

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
APRIL 5, 2022**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on April 5, 2022 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. Henry gave the invocation.

PRESENT:

STEVE MCCUTCHEON	CHAIR, DISTRICT 4
FRED BEARD	VICE-CHAIR, DISTRICT 3
ERNEST CARLSON	COMMISSIONER, DISTRICT 1
JON HENRY	COMMISSIONER, DISTRICT 2
SARAH CORDOVA	COMMISSIONER, DISTRICT 5
ALLEN DAVIS	COUNTY MANAGER
WES HOOPER	COMMUNITY/ADMIN SRVCS DIR
CAS TABOR	COUNTY ATTORNEY
CARA COOKE	CHIEF DEPUTY CLERK
MARK CAGE	SHERIFF
GEMMA FERGUSON	COUNTY ASSESSOR
MELISSA WASHBURN	CHIEF COUNTY ASSESSOR
ROBERTA SMITH	FINANCE DIRECTOR
BILLY MASSINGILL	DETENTION WARDEN
TERRA DOUGAN	EXEC ADMIN ASSISTANT
ROXANN BRANNON	HR DIRECTOR
CAROL HENNINGTON	INFO SYSTEMS SUPERVISOR
ROLAND RODRIGUEZ	INFO SYSTEMS
JERI STRONG	PUBLIC INFO COORDINATOR
STEVE MCCROSKEY	COUNTY PLANNER
JOSHUA MACK	FIRE SERVICE DIRECTOR/MARSHAL
BRIAN STEPHENS	FACILITIES DIRECTOR
DAMIEN CAPELLO	RED ROCKET MEDIA
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. PUBLIC HEARING: APPROVE DESERT WILLOW SUBDIVISION PRELIMINARY PLAT

- a) ***OPEN:** At 8:31 a.m., Carlson moved, seconded by Henry, to open the public hearing. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.
- b) **STAFF COMMENTS:** McCroskey presented the preliminary plat of the proposed subdivision. He stated all the agencies involved had reviewed the plat and had no concerns.
- c) **PUBLIC COMMENT. THREE MINUTE TIME LIMIT PER PERSON – WE REQUEST THAT ALL COMMENTS BE COURTEOUS AND RESPECTFUL IN NATURE.** None.
- d) **COUNTY ATTORNEY COMMENTS/QUESTIONS.** Tabor had reviewed and approved the proposed plat.
- e) **COMMISSIONERS COMMENTS/QUESTIONS:** None.
- f) **ENTERTAIN A MOTION AND SECOND FROM BOARD:** Henry moved, seconded by Beard, to approve the Desert Willow Subdivision Preliminary Plat.
- g) ***BOARD ACTION.**
 - a. **APPROVE/DISAPPROVE DESERT WILLOW SUBDIVISION PRELIMINARY PLAT – STEVE MCCROSKEY:** Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.
- h) ***ADJOURN HEARING:** At 8:35 a.m., Cordova moved, seconded by Henry, to adjourn the public hearing. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.

3. PRESENTATION FROM NOAH'S ARK – ALLEN DAVIS. None.

4. ASSESSOR'S ANNUAL REPORT – GEMMA FERGUSON: Ferguson reviewed and interpreted the annual report for the Commissioners, pointing out the significant growth in the County of 33.3%. The Assessor's Annual Report was recorded as Timed Agenda Exhibit 4.

5. UPDATE FROM RED ROCKET ABOUT AD CAMPAIGN – WESLEY HOOPER. Capello reviewed the resultant statistics from the #PaidforBy campaign that was launched a year ago via social media. The program purpose was to educate different areas of population in the state, raising awareness of the monetary benefits derived from the oil and gas industry in New Mexico. Thirteen counties had been targeted, along with the State Capitol during the Legislative Session. He noted 3.2M entities had been reached resulting in over 20K comments, likes and shares. He noted generally in marketing less than 1% see the ads and do nothing. However, targeting the Round House during the Legislative Session resulted in 14,207 being reached resulting in 5,962 actions taken, or a 41% engagement. He added 41% took the time to click and watch the videos. He added he felt that 95% of the comments came from within the state.

TRAILING AGENDA:

1. **APPROVE:**
 - a. ***COMMISSION MEETING MINUTES FOR MARCH 15, 2022:** Cordova moved, seconded by Beard, to approve the Commission Meeting Minutes for March 15, 2022. Voting yes: McCutcheon, Beard, Carlson and Cordova. Abstained: Henry. Passed 4-0.
 - b. ***EXPENSE APPROVAL REPORT FOR MARCH 2022:** Henry moved, seconded by Beard, to approve the Expense Report for March 2022. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0. The March 2022 Expense Report was recorded as Exhibit 1.b.
2. **TREASURER'S REPORT FOR FEBRUARY 2022 – LAURIE PRUITT. FYI ONLY:** This item was for information only. The February 2022 Treasurer's Report was recorded as Exhibit 2.
3. ***FEBRUARY 2022 REVENUE REPORT – ROBERTA SMITH:** Smith stated \$3.6M GRT had been collected. Oil and Gas collected was \$6.2M in February, 2022. Carlson moved, seconded by Cordova, to approve the February 2022 Revenue Report. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0. The February 2022 Revenue Report was recorded as Exhibit 3.
4. ***BUDGET VS. ACTUAL – FEBRUARY REVENUE AND EXPENSES – ROBERTA SMITH:** Smith stated most departments were under budget. Henry moved, seconded by Carlson, to approve the Budget vs. Actual February Revenue and Expenses Report. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0. The Budget vs. Actual February Revenue and Expenses Report was recorded as Exhibit 4.
5. **2022 REVISED ELECTION LETTER FOR THE EDDY COUNTY VOLUNTEER FIRE DEPARTMENTS – JOSHUA MACK:** This was for information only updating the fire department officers.
6. ***VOLUNTEER FIRE DEPARTMENT PERA FORM APPROVALS – JOSHUA MACK:** Mack stated this was the annual form approval. Carlson moved, seconded by Cordova, to approve the signature of the Chairman for the Volunteer Fire Department PERA forms. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.
7. ***LATERAL COMPENSATION INCENTIVES FOR NEW HIRE CERTIFIED SHERIFF OFFICERS – SHERIFF MARK CAGE:** Cage stated recruiting certified and experienced officers would be enhanced by adding the incentives, which were more important to the officers than a signing bonus had been. Davis added it was more expensive to certify officers, sending them to the Academy than the lateral compensation incentives would cost.

Cage added restrictions would be placed until the employee probation period was reached. Carlson moved, seconded by Beard, to approve the Lateral Compensation Incentives for New Hire Certified Sheriff Officers. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.

8. ***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-22-29; DISPOSAL, REMOVAL, AND REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR.**
- ii. **R-22-30; AMENDING R-22-13; 2022 COMMITTEES, BOARDS, AND COMMISSION APPOINTMENTS AND DESIGNATIONS – ALLEN DAVIS.**
- iii. **R-22-31; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.**

b. **AGREEMENTS:**

- i. **A-22-30; REIMBURSEMENT FROM COSTS RELATED TO A DIRECT LAND SALE BETWEEN EDDY COUNTY AND BLM – CARLSBAD FIELD OFFICE – WESLEY HOOPER.**
- ii. **A-22-31; AMENDING A-21-14; USDA FOREST GRANT APPLICATION 18-LE-11030800-004 MODIFICATION #4 – SHERIFF MARK CAGE.**
- iii. **A-22-32; CDBG GRANT AGREEMENT FOR PARIS STREET SEWER PROJECT – STEVE MCCROSKEY.**
- iv. **A-22-39; AGREEMENT BETWEEN EDDY COUNTY REGION VI DRUG TASK FORCE AND VIGILANT SOLUTIONS FOR THREE (3) LICENSE PLATE READER (LPR) ANNUAL SERVICE CHARGES – WM. ROBERT SULLIVAN.**
- v. **A-22-40; AGREEMENT WITH REGIONAL EMERGENCY DISPATCH AUTHORITY (REDA) TO AWARD GRANT FUNDS OF THE AMERICAN RESCUE PLAN ACT – ROBERTA SMITH.**

Beard moved, seconded by Henry, to approve the Resolution and Agreement Consent Agenda. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0. R-22-29 through R-22-31 were recorded as Exhibits 8.a.i. through 8.a.iii., respectively. A-22-30 – A-22-32, A-22-39 and A-22-40 were recorded as Exhibits 8.b.i. through 8.b.v., respectively.

9. ELECTED OFFICIAL/DEPARTMENT UPDATES: Stephens gave an update on recent site visits to assess County buildings. He had met with the contractor and was expecting a summary in the future. The buildings were given a solid B/B+. Carlson requested that the County's Malaga Park be given some attention. Cage congratulated Threlkeld upon his graduation from the 10 week course at the FBI Academy in Quantico, VA. Hooper stated a public hearing would be held April 7 at 6:00 p.m. at Fire Services concerning the Carrasco Road extension study.

10. LEGISLATIVE UPDATES: Davis spoke to the items being addressed in today's Special Legislative Session in Santa Fe.

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. **SHERIFF MARK CAGE ATTENDED THE FBI ACADEMY IN QUANTICO, VA FROM MARCH 16 THRU MARCH 18, 2022.**

FUTURE

b. **GEMMA FERGUSON AND MELISSA WASHBURN TO ATTEND NACO IN AURORA, CO FROM JULY 20 THRU JULY 25, 2022.**

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

12. EMERGENCY BUSINESS: None.

13. LEGISLATORS & ELECTED OFFICIALS' COMMENTS/ANNOUNCEMENTS/UPDATES: None.

14. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES: Davis stated work on the 2022/2023 budget was wrapping up and would be brought to the Commission the first meeting in May. Work was progressing on the West loop and road projects would be picking up. A candidate had been selected to fill the receptionist position.

15. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES.

Cordova thanked Cage and Mack for the recent training event they held for the Commissioners. Henry echoed the thanks and appreciated the County thinking outside the box with the #PaidforBy project and felt it was important to educate the public. Carlson also thanked Mack and Cage and thought the #PaidforBy program was a useful tool. Beard echoed the thanks and felt Red Rocket was doing a good job. McCutcheon felt the presentation from Mack could educate the whole city. He felt citizens could be targeted to educate them with the same information that the Commissioners were getting. He appreciated Smith voicing the support of public safety.

16. *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 (7), which authorizes the Board of County Commissioners to go into Executive Session to discuss:

a. THREATENED OR PENDING LITIGATION.

i. CONGRESSIONAL DISTRICTING – ALLEN DAVIS.

At 9:56 a.m., Beard moved, seconded by Cordova, to close the meeting and open the Executive Session. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.

17. *RE-OPEN MEETING: At 10:22 a.m., Beard moved, seconded by Carlson to re-open the meeting and certify that the only item discussed was threatened or pending litigation. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.

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

a. *THREATENED OR PENDING LITIGATION.

i. CONGRESSIONAL DISTRICTING – ALLEN DAVIS.

Beard moved, seconded by Carlson, to authorize Eddy County to contribute \$60K to attorney fees for the litigation. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.

19.*ADJOURN: At 10:28 a.m., Beard moved, seconded by Cordova, to adjourn the meeting. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.

~Asterisks denote vote is required~

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIR

ATTEST: _____

DATE: _____