

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
APRIL 4, 2023**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on April 4, 2023 at 8:30 a.m. Carlson called the meeting to order and led the Pledge of Allegiance and the Salute to the New Mexico State flag. Hennington gave the invocation.

PRESENT:

ERNEST CARLSON
FRED BEARD
JON HENRY
JAMES (BO) BOWEN
SARAH CORDOVA
CAS TABOR
CARA COOKE
TAMI WHITE
LAURIE PRUITT
CAROLYN STROBLE
RHONDA HATCH
MELISSA WASHBURN
MARK CAGE
MATTHEW HUTCHINSON
KIM BALLARD
ADRIENNE JONES
ROBERTA GONZALES
JESSICA STYGAR
STEVE MCCROSKEY
JASON BURNS
ANISIA CERNA
JENNIFER ARMENDAREZ
ROXANN BRANNON
BILLY MASSENGILL
JOSHUA MACK
JAROD ZUNIGA
CAROL HENNINGTON
ROLAND RODRIGUEZ
ROSIE MUNOZ
TRENT MOORE
LALA STROHMAN
STEPHANIE YBABEN
BEVERLY ALLEN

CHAIRMAN
VICE-CHAIR
COMMISSIONER, DISTRICT 2
COMMISSIONER, DISTRICT 4
COMMISSIONER, DISTRICT 5
COUNTY ATTORNEY
COUNTY CLERK
CHIEF DEPUTY COUNTY CLERK
TREASURER
CHIEF DEPUTY TREASURER
COUNTY ASSESSOR
CHIEF DEPUTY COUNTY ASSESSOR
SHERIFF
CHIEF DEPUTY SHERIFF
SHERIFF ADMIN ASSISTANT
EXEC ADMIN ASSISTANT
FINANCE DIRECTOR
ASSISTANT FINANCE DIRECTOR
COUNTY PLANNER
PUBLIC WORKS DIRECTOR
PROCUREMENT
EMERGENCY MANAGER
HR DIRECTOR
DETENTION WARDEN
FIRE CHIEF
DEPUTY FIRE CHIEF
INFORMATION SYSTEMS DIRECTOR
IT SPECIALIST III
IT SPECIALIST II
M&O SUPERVISOR
MVD ARTESIA
RED ROCKET MEDIA
CHEVRON COMMUNITY SERVICES

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. IFB/RFP/BID AWARDS:
 - a. *IFB 23-02; ANNUAL CONSTRUCTION MATERIALS AND SERVICES – ANISIA CERNA. Cerna stated all 15 bids submitted were responsive. Staff recommend the IFB be awarded to all 15 vendors. Burns stated the County would draw up a scope work for a project and select a vendor with the overall best price and availability being considered. Henry moved, seconded by Beard, to approve IFB 23-02; Annual Construction Materials and Services. Voting yes: Carlson, Beard, Bowen, Cordova and Henry. Passed 5-0. IFB 23-02 was recorded as Timed Agenda Exhibit 1.a.
 - b. *IFB 23-03; EDDY COUNTY SOUTHEAST LOOP – PHASE IIIA – ANISIA CERNA. Cerna stated staff recommended Constructors, Inc. who submitted the overall lower bid. Cordova moved, seconded by Beard, to approve IFB-23-03; Eddy County Southeast Loop – Phase IIIA. Voting yes: Carlson, Beard, Bowen, Cordova and Henry. Passed 5-0. IFB 23-03 was recorded as Timed Agenda Exhibit 1.b.

TRAILING AGENDA:

1. APPROVE:
 - a. *COMMISSION MEETING MINUTES FOR MARCH 21, 2023. Bowen moved, seconded by Cordova, to approve the Commission Meeting Minutes for March 21, 2023. Voting yes: Carlson, Beard, Bowen, Cordova and Henry. Passed 5-0.
2. TREASURER’S REPORT FOR FEBRUARY 2023 – LAURIE PRUITT – FYI ONLY.
3. *FEBRUARY 2023 REVENUE REPORT – ROBERTA GONZALES. Gross Receipts collected totaled \$4.9M making the FY total of \$36M. Oil and Gas revenues totaled \$7.8M with the remainder of the year expected to be around \$7.5M. Beard moved, seconded by Henry, to approve the February 2023 Revenue Report. Voting yes: Carlson, Beard, Bowen, Cordova and Henry. Passed 5-0. The February 2023 Revenue Report was recorded as Exhibit 3.
4. *BUDGET VS. ACTUAL – FEBRUARY REVENUE AND EXPENSES – ROBERTA GONZALES. Revenues with transfers were at 124% or 146%

without transfers. Expenses were at 60% with transfers or 46% without transfers. The General Fund showed 150% collected and expensed should be 82% but with transfers, it is showing 61%. She noted most departments were below that percentage. Bowen moved, seconded by Cordova, to approve the Budget vs. Actual - February 2023 Revenue and Expenses. Voting yes: Carlson, Beard, Bowen, Cordova and Henry. Passed 5-0. The February Revenue and Expenses Report was recorded as Exhibit 4.

5. ***LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUNDING APPROVAL – ROBERTA GONZALES.** Gonzales stated the first-half tranche of funds, \$3.7M, had been received. The funds were similar to the Corona Virus funds previously received but were not procured federally, could be used for any General Services except lobbying and there was not an end date for use or spending the funds. The majority of the funds were suggested for upgrading HVAC in multiple County structures. Henry moved, seconded by Beard, to approve the Local Assistance & Tribal Consistency Funding. Voting yes: Carlson, Beard, Bowen, Cordova and Henry. Passed 5-0. The Report was recorded as Exhibit 5.

6. **ANNUAL ASSESSOR REPORT TO COMMISSION – RHONDA HATCH – FYI ONLY.** See attached Assessor Report to Commission recorded as Exhibit 6.

7. ***APPROVAL TO RE-ALLOCATE \$104,736 OF FUNDS TO PURCHASE ITEMS OUT OF THE 2022/2023 FISCAL BUDGET FOR ECDC – WARDEN BILLY MASSINGILL.** Massingill stated the funds were remaining after the previous camera installation and would be used for the items listed. Cordova moved, seconded by Bowen, to approve Re-Allocating \$104,736 of Funds to Purchase Items out of the 2022/2023 Fiscal Budget for ECDC. Voting yes: Carlson, Beard, Bowen, Cordova and Henry. Passed 5-0. The List of Items Out of the 2022/2023 Fiscal Budget for ECDC was recorded as Exhibit 7.

8. ***PROCUREMENT OF FIRE PREVENTION TRAILER FY 23-24 BUDGET – JOSHUA MACK.** Mack stated the interactive trailer would be utilized for public safety and fire prevention. It would allow the public to experience safe practices in an unfamiliar environment and learn fire prevention practices. Capital Outlay funds would be received in the amount of \$150K. Chevron had previously donated \$65K and were donating \$65K additional toward the trailer purchase. Additional funds from Fire Excise were requested of not more than \$45K. Henry moved, seconded by Beard, to approve the Procurement of Fire Prevention Trailer FY 23-24 Budget. Voting yes: Carlson, Beard, Bowen, Cordova and Henry. Passed 5-0.

9. ***APPROVAL FOR BOCC CHAIRMAN TO SIGN ECFR'S ANNUAL STATE FIRE FUND APPLICATION AND VOLUNTEER FIREFIGHTER PERA FORMS – JOSHUA MACK.** Mack stated each year the VFD PERA forms

must be signed by the BOCC Chairman and submitted. There were 19 eligible individuals listed as active this year. The Annual State Fire Fund Application must also be signed and submitted. Cordova moved, seconded by Bowen, to approve the BOCC Chairman to Sign the Annual State Fire Fund Application and the VF PERA forms. Voting yes: Carlson, Beard, Bowen, Cordova and Henry. Passed 5-0.

10. *BEGIN HIRING PROCESS FY 23-24 BUDGET – JOSHUA MACK. Mack stated 20 new position had been approved in the budget which included over-hire positions. He was requesting to begin the hiring process such as starting physicals, etc. for next FY. The total staff would be 41 positions. Beard moved, seconded by Henry, to begin the hiring process for FY23-24 budget. Voting yes: Carlson, Beard, Bowen, Cordova and Henry. Passed 5-0.

11. *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-23-23; Indigent Medical/Hospital Claims Report – Veronica Parras.
- ii. R-23-24; Disposal, Removal, or Revise Items in the Eddy County Inventory/Assets – Jessica Stygar.
- iii. R-23-25; Approval to Donate Eddy County Detention Center – Transport 2019 Chevy 1500 PK to the City of Carlsbad – Fire Department – Warden Billy Massingill.

b. AGREEMENTS:

- i. A-23-34; USDA, Forest Service Cooperative Agreement – Law Enforcement Activities in Eddy County – Mark Cage.
- ii. A-23-35; PVT Fiber Circuit-Artesia Sheriff Isolated Circuit – Carol Hennington.
- iii. A-23-36; Kinetic Business by Windstream-Carlsbad Sheriff Isolated Circuit – Carol Hennington.
- iv. A-23-37; Equipment Service contract renewal with Sparks for the Office of Emergency Management copier/printer/scanner – Jennifer Armendariz.

Cordova moved, seconded by Beard, to approve the Resolution and Agreement Consent Agenda. Voting yes: Carlson, Beard, Bowen, Cordova and Henry. Passed 5-0. R-23-23, R-23-24 & R-

23-25 were recorded as Exhibits 11.a.i. through 11.a.iii. A-23-34 through A-23-37 were recorded as Exhibits 11.b.i. through 11.b.iv.

12. ELECTED OFFICIAL/DEPARTMENT UPDATES. Moore presented an update on the Otis Community Center roof renovation. The job was complete with a 25 year life expectancy. The floors had been refinished and the walls painted. He also presented a summary of work orders completed. Beard inquired of progress on the water issue at the Otis Center. Moore stated he had finally received two responses after having placed 30+ calls for drilling of a well. Many repairs had been made to the irrigation system. He stated a new tree had been planted for each tree that was taken down.

Beverly Allen represented Chevron and presented a check to Eddy County to go towards procuring the Fire Prevention Trailer. She felt it was a great investment and valuable tool for community safety. She expressed appreciation for the County's and Fire Department's help and responding to issues in the field. She stated Chevron would be a sponsor of the State Fair.

Cage stated he had recently provided personal safety for the Kurt Warner event in Artesia. He noted his office would be fully staffed within one month, with three cadets currently in the academy. Special programs and the CAT Team would soon be more active. He would be attending the HIDTA committee meetings. He felt the Drug Task Force was doing a phenomenal job. He would visit with Will Glasby and ask him to possibly prepare a report on HIDTA operations and progress to present to the Commission. Discussion ensued related to the open border allowing issues with drugs, addiction and human trafficking and other issues in the area.

13. LEGISLATIVE UPDATES. None.

14. *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: None.

FUTURE: None.

15. EMERGENCY BUSINESS. None.

16. LEGISLATORS AND ELECTED OFFICIALS' COMMENTS/ANNOUNCEMENTS/UPDATES. None.

17. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES. None.

18. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES.

Cordova thanked the public for passing the CMS Bond Election. She felt it was desperately needed and the school would be in a good area. She thanked the County workers for all they do. Henry stated Artesia had a great weekend with the Kurt Warner event and multiple community events. Bowen also thanked the voters for passing the School Bond. He thanked Cage for the information on HIDTA issues and the hard work the Drug Task Force and SO do to keep us safe and address our concerns. He appreciated Chevron for the donation. Beard also thanked Chevron and felt they have been a good partner for Eddy County. He thanked Cage and law enforcement for doing the job for the Feds. Carlson echoed Beard and felt we were lucky to have law enforcement that truly cared to do the job for safety. He felt the Arrowhead Study showed the annual cost of producing all the revenue for the entire state. He wanted the State to participate in the cost to produce the oil and gas revenue, the annual cost of \$55M.

19. 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), which authorizes the Board of County Commissioners to go into Executive Session to discuss:

a. LIMITED PERSONNEL MATTERS.
i. CONTRACT PERSONNEL.

At 9:40 a.m., Henry moved, seconded by Beard, to go into closed session to discuss the items listed and to reconvene at 10:10 a.m. Voting yes: Carlson, Beard, Bowen, Cordova and Henry. Passed 5-0.

RE-OPEN MEETING. At 10:18 a.m., Beard moved, seconded by Henry, to end the Executive Session and re-open the Regular Meeting. Voting yes: Carlson, Beard, Bowen, Cordova and Henry. Passed 5-0.

Cordova moved, seconded by Bowen, to certify that the only thing discussed was the limited matter of contract personnel. Voting yes: Carlson, Beard, Bowen, Cordova and Henry. Passed 5-0.

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

a. *LIMITED PERSONNEL MATTERS.

i. CONTRACT PERSONNEL. Henry moved, seconded by Beard, to announce Roberta Gonzales will be the new County Manager

subject to agreement of a contract agreeable to both the County and Gonzales. Voting yes: Carlson, Beard, Bowen, Cordova and Henry. Passed 5-0.

Carlson thanked all the applicants.

Cordova moved, seconded by Henry, to allow Gonzales to act as Interim County Manager until an agreement is agreed upon. Voting yes: Carlson, Beard, Bowen, Cordova and Henry. Passed 5-0.

Bowen moved, seconded by Cordova, to accept the immediate resignation of Wes Hooper. Voting yes: Carlson, Beard, Bowen, Cordova and Henry. Passed 5-0.

Meeting adjourned at 10:21 a.m.

~Asterisks denote vote is required~

EDDY COUNTY BOARD OF COMMISSIONERS
EDDY COUNTY, NEW MEXICO


Ernie Carlson, Commission Chairman

Date: April 18, 2023

ATTEST:


Cara Cooke, County Clerk

