

**EDDY COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A REGULAR MEETING  
JUNE 4, 2019**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on June 4, 2019 at 8:30 a.m. Henry 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:**

JON HENRY	CHAIR, DISTRICT 2
ERNEST CARLSON	VICE-CHAIR, DISTRICT 1
LARRY WOOD	COMMISSIONER, DISTRICT 3
STEVE MCCUTCHEON	COMMISSIONER, DISTRICT 4
SUSAN CROCKETT	COMMISSIONER, DISTRICT 5
WES HOOPER	COMMUNITY SER. DIR/CO-MANAGER
CAS TABOR	COUNTY ATTORNEY
ROBIN VAN NATTA	COUNTY CLERK
RONDA NELSON	DEPUTY CLERK
MARK CAGE	SHERIFF
KIM BALLARD	ADMINISTRATIVE ASST, SHERIFF
GEMMA FERGUSON	ASSESSOR
MELISSA WASHBURN	CHIEF DEPUTY ASSESSOR
RHONDA HATCH	SUPERVISOR ASSESSOR
CAROLYN STROBLE	CHIEF DEPUTY TREASURER
BILLY MASSINGILL	DETENTION WARDEN
GAY WEST	EXECUTIVE ADMIN ASSISTANT
ROXANN BRANNON	HR DIRECTOR
ANNA VASQUEZ	ASSISTANT HR DIRECTOR
CAROL HENNINGTON	IT DIRECTOR
SHARON DODSON	ASSISTANT IT DIRECTOR
ROSIE MUNOZ	IT DEPARTMENT
JERI STRONG	PIO/O&G LIAISON
STEVE MCCROSKEY	COUNTY PLANNER
JASON BURNS	PUBLIC WORKS DIRECTOR
CHRISTINE MCCROSKEY	PUBLIC WORKS FINANCE OFFICER
BRIAN STEPHENS	FACILITIES DIRECTOR
JOSHUA MACK	FIRE SRVC DIR/FIRE MARSHALL
VERONICA PARRAS	HEALTH CARE ADMINISTRATOR
JENNIFER ARMENDARIZ	EMERGENCY MANAGER
MIKE SMITH	CARLSBAD CURRENT ARGUS

## **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):**

Wayne Shockey, Eddy County 4-H Agent, introduced intern Emma Baldock. She would be in the position for another 10 weeks.

- 2. SERVICE AWARDS:**
  - a. SONIA LOPEZ, FINANCE – 5 YEARS.**
  - b. MARTIN YACKEL, SO – 5 YEARS.**

Carlson presented the service awards to Lopez & Yackel for their years of service to the County.

*Short break for pictures.*

- 3. BID AWARDS:**
  - a. RFP 19-01; CONSTRUCTION MANAGEMENT FOR THE COUNTY OF EDDY – KATIE GOMEZ:** Gomez explained the proposal evaluation began on May 23. It was decided this would be a multi-award proposal process, based on the amount of work and the closeness of some of the scores. The RFP was awarded to all four vendors. If a vendor had input on a future solicitation, they would not be able to bid. The decision on which vendor best suited the purpose would be made by the individual county department. Carlson moved, seconded by Crockett to award RFP 19-01, as recommended. Voting yes: Wood, Crockett, McCutcheon, Henry and Carlson. Passed 5-0. RFP 19-01 was recorded as Timed Agenda Exhibit 3.a.

## **TRAILING AGENDA:**

- 1. APPROVE:**
  - a. SPECIAL COMMISSION MEETING MINUTES FOR APRIL 17, 2019:** Crockett moved, seconded by McCutcheon to approve the Special Commission Meeting Minutes for April 17, 2019. Voting yes: Wood, Crockett, McCutcheon, Henry and Carlson. Passed 5-0.
  - b. COMMISSION MEETING MINUTES FOR MAY 7, 2019:** Crockett moved, seconded by McCutcheon to approve the Commission Meeting Minutes for May 7, 2019. Voting yes: Wood, Crockett, McCutcheon, Henry and Carlson. Passed 5-0.

- c. **SPECIAL COMMISSION MEETING MINUTES FOR MAY 8, 2019:** McCutcheon moved, seconded by Carlson to approve the Special Commission Meeting Minutes for May 8, 2019. Voting yes: Wood, Crockett, McCutcheon, Henry and Carlson. Passed 5-0.
  - d. **COMMISSION MEETING MINUTES FOR MAY 21, 2019:** Crockett moved, seconded by McCutcheon to approve the Commission Meeting Minutes for May 21, 2019. Voting yes: Wood, Crockett, McCutcheon, Henry and Carlson. Passed 5-0.
- 2. **REQUEST TO HOLD A SPECIAL COMMISSION MEETING TO OPEN AND CLOSE THE CANVASS FOR THE LOVING SCHOOL ELECTION TO BE HELD ON JUNE 11, 2019 – ROBIN VAN NATTA:** Carlson moved, seconded by McCutcheon to set a Special Commission Meeting to Open and Close the Canvass for the Loving School Election for June 12, 2019 at 8:30 a.m. Voting yes: Wood, Crockett, McCutcheon, Henry and Carlson. Passed 5-0.
- 3. **APPOINTMENT OF BOARD OF REGISTRATION – ROBIN VAN NATTA:** Van Natta stated per HB-407 the Board of Registration must be re-appointed. She noted all the recommended board members and alternates had agreed to serve. A resolution would be forthcoming if approved today. Crockett moved, seconded by Carlson to appoint the Board of Registration. Voting yes: Wood, Crockett, McCutcheon, Henry and Carlson. Passed 5-0.
- 4. **ECFS K9 TRAINING GROUNDS WAIVER – JOSH MACK:** Hooper explained Mack had been called to an emergency and was on his way to the meeting. Tabor explained Mack's presence was not necessary to move forward if the issues had been reviewed by the Commission and there were no questions or concerns. Tabor had reviewed the items. They standard forms and would be used when the facility was needed for a specific event or purpose. Carlson moved, seconded by Wood to approve the ECFS K9 Training Grounds Waiver. Voting yes: Wood, Crockett, McCutcheon, Henry and Carlson. Passed 5-0.
- 5. **ECFS TRAINING GROUNDS CONFIRMATION – JOSH MACK:** McCutcheon moved, seconded by Carlson to approve the ECFS K9 Training Grounds Confirmation. Voting yes: Wood, Crockett, McCutcheon, Henry and Carlson. Passed 5-0.
- 6. **ECFS TRAINING COMPLEX CLASSROOM CONFIRMATION – JOSH MACK:** Carlson moved, seconded by McCutcheon to approve the ECFS K9 Training Complex Classroom Confirmation. Voting yes: Wood, Crockett, McCutcheon, Henry and Carlson. Passed 5-0.
- 7. **2019-2020 ADDITIONAL GRANT FUNDING APPLICATION – WES HOOPER:** Hooper reminded the LGRF, Cap and School Bus application

previously presented. The Cap was awarded \$228,149 for the S. 26<sup>th</sup> Street/ Fairgrounds Road going north 1.5 miles. That cost was \$1,488,000. The State awarded \$40M distributed between the six districts. Funding would go to District 2 with any funding applications presented there. These applications were for \$3,096,811 with a 5% match of \$162,990 to finish funding the road project. McCutcheon inquired if this was a negative impact on the recently completed budget process. Hooper explained the award had been fast-tracked. McCutcheon inquired if funding for the \$162K could be found without adjusting the budget. Hooper acknowledged some projects' estimates were coming in lower than previously budgeted and could possibly cover the amount. He noted that all costs were presented in these jobs. Hooper stated the Commission would be notified before any monies were spent due to bids coming in higher than projected. Carlson moved, seconded by Crockett to approve the 2019-2020 Additional Grant Funding Application. Voting yes: Wood, Crockett, McCutcheon, Henry and Carlson. Passed 5-0. The Application was recorded as Exhibit 7.

**8. DISCUSSION AND DIRECTION ON R-19-53; EDDY COUNTY ALCOHOL POLICY – REPLACING R-94-79 AND R-00-08 – ROBERTA SMITH/WES HOOPER:**

Tabor explained the item was for discussion concerning the County policy of not allowing alcohol to be served on County-owned property without a special-use permit having been issued. Alcohol and Beverage had stated the County does not have authority to issue such a permit and a Special Dispensers Permit was issued by the State. Tabor proposed that language be added to the policy to reflect a State-issued Special Permit requirement. Additionally, he proposed language reflecting the requirement of an insurance policy naming the County as an additional insurer. Crockett noted it was similar to the requirements of other venues in Carlsbad; before a lease agreement was issued, an insurance policy must be presented. Tabor noted the Sheriff's Posse was the responsible party when leasing their venue to other events. McCutcheon expressed concern that the policy had been disregarded in the past and felt it should be enforced. The State would not issue the Special Dispenser Permit without prior authorization from the County. Tabor noted the resolution could be amended to add any amount of insurance coverage necessary, with \$3M having been suggested. West noted the County had a resolution allowing the County Manager to approve special celebration permits. Tabor noted this resolution was geared toward the private citizen. Language could be added to explain State requirements for the Special Dispenser Permit.

**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:**

- ii. R-19-56; DISPOSAL, REMOVAL OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR.
- iii. R-19-57; DONATION OF FOUR (4) CHEVROLET TAHOES TO THE GUADALUPE COUNTY SHERIFF’S DEPARTMENT – SHERIFF MARK CAGE.
- iv. R-19-58; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.
- v. R-19-60; EDDY COUNTY BOARD AND COMMITTEE DESIGNATION AND APPOINTMENTS FOR 2019 – ROBERTA SMITH/WES HOOPER.

**b. AGREEMENTS:**

- i. A-19-41; EDDY COUNTY INTERAGENCY INVESTIGATION TASK FORCE MOU FINAL – JOSHUA MACK.
- ii. A-19-45; PURCHASE OF AMBITIONS TECHNOLOGY GROUP HYBRID BACKUP, DISASTER RECOVERY, AND BUSINESS CONTINUITY – CAROL HENNINGTON.
- iii. A-19-46; PROFESSIONAL SERVICES AGREEMENT BETWEEN EDDY COUNTY DWI PROGRAM AND DR. VAN WARREN – CYNTHIA G. SHARIF.
- iv. A-19-47; PROFESSIONAL SERVICES AGREEMENT BETWEEN THE EDDY COUNTY DWI PROGRAM AND EDWARD SANCHEZ – CYNTHIA G. SHARIF.
- v. A-19-48; PROFESSIONAL SERVICES AGREEMENT BETWEEN THE EDDY COUNTY DWI PROGRAM AND FRANK S. MAGOURILOS, PREVENTION WORKS CONSULTING – CYNTHIA G. SHARIF.
- vi. A-19-49; PROFESSIONAL SERVICES AGREEMENT BETWEEN THE EDDY COUNTY DWI PROGRAM AND PHYLLIS LUNA – CYNTHIA G. SHARIF.
- viii. A-19-50; MEMORANDUM OF AGREEMENT BETWEEN EDDY COUNTY DWI PROGRAM AND THE CITY OF ARTESIA FOR DWI OFFENDER TRACKING SERVICES – CYNTHIA G. SHARIF.
- ix. A-19-55; FY20 DWI GRANT AGREEMENT – CYNTHIA G. SHARIF.

Crockett moved, seconded by McCutcheon to approve the Resolution and Agreement Consent Agenda with R-19-54 and A-19-52 were removed for discussion. Voting yes: Wood, Crockett, McCutcheon, Henry and Carlson. Passed 5-0. R-19-56 - R-19-58 and R-19-60 were recorded as Exhibits 9.a.ii. –

v. respectively. A-19-41, A-19-45 – A-19-50, and A-19-55 were recorded as Exhibits 9.b.i. –vi and ix, respectively.

- i. **R-19-54; COMPANION TO AGREEMENT A-19-52 TO PLAN, DESIGN, AND CONSTRUCT A ROAD AROUND THE SOUTHEAST OF CARLSBAD BETWEEN US HIGHWAYS 285 AND 62 TO CREATE A BYPASS ROUTE IN EDDY COUNTY – STEVEN MCCROSKEY:**
- viii. **A-19-52; AGREEMENT BETWEEN EDDY COUNTY AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR \$6,700,000.00 TO FUND THE PLANNING, DESIGN, AND CONSTRUCTION OF A LOOP BYPASS ROUTE BETWEEN US HIGHWAYS 285 AND 62 – STEVEN MCCROSKEY:**

Tabor explained he had made changes to the wording in the documents since they had been sent out in the agenda. They were not significant and did not change the purpose or requirements in the documents. He wanted the Board to have the corrected versions before they voted. Carlson moved, seconded by Crockett to approve the R-19-54, as revised. Voting yes: Wood, Crockett, McCutcheon, Henry and Carlson. Carlson moved, seconded by McCutcheon to approve A-19-52. Passed 5-0. R-19-54 and A-19-52 were recorded as Exhibits 9.a.i. and 9.b.viii, respectively.

**10. PROJECT UPDATES:** None.

Hooper stated Jason Burns, County Public Works Director, would present monthly project updates and maintenance issues to the Commission.

**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. **AMBER DUGAS ATTENDED ADVOCACY CONFERENCE IN BERNALILLO, NM FROM APRIL 22 THRU APRIL 25, 2019:**
- b. **TERI-ANN MILES ATTENDED EMS REGION III CONFERENCE IN RUIDOSO, NM FROM APRIL 26 THRU APRIL 28, 2019:**
- e. **JENNIFER ARMENDARIZ ATTENDED A BORDER MEETING IN LAS CRUCES, NM ON MAY 20, 2019:**

- f. GLEND A YETLEY ATTENDED ASSESSOR INFORMATION EXCHANGE IN SANTA FE, NM FROM MAY 23 THRU MAY 24, 2019:
- g. TRAVIS OLBERT ATTENDED 40-HOUR FUNDAMENTALS OF FIRE INVESTIGATION IN FREDERICK, CO FROM JUNE 2 THRU JUNE 8, 2019:

**FUTURE**

- h. JERI STRONG TO ATTEND NATIONAL ENERGY CONFERENCE FOR EDUCATORS IN GALVESTON, TX FROM JULY 7 THRU JULY 11, 2019:
- i. STEPHEN CANNON AND ANN MILLER TO ATTEND IAAO CLASS 201 IN SOCORRO, NM FROM JULY 14 THRU JULY 19, 2019:

McCutcheon moved, seconded by Carlson to approve the Travel Consent Agenda, with items 11.c. and 11.d. having been removed for discussion. Voting yes: Wood, Crockett, McCutcheon, Henry and Carlson. Passed 5-0.

- c. CHRIS CHAVARRIA TRAVELED TO MHQ IN ALBUQUERQUE, NM TO HAVE GRAPHICS APPLIED TO FIRE 1 COMMAND TRUCK ON MAY 17, 2019:
- d. TOM NAVARRETTE TRAVELED TO MHQ IN ALBUQUERQUE, NM TO HAVE GRAPHICS APPLIED TO FIRE 2 COMMAND TRUCK ON MAY 17, 2019:

McCutcheon inquired of the travel to Albuquerque to have graphics applied to County fire trucks. Mack explained there was no local vendor available and arrangements have been previously made which included a discount. Mack noted the expense was for fuel up and back. McCutcheon added two employees had been out for that day and felt local arrangements should be made for decals and stickers.

McCutcheon moved, seconded by Carlson to approve the Travel Consent Agenda, items 11.c. and 11.d. Voting yes: Wood, Crockett, McCutcheon, Henry and Carlson. Passed 5-0.

**12. EMERGENCY BUSINESS:** None.

**13. LEGISLATIVE UPDATE:** None.

**14. LEGISLATORS, ELECTED OFFICIALS AND COUNTY DEPARTMENT HEADS COMMENTS/ANNOUNCEMENTS/UPDATES:** None.

**15. INTERIM CO-COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES:** Hooper related the recent meeting concerning the PSP Bill Grant application and submission. The qualifications were the same as last year.

The plan and design components were combined with the construction grants, not setting monies aside for plan and design. Shovel-ready projects would most likely get precedence. The meeting was to come up with a public/private partnership to get the plan portion of the Highway 285/31 intersection project complete. Hooper and Matt White from Jal landed a meeting with USDOT in D.C. They were told USDOT wanted to see construction done. A calendar of events would be presented to the PSP to request a partnership with them to fund the planning phase. He felt the cost for the planning portion would be from \$1.5M - \$2M and would take nine to ten months for the process. Hooper hoped to get a partnership for funding and planning in place and then submit the Bill Grant for design/construction. Hooper felt it would be advantageous to have these components in place when being considered for this funding.

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

Crockett related a meeting with Chevron discussing Eddy County's future. She stated Cavern Fest was great success and thanked all the County departments involved for their help. She thanked the Sheriff's Department for their assistance with a medical emergency at the venue. She noted Troopers were in attendance who stated they were funded by the Governor and had not been asked by the Sheriff to attend. McCutcheon requested an update on information on the County website. He had been contacted about long wait lines to access the landfill. He also had concern that the previous misclassification of the "donation" to Pettigrew and Associates might be an audit finding. Carlson inquired if the website might have an option for county residents to submit road issues. He had a concern with the dumping of used tires in the county due to the fees and paperwork required to take them to the landfill. Wood noted street lighting was absent from the intersection of the Shoup Relief Route and 285. He inquired if funding had been previously approved for that lighting, as it was a very hazardous intersection. He had received calls on Crystal Drive regarding the rough, muddy intersection with Heath Drive. Henry had a great meeting with Anthony Williams, Mayor of Abilene, to discuss West Texas' issues and solutions similar to Eddy County's problems. Workforce had been an issue and noted customer service had also an issue. Perhaps a taskforce was necessary to think outside the box to address the workforce and customer service issues. He noted housing was also part of the problem. He stated he had personally signed a letter regarding the border crisis. His fear was the drugs and other issues coming into our communities. He wondered if the Board wanted to draw up a Border resolution, noting other counties were looking at the same or had already done something. He would like to see meetings with discussion and solutions. He also felt the tire issue should be addressed, perhaps mulching tires and selling mulch instead of charging on the front end.

**17. 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**

**ii. DISCUSSION ON COUNTY EXECUTIVE MANAGEMENT PERSONNEL – CAS TABOR.**

At 9:25 a.m., Crockett moved, seconded by McCutcheon to go into executive session to return at 10:10 a.m. Voting yes: Wood, Crockett, McCutcheon, Henry and Carlson. Passed 5-0.

**18. RE-OPEN MEETING:** At 10:10 a.m. Crockett moved, seconded by Carlson to reopen the meeting and certify the only item discussed was on County Executive Management Personnel as stated. Voting yes: Wood, Crockett, McCutcheon, Henry and Carlson. Passed 5-0.

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

**a. LIMITED PERSONNEL MATTERS**

**ii. DISCUSSION OF COUNTY EXECUTIVE MANAGEMENT PERSONNEL – CAS TABOR:** No action taken.

**20. ADJOURN:** At 10:13 a.m. Carlson moved, seconded by McCutcheon to adjourn the meeting. Voting yes: Wood, Crockett, McCutcheon, Henry and Carlson. Passed 5-0.

**EDDY COUNTY BOARD OF COMMISSIONERS**

**CHAIR:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_

**DATE:** \_\_\_\_\_