypt battling over control of oil production. He would get in touch with the NMDOT secretary over his constituents' concerns about the highway between Loving and Malaga. It was suggested to double-line that stretch of highway, making it a no-pass zone. He agreed with Henry, that we could not afford to back up, fall behind. He felt the reason the County was in the condition it was today was because we fell behind. He felt we needed to keep planning, supporting law enforcement, making improvements of infrastructure and our roads. Crockett reminded everyone to fill out their Census. She congratulated the candidates and wished them good luck on the upcoming election.

**18. EXECUTIVE SESSION:** None.

**19. ADJOURN:** At 10:19 a.m. Crockett moved, seconded by McCutcheon to adjourn the meeting. Voting yes: Crockett, McCutcheon, Carlson, Henry and Wood. Passed 5-0.

**\*ASTERISK DENOTES VOTE REQUIRED**

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**COMMISSION CHAIR, ERNEST CARLSON**

**ATTEST:**

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**COUNTY CLERK, ROBIN VANNATTA**

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**Date**