

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
June 2, 2020**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on June 2, 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. Hennington gave the invocation.

PRESENT:

ERNEST CARLSON	CHAIR, DISTRICT 1
STEVE MCCUTCHEON	VICE-CHAIR, DIST 4
JON HENRY	COMMISSIONER, DIST 2
LARRY WOOD	COMMISSIONER, DIST 3
SUSAN CROCKETT	COMMISSIONER, DIST 5
ALLEN DAVIS	COUNTY MANAGER
CAS TABOR	COUNTY ATTORNEY
ROBIN VAN NATTA	COUNTY CLERK
MARK CAGE	SHERIFF
CAROL HENNINGTON	INFO SYSTEMS DIR
STEPHANIE YBABEN	RED ROCKET MEDIA

TIMED AGENDA

8:30 A.M.:

1. **PUBLIC COMMENTS/ANNOUNCEMENTS. (ONLY EMAILED, MAILED, OR ONLINE SUBMITTED PUBLIC COMMENTS WILL BE READ.):** None.

2. **BID AWARDS:**
 - a. ***RFP 20-01 ON-CALL ENGINEERING SERVICES – KRISTIN NOVOTNY:** The item had been solicited for award on April 17, 2020. Seven proposals had been received on this item: Smith Engineering, Moltzen-Corbin, Souter Miller and Associates, Bohannan and Houston, Pettigrew and Associates, Beyond Engineering and StanTech. Evaluations. The proposals were done by committee to ensure the responsiveness and suitability. Staff recommended the multi-award RFP to Souter Miller and Associates, Smith Engineering, StanTech, Moltzen-Corbin, and Bohannan and Houston. A-20-85 was for Souter-Miller and Associates with the contract attached. Davis stated all of the agreements were included in the Consent Agenda of the meeting. Carlson inquired of the criteria used to determine the award with Novotny replying that multiple pass/fail and a point system were used. The criteria receiving points were Specialized Design and Technical Competence, Capacity and Capability, Past Record Performance, Familiarity with Contracting Agency, Mile Range, Work to be Done in

NM, Current Volume of Work not 75% Completed. Burns added qualifications were the basis as no monies were considered on the awards today. Each task order would then be negotiated and awarded individually for each project. An hourly rate or a not-to-exceed amount would then be considered. Novotny added that a RFP did not allow for price shopping. The task order would have a not-to-exceed amount on the bids. Burns added that individual task orders could be let on projects, verifying the best bang for the buck. The award would be based on qualifications that the County would use. Davis noted Community Services had a similar process. Burns added that some items were being done in-house to minimize the need for professional services. Capital projects, for example, may require specific engineering not available in-house. Carlson inquired of job inspectors. Burns stated two construction inspectors worked for the County and reported daily. Henry moved, seconded by McCutcheon, to award RFP 20-01. Voting yes: Wood, Crockett, McCutcheon, Carlson and Henry. Passed 5-0. RFP 20-01 was recorded as Timed Agenda Exhibit 2.a.

- b. ***RFP 20-03 OIL AND GAS PERSONAL PROPERTY AUDIT – KRISTIN NOVOTNY:** The item had been solicited March 11, 2020 and one proposal had been received from TASC. The evaluation had been deemed responsive and acceptable. The item had been tabled at the April 21 Commission Meeting awaiting clarification from the State Taxation and Revenue Department about who had the authority to conduct the audit. That information had been received on May 15; therefore, staff had recommended to award the solicitation to Total Assessment Solutions Corp (TASC) for the oil and gas property audit services. McCutcheon stated he was not about doing the State's job. Wood stated he supported the Assessor, she felt it was necessary to expend the funds to do the audit. He referenced the recent letter from Tax and Rev noting it would be inappropriate for them to opine on whether the County should enter into a contract with a third-party vendor to locate omitted assets. He added if they would not interfere then he would support the Assessor in the oilfield audit. Henry stated he had passed out what he had received, letters he had quoted in a previous meeting. He read from a recent Tax and Rev letter, "The onus is then on the Department and you to locate the omitted assets so that the property can be valued by the Department and the owner taxed." He felt it was a complete change in language from any of the previous letters received. He added if state statute had not changed, then the County had no business doing this. Reading further, "By this letter, I am informing you that neither the statute nor the order invests you with any such authority. The Tax and Revenue Department is vested with the sole responsibility to value the property." "Further, Judge Singleton's order is of no precedential value in Eddy County and does not give you explicit or direct authority to assess the property at issue.

The Department has the sole authority to value all property that is subject to a prescribed special method of valuation.” He read the letter from John Monfort, Acting Secretary, dated May 23, 2018, “Pursuant to NMSA1978 Sec. 7-35.6.a, you are hereby notified that Eddy County Assessor’s Office immediately cease and desist from sending out notices of valuations or statements of taxes due for omitted assets for any State assessed property. Your reliance on an order issued by Judge Singleton to a district court matter is misplaced. The Division has exercised good faith efforts to work with Eddy County Assessors to value State assessed properties in Eddy County while maintaining its statutory authority to assess these properties. This requires you to stop assessing State-assessed properties.” Again, he read from additional correspondence, “The letter was not meant to be narrowly constructed as retaining the department’s exclusive authority to classify the value statutorily of State-assessed properties including the oil and gas properties.” Henry added multiple letters from Tax and Rev had been received saying that the state statute was that they take care of it, and the last letter stated they were working on getting bids to do the process further. He noted that Ferguson had been correct in that they (the State) had not been doing it but that did not mean that the County needed to pay for it. He did not think the County should pay for something that the statutory obligation fell upon the State, adding the State was just as able to hire the same type of companies and go through the same processes to hire. He noted a recent letter stated that the State Assessed Property Bureau had recently contracted with a third party to locate omitted assets. He felt the County had not made more than it had spent on this issue at this time. Davis had inquired of that issue and stated there was no automated process that would allow that information to be obtained; perusal of each rendering would have to be done to compile the data. Henry stated they had not proved to him that state statute had changed. He added if you were not paying taxes, you should be paying, noting the oil and gas industry would agree. If one company was paying taxes, they would expect them all to pay taxes as well. Carlson inquired of Tabor’s opinion who was statutorily obligated to do the assessment. Tabor, citing Henry’s statement, stated they (Tax & Rev) had the sole obligation to value and send out bills for the taxes on this property. The County Assessor was doing that and they said to stop doing that, that they (Tax & Rev) had the duty to value. Tabor continued that the email said that the County could help them locate; they did not say “value”. They did not say the Assessor could value the property, but could help locate them. They now had a third-party vendor to help them locate property that was not rendered. Tabor read from the email, “Efforts to locate omitted assets will not necessarily conflict with our efforts.” He stated they were hiring somebody to help them locate the properties then it would be in the State’s bailiwick to do the valuations; they did not want the County

doing the valuations. He added that they did not tell us it was the County's obligation, they said it did not conflict with the County doing it. Carlson stated the finding of assets went hand in hand with assessing, adding the County was not getting reimbursed from the State; the State should reimburse us for our efforts for doing their job. He did not see the County paying for something that the State was obligated to perform. Henry moved, seconded by McCutcheon, to not pass RFP-20-03. Voting yes: McCutcheon, Carlson and Henry. Voting no: Wood and Crockett. Passed 3-2. The publication and supporting documentation for RFP 20-03 was recorded as Timed Agenda Exhibit 2.b.

TRAILING AGENDA:

1. APPROVE:

- a. ***COMMISSION MEETING MINUTES FOR MAY 19, 2020:** Crockett moved, seconded by Wood, to approve the Commission Meeting Minutes for May 19, 2020. Voting yes: Wood, Crockett, McCutcheon, Carlson and Henry. Passed 5-0.
- 2. TREASURER'S REPORT FOR APRIL 2020 – LAURIE PRUITT – FYI ONLY:** The April 2020 Treasurer's Report was recorded as Exhibit 2.
- 3. *MAY 2020 REVENUE REPORT – ALLEN DAVIS:** Davis stated receipts received from O&G and GRT were down a little for March. June would reflect more on the downturn in O&G, production, and GRT. Crockett moved, seconded by McCutcheon, to approve the May 2020 Revenue Report. Voting yes: Wood, Crockett, McCutcheon, Carlson and Henry. Passed 5-0. The May 2020 Revenue Report was recorded as Exhibit 3.
- 4. *BUDGET VS ACTUAL – APRIL 2020 – ALLEN DAVIS:** Davis noted the County was nearing the end of the FY. Revenue collected was 112% of budgeted values. Expenses were at 60%, with the bulk of the difference in Public Works road work with the expectation to expend near the budgeted amount. Henry moved, seconded by McCutcheon, to approve the April 2020 Budget vs. Actual Report. Voting yes: Wood, Crockett, McCutcheon, Carlson and Henry. Passed 5-0. The April 2020 Budget vs. Actual Report was recorded as Exhibit 4.
- 5. *SHERIFF'S DEPARTMENT'S REQUEST TO TRANSFER 1 FTE FROM DEPUTY SHERIFF II ALLOTMENT TO IT DEPARTMENT FOR AN IT SPECIALIST I POSITION – SHERIFF MARK CAGE:** Cage stated a previously budgeted personnel item had been pulled due to the budget downturn. He noted all of the vehicles would soon be equipped with computers and would need to be maintained, updated, and allow communication with the State Tax. The IT demand at the SO had skyrocketed

with priority items, noting it was not fair to put that demand on the County IT Department. Being down four deputies, it was decided to request a dedicated IT person to be placed in the SO facility, which would be more beneficial than an empty deputy position. One of the deputy positions would be converted over to the IT position. He noted the IT position would cost less than a deputy, not adding any extra money to the budget. Davis added the position had initially been in the IT group for the FY20-21 but had been pulled with the revalued revenue outlook. McCutcheon noted the State Police had been out enforcing businesses selling jewelry and such so the SO had had to pick up all the slack and they weren't equipped or trained for fatal crashes. He appreciated the SO and their willingness to do that. He felt helping the SO become more technical was a good move. Henry clarified that the State Police were not enforcing all jewelry sales, just the ones she did not shop at. Carlson appreciated the SO putting themselves on the line for us each day and we need to do what was needed to support them. McCutcheon moved, seconded by Wood, to approve the Sheriff's request to transfer 1 FTE from Deputy Sheriff II to IT Specialist I position. Voting yes: Wood, Crockett, McCutcheon, Carlson and Henry. Passed 5-0.

6. ***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-20-48; FTI CONSULTING'S MONTHLY REPORT FOR APRIL 2020 – ALLEN DAVIS.**
- ii. **R-20-49; FY2019-2020 4TH QUARTER BUDGET ADJUSTMENTS – ROBERTA SMITH.**
- iii. **R-20-50; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.**
- iv. **R-20-51 AND A-20-92; RESOLUTION AND AGREEMENT FOR MEMBERSHIP IN SOUTHEAST NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT/COUNCIL OF GOVERNMENTS (SNMEDD/COG) – ALLEN DAVIS.**
- v. **R-20-52; FTI CONSULTING'S MONTHLY REPORT FOR MAY 2020 – ALLEN DAVIS.**

b. **AGREEMENTS:**

- i. **A-20-37; PROFESSIONAL SERVICES AGREEMENT FOR GENERAL LEGAL SERVICES FOR EDDY COUNTY – ALLEN DAVIS.**

- ii. A-20-38; ECONOMIC DEVELOPMENT SERVICES FOR EDDY COUNTY WITH CARLSBAD DEPARTMENT OF DEVELOPMENT (RFP-17-08) – ALLEN DAVIS.
- iii. A-20-39; ECONOMIC DEVELOPMENT SERVICES FOR EDDY COUNTY WITH ARTESIA CHAMBER OF COMMERCE AND ECONOMIC DEVELOPMENT (RFP-17-08) – ALLEN DAVIS.
- iv. A-20-52; MEMORANDUM OF UNDERSTANDING FOR EXTENSION SERVICES IN EDDY COUNTY – ALLEN DAVIS.
- v. A-20-53; PROFESSIONAL SERVICES AGREEMENT WITH CARLSBAD COMMUNITY ANTI-DRUG & GANG COALITION – ALLEN DAVIS.
- vi. A-20-54; SERVICE AGREEMENT WITH CITY OF ARTESIA – ALLEN DAVIS.
- vii. A-20-55; SERVICE AGREEMENT WITH VILLAGE OF HOPE – ALLEN DAVIS.
- viii. A-20-56; FEDERAL LOBBYING SERVICES WITH FTI CONSULTING – ALLEN DAVIS.
- ix. A-20-57; ADVOCACY SERVICES AGREEMENT WITH ARTESIA CHAMBER OF COMMERCE – ALLEN DAVIS.
- x. A-20-58; SERVICE AGREEMENT WITH CARLSBAD HONOR GUARD – ALLEN DAVIS.
- xi. A-20-59; SERVICE AGREEMENT WITH NEW MEXICO STATE MOBILE LIBRARY – ALLEN DAVIS.
- xii. A-20-60; SERVICE AGREEMENT WITH CITY OF CARLSBAD – ALLEN DAVIS.
- xiii. A-20-62; PROFESSIONAL SERVICES AGREEMENT WITH NOAH’S ARK ANIMAL REFUGE, INC. – ALLEN DAVIS.
- xiv. A-20-63; PURCHASE OF AMBITIONS TECHNOLOGY GROUP HYBRID BACKUP, DISASTER RECOVERY, AND BUSINESS CONTINUITY – CAROL HENNINGTON.
- xv. A-20-64; PROFESSIONAL SERVICES AGREEMENT WITH PAWS AND CLAWS HUMANE SOCIETY, INC. – ALLEN DAVIS.
- xvi. A-20-65; SERVICE AGREEMENT WITH VILLAGE OF LOVING – ALLEN DAVIS.
- xvii. A-20-66; SERVICE AGREEMENT WITH CARLSBAD CHAMBER OF COMMERCE – ALLEN DAVIS.
- xviii. A-20-67; SERVICE AGREEMENT WITH GRAMMY’S HOUSE ARTESIA DOMESTIC VIOLENCE SHELTER, INC. – ALLEN DAVIS.
- xix. A-20-68; PROFESSIONAL SERVICES AGREEMENT WITH CAVERN CITY CHILD ADVOCACY CENTER – ALLEN DAVIS.
- xx. A-20-69; SERVICE AGREEMENT WITH CARLSBAD MAINSTREET – ALLEN DAVIS.

- xxi. A-20-70; SERVICE AGREEMENT WITH ARTESIA MAINSTREET – ALLEN DAVIS.
- xxii. A-20-71; PROFESSIONAL SERVICES AGREEMENT FOR 7024U OUTREACH CENTER PROGRAM SERVICES – ALLEN DAVIS.
- xxiii. A-20-72; PROFESSIONAL SERVICES AGREEMENT WITH THE EDDY COUNTY FAIR BOARD – ALLEN DAVIS.
- xxiv. A-20-73; DWI GRANT AGREEMENT – CYNTHIA G. SHARIF.
- xxv. A-20-85; ON-CALL ENGINEERING SERVICES AGREEMENT WITH SOUDER, MILLER & ASSOCIATES – ROBERTA SMITH.
- xxvi. A-20-86; ON-CALL ENGINEERING SERVICES AGREEMENT WITH SMITH ENGINEERING – ROBERTA SMITH.
- xxvii. A-20-87; ON-CALL ENGINEERING SERVICES AGREEMENT WITH STANTEC – ROBERTA SMITH.
- xxviii. A-20-88; ON-CALL ENGINEERING SERVICES AGREEMENT WITH MOLZEN CORBIN – ROBERTA SMITH.
- xxix. A-20-89; ON-CALL ENGINEERING SERVICES AGREEMENT WITH BOHANNAN HUSTON – ROBERTA SMITH.
- xxx. A-20-90; TRANS AERO MEDEVAC DORM LEASE – JOSHUA MACK.
- xxxi. A-20-91; TRANS AERO MEDEVAC HELIPAD LEASE – JOSHUA MACK.

Davis noted these were the annual agreements for next FY. Crockett moved, seconded by McCutcheon, to approve the Resolution and Agreement Consent Agenda. Voting yes: Wood, Crockett, McCutcheon, Carlson and Henry. Passed 5-0. R-20-48 through R-20-52 were recorded as Exhibits 6.a.i. through v. A-20-37 through A-20-39, A-20-52 through A-20-60, A-20-62 through A-20-73, A-20-85 through A-20-91 were recorded as Exhibits 6.b.i. through xxxi.

7. **DEPARTMENT UPDATES:** Hooper updated the Commission on the funding for the SE Loop. The amount previously received had been \$6.7M in capital outlay monies through the 2019 Legislative Session. Some of those funds had been encumbered and it was hoped to be completed by this fall, then going to bid by November/December to start construction. Also received had been \$5M LGRF grant through the State, having received the agreement in March. The County should receive \$4,750,000, with a match of \$250K. It was hoped that the encumbered monies would not be swept in the Special Session. An Economic Development COVID grant had been applied for up to \$3M award. Hooper felt it was a long-shot as not a lot of economic development issues were in the County, as opposed to the cities. Fanning followed up saying it was great to have Hooper and Burns on the job because with the Special Session upcoming, it would be highly important to have those funds committed to be able to keep them. The Special Session would start on

June 18, with numbers reflecting a \$450M shortfall for 2020, and for 2021 a potential shortfall of \$2.3M. He noted it was puzzling how some of the Cares Act could be applied. Legislators expected it to be a short session and felt the Permanent Fund would be secure for the short session. Henry felt tapping the Permanent Fund was not allowed during the session and Fanning agreed. Carlson inquired of the shortfall taking away from the \$1.9B excess, being \$2.5B in the hole. Fanning understood it to be that way. Carlson noted it was not a reflection of reduced revenue but a reflection of the overspending. Fanning felt it was a compound of the two, being a perfect storm with oil and gas and the COVID, of which no one could predict. Sheriff Cage spoke of COVID grants for law enforcement/emergency services and the SO would apply for them. He felt there may be some short turnaround on some of those applications and the County Manager would be consulted. He and Sullivan had attended the HIDTA meeting in Las Cruces, bringing back baseline recurring funding for the Region VI Task Force. His tenure as President of NM Counties would end in June. He appreciated the working relationship with the State Police. The communication with the Governor's Office had borne no fruit for Eddy County. Referencing the recent Minneapolis death and tragedy, he felt it was very poor choices by that police officer and all people along with law enforcement were paying the price. He assured that the technique of kneeling on a neck was not an accepted practice in modern day law enforcement and not accepted practice in the Eddy County Sheriff's Office. He wanted to assure the Commissioners and anyone listening that brutality was not condoned at the Eddy County Sheriff's Office. No techniques were taught or condoned that were unnecessarily dangerous. The SO was keeping an eye of what was going on with threats of ANTIFA showing up in Roswell. It would not be tolerated here; further lawlessness does not work. They did not like what happened, did not agree with what happened, however they had a job to do here and would continue to do their job. He was proud of the peaceful demonstration in Carlsbad recently. He reassured all that the SO was on the right track and issues would be handled appropriately. He added that he was disappointed that our Governor supported folks coming out and protesting, which was a First Amendment Right he agreed with, in violation of her order. That was the problem when people could not gather in a house of worship. That had nothing to do with a man dying in Minnesota, nothing to do with race, nothing to do with anything other than picking and choosing arbitrarily what would be supported. He encouraged all to vote and to fill out their census.

8. **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.

9. EMERGENCY BUSINESS: County Clerk Van Natta requested the date for a special session to certify the Primary Election of June 2, 2020. The meeting would be held Friday June 12 at 9:00 a.m. to certify the election.

10. LEGISLATIVE UPDATE: None.

11. LEGISLATORS AND ELECTED OFFICIALS' COMMENTS/ANNOUNCEMENTS/UPDATES: None.

12. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES: Davis thanked the Commission for approval of all the agreements and resolutions today. He noted they would help facilitate the next fiscal year. He noted that Fire Service had received requests for room rentals at the facility. Large gatherings there would be held off for a month. A special Fire Board meeting had taken place with a focus on the radio communication package presented. Davis would get with the Commissioners individually with the details. Public Works would present a fiscal year-end overview at the meeting on June 16. Davis noted the County offices had been open with restrictions on public access eased. He appreciated the support he had been given. He felt the County had a good, conservative budget for next year.

13. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES: Crockett stated it had been awesome to see restaurants, gyms and salons open and reminded all to tip their restaurant servers. She echoed Davis' positive commentary on next year's budget and was grateful to Smith, the Finance Staff and Davis for their hard work. She encouraged all to vote in the primary election. McCutcheon also appreciated the work on the budget. He appreciated Gay West for her hard work and efforts, and always handling everything. He encouraged all to vote. He wondered what the other two officers were thinking the whole time and noted that the only thing it took for evil to flourish was for good men to do nothing. He felt we should not be so timid. The government had kind of beat everybody down, needing to pay attention and stay inside and wear a mask or you would get thrown in jail. That is not what it was about. People needed to have the ability to stand up and do what's right in the face of adversity when it was not popular and when it seemed to be the most difficult thing to do. If one of those other officers had intervened, the outcome would have been vastly different. He appreciated the good people who stood up to did things that were not popular. We could not afford to have a mob-type mentality that went forward and be destructive

before anything was done. We needed to ask if it was the right thing to do. If you wanted a peaceful protest, that was fine. You needed to separate yourself from that protest when it went too far. He encouraged any good members of Eddy County to stand up and do the right thing in the face of adversity. Woods was galled that a man running for president supported a fund to raise monies for the thugs that were going to jail to help with their bail funds. He noted the celebrities were joining in. He added that the spending spree in Santa Fe was a whole lot like the riots, the same mentality. Henry echoed what Sheriff Cage had said. He stated that hypocrisy of our Governor was astounding and disappointing to him. She sent out an Emergency Broadcast the day before Easter telling you not to gather in a church to celebrate God and then to come out and say she applauded all of those that protested. The Constitution suddenly meant nothing to our Governor until it applied to something she liked. That First Amendment did not apply just to peaceful protests on a protest you agreed with; it applied to all protests, whether you agreed with them or not. It was all protests, all gatherings. It was a month or less that she called Republicans--that this Board stating that businesses should be open, that we were reckless; we were putting people out there and putting people in danger and that was never what we had said. We said they could open and be smart about it and follow the same regulations, just like the same people she applauded for protesting could follow her regulations and didn't happen. He added the hypocrisy was amazing and people still supported her saying she was protecting lives. He stated she was a politician through and through and it was a joke. Now, we had politicians supporting looters—not even the peaceful protests—supporting the people that burned the business that you won't open because it was too dangerous but it was okay for that guy to go in and burn the cars and building. You've held that business closed because it was too dangerous until the looter burned it down. That's not a peaceful protest; that is not what government was about and he was sick and tired of people thinking it was okay for politicians and celebrities; quit following them, do some research and pay attention. A hypocrite was a hypocrite whether Democrat or Republican. Enough was enough. Carlson agreed with what was said. If a curfew was in effect, if certain businesses were not open, it should be applied in a fair manner, not arbitrarily, to violate our own orders. We needed to not pick and choose who we applied something to because it was to our benefit not the public's benefit. How would those rioters feel if it was their home that the windows were broken out and people were throwing gasoline bombs in there and setting their house on fire? They had no idea what the people living in those homes or businesses thought or their political beliefs. Peaceful protest was one thing but when you start destroying people's livelihoods, then you were just a criminal and should face the consequences of those actions.

- 14. *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. FOLLOW-UP ON THE DISCUSSION OF STATE EMERGENCY POWERS FROM MAY 5, 2020, SPECIAL COMMISSION MEETING – ALLEN DAVIS. At 9:58 a.m., Crockett moved, seconded by McCutcheon to go into Executive Session to discuss the items listed, returning at 10:35 a.m. Voting yes: Wood, Crockett, McCutcheon, Carlson and Henry. Passed 5-0.

15.*RE-OPEN MEETING. At 10:39 a.m. McCutcheon moved, seconded by Crockett to reopen the meeting and certify that the only items discussed were as listed above. Voting yes: Wood, Crockett, McCutcheon, Carlson and Henry. Passed 5-0.

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

a. THREATENED OR PENDING LITIGATION.

i. FOLLOW-UP ON THE DISCUSSION OF STATE EMERGENCY POWERS FROM MAY 5, 2020, SPECIAL COMMISSION MEETING – ALLEN DAVIS. None.

17.*ADJOURN: At 10:40 a.m. Wood moved, seconded by McCutcheon to adjourn the meeting. Voting yes: Wood, Crockett, McCutcheon, Carlson and Henry. Passed 5-0.

~*ASTERISK DENOTES VOTE IS REQUIRED BY ROLL CALL~

COMMISSION CHAIR, ERNEST CARLSON

ATTEST:

COUNTY CLERK, ROBIN VAN NATTA

DATE