

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
June 23, 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 23, 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. Carlson gave the invocation.

PRESENT:

ERNEST CARLSON	CHAIR, DISTRICT 1
STEVE MCCUTCHEON	VICE-CHAIR, DIST 4
JON HENRY	CHAIR, 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.):** See attached public comments sent to Eddy County and read aloud in the meeting.

2. **SERVICE AWARDS: – SERVICE AWARDS HAVE BEEN GIVEN TO THE EMPLOYEE’S SUPERVISOR TO DISTRIBUTE. EMPLOYEES WILL BE RECOGNIZED AT THE NEXT AVAILABLE OPEN COMMISSION MEETING.**
 - a. **BEATE DENNINGER, DETENTION – 20 YEARS**
 - b. **ROGER MAXWELL, DETENTION – 20 YEARS**
 - c. **SAL REY SALCIDO, DETENTION – 20 YEARS**
 - d. **PAUL GONZALES, PUBLIC WORKS LANDFILL – 5 YEARS**
 - e. **STEVE GRULKE, FACILITIES – 5 YEARS**
 - f. **ERIC MORAN, SHERIFF’S OFFICE – 5 YEARS**
 - g. **JOSHUA RODRIGUEZ, SHERIFF’S OFFICE – 5 YEARS**
 - h. **SHEENA VASQUEZ, FACILITIES – 5 YEARS**

3. ***BID AWARDS:**

a. IFB 20-03 – EDDY COUNTY N. 26TH ST. ROADWAY REHABILITATION PROJECT – ROBERTA SMITH: Three bids were received with Constructor's having the lowest bid of \$982,365.00. Smith stated they had met all of the requirements and recommended Constructor's be awarded the bid. McCutcheon moved, seconded by Henry, to award IFB 20-03, as recommended. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0. IFB 20-03 was recorded as Timed Agenda Exhibit 3.a.

b. RFP 20-04 LANDFILL ENGINEERING SERVICES – ROBERTA SMITH: Four proposals had been received and staff recommended awarding RFP 20-04 to Wood Environment & Infrastructure Solutions. The proposals had been evaluated through a committee which also included the City of Carlsbad and an outside party. Henry moved, seconded by McCutcheon, to award RFP 20-04, as recommended. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0. IFB 20-04 was recorded as Timed Agenda Exhibit 3.b.

4. **PUBLIC HEARING: O-20-97; AMENDMENT DE-EARMARKING THE DEDICATION OF A COUNTY LOCAL OPTION GROSS RECEIPTS TAX AS PROVIDED IN EDDY COUNTY ORDINANCE O-17-87.**

a. ***OPEN.** At 8:40 a.m., Crockett moved, seconded by Wood, to open the public hearing. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0.

b. **STAFF COMMENTS.** Hooper stated the purpose was to amend the ordinance to redirect the monies to the General Fund. Davis added the State had done this process in 2019, so this would allow Eddy County's Ordinance to conform to the state statute.

c. **PUBLIC COMMENT. (ONLY EMAILED, MAILED, OR ONLINE SUBMITTED PUBLIC COMMENTS WILL BE READ.)** None.

d. **COUNTY ATTORNEY COMMENTS/QUESTIONS.** Tabor stated it had been adequately presented and the purpose was to get the County Ordinance to be consistent with what the State did in July, 2019.

e. **COMMISSIONERS' COMMENTS/QUESTIONS.** None.

f. **ENTERTAIN A MOTION AND SECOND FROM BOARD.** McCutcheon moved, seconded by Henry to approve O-20-97.

g. ***BOARD ACTION.**

h. **APPROVE/DISAPPROVE O-20-97; AMENDMENT DE-EARMARKING THE DEDICATION OF A COUNTY LOCAL OPTION GROSS RECEIPTS TAX AS PROVIDED IN EDDY COUNTY ORDINANCE O-17-87.** Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0.

O-20-97 amendment to O-17-87 was approved and recorded in the County Clerk's Office Ordinance Book 2 Page 841 on June 24, 2020..

- i. ***ADJOURN HEARING.** At 8:44 a.m., McCutcheon moved, seconded by Henry, to adjourn the public hearing. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0.
- 5. **PUBLIC HEARING: O-20-98; AMENDMENT DE-EARMARKING THE DEDICATION OF A COUNTY LOCAL OPTION GROSS RECEIPTS TAX AS PROVIDED IN EDDY COUNTY ORDINANCE O-93-21.**
 - a. ***OPEN.** At 8:45 a.m., Crockett moved, seconded by McCutcheon, to open the public meeting. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0.
 - b. **STAFF COMMENTS.** Hooper stated the ordinance was the same as the previous amendment. Tabor noted this was the one-eighths of one percent and the first one was the one-twelfth of one percent of the Safety Net Care Pool Fund. Davis stated this was a process to align the County's ordinances with state statutes. Monies would continue to be provided from the General Fund for the Safety Net Indigent Care.
 - c. **PUBLIC COMMENT. (ONLY EMAILED, MAILED, OR ONLINE SUBMITTED PUBLIC COMMENTS WILL BE READ.)** None.
 - d. **COUNTY ATTORNEY COMMENTS/QUESTIONS.** None.
 - e. **COMMISSIONERS' COMMENTS/QUESTIONS.** None.
 - f. **ENTERTAIN A MOTION AND SECOND FROM BOARD.** McCutcheon moved, seconded by Henry, to adopt the O-20-98.
 - g. ***BOARD ACTION.**
 - i. **APPROVE/DISAPPROVE O-20-98; AMENDMENT DE-EARMARKING THE DEDICATION OF A COUNTY LOCAL OPTION GROSS RECEIPTS TAX AS PROVIDED IN EDDY COUNTY ORDINANCE O-93-21.** Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0. O-20-98 amendment to O-93-21 was approved and recorded in the County Clerk's Office Ordinance Book 2 Page 846 on June 24, 2020.
 - j. ***ADJOURN HEARING.** At 8:47 a.m., McCutcheon moved, seconded by Henry, to adjourn the public hearing. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0.

TRAILING AGENDA:

- 1. ***APPROVE:**
 - a. **COMMISSION MEETING MINUTES FOR JUNE 2, 2020:** Crockett moved, seconded by Henry, to approve the Commission Meeting Minutes for June 2, 2020. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0.
 - b. **EXPENSE APPROVAL REPORT FOR MAY 2020:** McCutcheon moved, seconded by Henry, to approve the Expense Report for May, 2020. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0. The May, 2020 Expense Report was recorded as Exhibit 1.b.

- c. **PURCHASE CARD APPROVAL LIST FOR MAY 2020:** Henry moved, seconded by Crockett, to approve the Purchase Card List for May, 2020. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0. The May 2020 Purchase Card Report was recorded as Exhibit 1.c.
2. ***BUDGET VS. ACTUAL – MAY 2020 – ROBERTA SMITH:** Smith stated May's figures showed the County revenue to be 119% of budget due to Oil and Gas Production, making the County \$13M over the budgeted amount. She added that did not include property taxes, which were over about \$2M, and GRT which was close to over \$5M. Expenses should have been about 92% in May with one month to go in the FY. Overall, the County was at 66% due to bigger funds having less expense, i.e., General Fund at \$10M under budget. Fire Excise 60% fund would have \$5M due to the fact those projects were rolling over into next year. The Road Fund was about 50% expended or \$7M. Revenue for the General Fund was at 127% collected due to the same revenue sources. General Fund expenses were not over 92% except for insurance which was paid at the beginning of the year. General Fund was at 81% expenses. Smith did not foresee spending the extra 19% as there was only one check run left for the year. She felt the County would come in \$10M under budget. Road Fund was at 48% expensed and she felt it was due to the department saving a lot of money; payroll had \$300K savings with other line items having savings. McCutcheon appreciated the departments being frugal the past year. Henry inquired if the Road Department had produced more than in the past even with the savings presented. Smith replied that definitely more had been produced. Carlson inquired of the O&G revenue number. Smith replied that it was about \$33M total including June's revenue. Davis added the County was fortunate given what had happened in the last 90 days and the changes in industry. He added Eddy County was still an important part of revenue generation for the State. Henry moved, seconded by McCutcheon, to approve the Budget vs. Actuals for May 2020. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0. The Budget vs. Actual – May 2020 Report was recorded as Exhibit 2.
3. ***REQUEST APPROVAL TO SUPPORT CITY OF ARTESIA AND CITY OF CARLSBAD INDEPENDENCE DAY CELEBRATIONS – ALLEN DAVIS:** Davis had recommended the County provide \$15K per city to support the Independence Day celebrations. McCutcheon related with Eddy County's support, the cities would have fireworks 60% larger than in the past. Carlson recognized Burns for bringing the issue to light. Crockett moved seconded by McCutcheon to approve the support for the Cities of Artesia and Carlsbad Independence Day celebrations. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0.
4. **BOCC DIRECTION TO PLANNING AND DEVELOPMENT COMMITTEE FOR THE REPEAL OR REPLACEMENT OF LODGER'S TAX ORDINANCE O-93-24 – JERRY FANNING:** Fanning stated the Revised Lodger's Tax bill

had been passed in the 2020 Legislature, which permitted municipalities to collect taxes beginning on Day 31 and forward as provided in an ordinance passed by the County. He was requesting the Board direct Planning & Development to begin the process for an ordinance as provided in statute. The ordinance would designate how those collected funds could be spent. Crockett felt it was the normal progression of any ordinance and felt it was a good idea. Henry felt the monies should not be spent on a recurring expense. Carlson felt the Lodger's Tax was to promote Eddy County and felt they should be used as such. Crockett moved, seconded by McCutcheon to direct Planning and Development to start the process to repeal, replace or revise O-93-24. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0.

5. ***REQUEST TO OPEN ORDINANCE O-16-87; EDDY COUNTY MANUFACTURED HOME PLACEMENT ORDINANCE FOR REVISION – STEVEN MCCROSKEY:** McCroskey stated the opening of the ordinance was to remove the last four pages of forms and fees section. He stated typically the fees for an ordinance were brought in a resolution allowing easier modification. No changes were planned but Code Enforcement/Permit and Planning software would transition to another company necessitating changes to the forms previously adopted. The forms would be removed from the ordinance and would be brought to a public hearing and then the BOCC after the 14-day notification period. Tabor stated a change to the existing ordinance would be recommended allowing the Commission to request a public hearing on the amendments. Davis added the ordinance would be opened, the forms removed, the revised ordinance presented and then the resolution would be formed. Hooper added it would save the County a lot of monies in advertising for ordinance changes when any changes were presented for form or fee revision. Crockett moved, seconded by Wood, to approve the request to open O-16-87 for revision. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0.
6. ***APPROVE SAFETY NET CARE POOL CERTIFICATION OF PUBLIC FUNDS FOR FISCAL YEAR 2019/2020 – 4TH QUARTER – VERONICA PARRAS:** McCutcheon moved, seconded by Crockett to approve the Safety Net Care Pool Certification of Public Funds for Fiscal Year 2019/2020. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0. The Safety Net Care Pool Certification was recorded as Exhibit 6.
7. ***APPROVE/DISAPPROVE – ONE (1) INDIGENT BURIAL – VERONICA PARRAS:** Crockett moved, seconded by McCutcheon to approve one indigent burial by Denton Funeral Home in the amount of \$600. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. 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-20-54; RESOLUTION IMPOSING AN ANNUAL, NON-PROHIBITIVE LICENSE TAX UPON THE PRIVILEGES OF PERSONS HOLDING STATE LICENSES UNDER THE NEW MEXICO LIQUOR CONTROL ACT – ROBIN VAN NATTA.
- ii. R-20-55; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.
- iii. R-20-56; FY 2019-2020 EDDY COUNTY ANNUAL INVENTORY CERTIFICATION – JESSICA STYGAR.
- iv. R-20-57; DISPOSAL, REMOVAL, OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR.
- v. R-20-58; RESOLUTION REQUESTING THE GOVERNOR TO MODIFY THE EXECUTIVE ORDERS TO ALLOW LIVESTOCK AND FAIR PROJECTS AT STATE-WIDE COUNTY FAIRS AND THE NEW MEXICO STATE FAIR – ALLEN DAVIS.

b. AGREEMENTS:

- i. A-20-40; MEMORANDUM OF AGREEMENT WITH THE CITY OF ARTESIA TO ACCEPT OWNERSHIP AND RESPONSIBILITY OF MAINTENANCE, REPAIRS, AND ANY LIABILITY ASSOCIATED WITH OWNERSHIP – CDBG SEWER PROJECT – STEVEN MCCROSKEY.
- ii. A-20-61; MARKETING SERVICES BY RED ROCKET MEDIA – CAROL HENNINGTON.
- iii. A-20-74; MEMORANDUM OF UNDERSTANDING WITH EDDY COUNTY SHERIFF'S POSSE – ALLEN DAVIS.
- iv. A-20-75; CONTRACT WITH PHYLLIS LUNA FOR CLINICAL ASSESSMENT – CYNTHIA SHARIF.
- v. A-20-76; CONTRACT WITH DR. VAN WARREN FOR AURICULAR DETOXIFICATION SUPERVISION – CYNTHIA SHARIF.
- vi. A-20-77; MEMORANDUM OF AGREEMENT WITH THE CITY OF ARTESIA FOR DWI OFFENDER TRACKING SERVICES – CYNTHIA SHARIF.
- vii. A-20-78; MEMORANDUM OF AGREEMENT WITH THE CITY OF CARLSBAD FOR DWI OFFENDER TRACKING SERVICES – CYNTHIA SHARIF.
- viii. A-20-79; CONTRACT WITH GERARDO CHAVEZ FOR PREVENTION AND EDUCATION SERVICES – CYNTHIA SHARIF.
- ix. A-20-80; CONTRACT WITH GERARDO CHAVEZ FOR DWI SCHOOL FACILITATION – CYNTHIA SHARIF.

- x. A-20-81; CONTRACT WITH FRANK MAGOURILOS FOR DWI PREVENTION PROGRAM OVERSIGHT AND EVALUATION – CYNTHIA SHARIF.
- xi. A-20-82; CONTRACT WITH EDWARD SANCHEZ FOR DWI PREVENTION AND CLINICAL SERVICES – CYNTHIA SHARIF.
- xii. A-20-83; CONTRACT WITH NANCY HUSSELMAN FOR DWI PREVENTION AND EDUCATION SERVICES – CYNTHIA SHARIF.
- xiii. A-20-84; MEMORANDUM OF AGREEMENT BETWEEN THE EDDY COUNTY DWI PROGRAM AND THE EDDY COUNTY DETENTION CENTER ALTERNATIVE SENTENCING UNIT – CYNTHIA SHARIF.
- xiv. A-20-93; MOU BETWEEN ASSESSOR’S OFFICE AND MVD – GEMMA FERGUSON.
- xv. A-20-94; RADIO SYSTEM UPGRADE – JOSHUA MACK.
- xvi. A-20-95; AGREEMENT FOR COBRA ADMINISTRATION FOR VISION SERVICE PLAN (VSP) – ANNA VASQUEZ.
- xvii. A-20-96; MEMORANDUM OF UNDERSTANDING (MOU) FOR EDDY COUNTY AND THE CITIES OF ARTESIA AND CARLSBAD FOR PUBLIC AND GOVERNMENT AFFAIRS SERVICES – ALLEN DAVIS.
- xviii. A-20-97; SECOND AMENDMENT TO AGREEMENT A-19-178; PUBLIC AND GOVERNMENT AFFAIRS DIRECTOR EMPLOYMENT AGREEMENT – ALLEN DAVIS.
- xix. A-20-98; PUBLIC AND GOVERNMENT AFFAIRS DIRECTOR EMPLOYMENT AGREEMENT – ALLEN DAVIS.
- xx. A-20-99; SERVICE AGREEMENT WITH ARTESIA HORSE COUNCIL – ALLEN DAVIS.
- xxi. A-20-100; CONTRACT FOR WOOD ENVIRONMENT AND INFRASTRUCTURE SOLUTIONS IN REGARDS TO RFP 20-04 LANDFILL ENGINEERING SERVICES – ROBERTA SMITH.
- xxii. A-20-101 – COVID 19 GRANT FUNDING – SHERIFF MARK CAGE.
- xxiii. A-20-102; MOU BETWEEN THE U.S. FISH AND WILDLIFE SERVICE, ARIZONA COUNTY SIGNATORIES, AND NEW MEXICO SIGNATORIES – JERRY FANNING.
- xxiv. A-20-103; VOIANCE LANGUAGE SERVICES AGREEMENT FOR REDA STATE PRICE AGREEMENT #90-000-18-00003AA – BAMBI KERN.

Crockett moved, seconded by Henry to approve the Resolution/Agreement Consent Agenda as presented. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0. R-20-54 through R-20-58 were recorded as Exhibits 8.a.i. through v., respectively. A-20-40, A-20-61, A-20-74 – A-20-84, A-20-93 – A-20-103 were recorded as Exhibits 8.b.i. through xxiv, respectively.

- 9. **DEPARTMENT UPDATES:** Mack stated the La Huerta VFD would assist CFD with the Fourth of July activities. Artesia Fire would also be assisted by the VFDs. He stated the County was very dry and the Governor had

requested a restriction be placed. He felt she should lay out the restriction if she wanted one, adding there would be no restriction in the County on burning or fireworks. He did ask that people be safe, use common sense, use safe practices and clean 10-15 feet around their homes, trim weeds down, etc. If assistance was needed with a controlled burn, people should call his office and they would try to accommodate that need. He appreciated the BOCC passing the radio system noting the outcome would be a nice benefit for the County. Hennington related that due to the COVID pandemic, the supply chain for parts and servers from China had been disrupted and delays had been encountered. The Windstream 1G fiber placement had taken longer than anticipated due to quarantined staff. She noted during the election, social media alerts had been issued from Homeland Security concerning attacks on the election system from Russia, China and United States-based Russian sympathizers. Attempts to hack the police had been noted. Davis stated he had not sent an email requesting that gift cards be purchased and given to him. If one was received, it should be deleted. Hooper related that \$5M PELT GRF grant, state-funded \$4,750,000 with \$250K match, had been received. Funds would be received up front, not reimbursed. Burns presented a comprehensive overview of accomplishments by the Road Department in the last year. Evaluation of all county roads had been completed and an engineering factor of their condition had been realized. Road counts had been completed and prioritizations could be made based on usage and condition. A plan of attack had been completed on improving the roads to a suitable, safe and adequate condition. The plan had been implemented with work utilizing new processes that had not been done at the County. The Department was under budget having completed more maintenance projects than previous years due to elimination of unnecessary professional services and the Department doing its own construction work. He appreciated the Road Managers out-performing themselves, providing a better-quality product at a substantially- reduced cost to the County. The County was self-performing its maintenance work. Additional equipment would be requested in the future to facilitate the work. Since June, in-house chip-sealing of 20 miles of road had been accomplished. A maintenance schedule would be implemented, keeping the good roads in good condition. He commended the managers for their hard work and diligence working weekends until the job was done. Gustin noted that out of the 20 miles, six or seven miles had been total reconstruction of roadways. Employees from both departments had been brought in to work together and had been taught new skills. Banda commended both crews noting they had been pushed and they had been willing to take the challenge. Burns added there was not a north-and south-department any longer; it was now one department, each group working together, supporting each crew. Burns stated the funds saved this FY would roll into next FY. He stated the unit cost for chip sealing generally would have been \$4-\$5.50 from two separate vendors, but Gustin and Banda had done it for \$2.25. He added that normally professional services were 10% to 15% of a project, so those cost savings were being realized by

eliminating the majority of those professional services and trusting our operators that were just as qualified to grade and make the roads. Professional services were utilized when needed but at a reduced scope. Additional savings being realized were from employing county construction inspectors. Two full-time inspectors observed all third-party projects and were giving daily reports, whereas a third-party inspector would normally charge \$440-\$120 an hour. The loaded County unit cost was \$45, full-time on staff. Crockett stated it was refreshing to see Burns' growth over the last year and see the refreshing change in the Public Works. She commended the Road Department on the comradery of the managers and employees. Cage noted his department would be fully staffed soon. He presented the newly-upgraded SO patch worn by officers. It contained the American Flag and would be sewn onto the uniforms. He related the new unfunded mandate that came out of the Special Legislative Session. Body cams would be expensive and require a lot of data storage space that would now be required to be stored for 120 days, which would be a challenge and expensive. That would cause unbudgeted expenses for the County. The law would take effect in 90 days. Any citizen contacts currently had to be recorded. Currently, nonessential data would be culled out of storage space. The approved bill would now assume guilt of an officer before being proven innocent if a deputy had a problem with the equipment or technological failure. An additional unbudgeted item would be a tracking program that would be needed as a protection device for the County. He felt the bill would open the County up to liability enabling tort claims, etc. He appreciated the President's Executive Order concerning choke holds. Cage stated the SO did not teach them, did not use them. The SO was in the process of a formal policy review. The Use of Force Policy and Camera Policy would be pushed to the front to verify compliance with the new law. Grant monies would be forthcoming; Law Enforcement Protection Fund could double next year, going from \$50K/year to about \$100K/year. Henry inquired of the SO officers being protected. Cage stated legal opinions were needed on that interpretation. He felt the outcome would be the death of community policing because all peace officers' cameras would be turned on during confidential conversations. Some sheriffs' protections were taken away with the Red Flag Law. The SO had great support in Eddy County. Henry inquired how cameras were activated noting they had to be activated before an officer sought self-protection. Cage answered that a button would be pushed but the dynamics in a stressful situation could interfere with fumbling for and pushing the button. Henry felt the law put law enforcement in jeopardy, put a lot of people in danger including the County. He felt liability was on the County, the Sheriff and the officer. Carlson requested a five-minute break.

BREAK: 10:00 a.m. – 10:08 a.m.

DEPARTMENT UPDATES, CONTINUED: Stephens stated this was his fifth budget year and he presented a five-year snapshot of Facilities Management.

He would post the information presented on the Eddy County Facilities webpage. The information was separated into categories such as operations and projects, etc. with a total provided at the end. The total costs were between \$1.1M to \$1.2M a year with a grand total of \$15M over five years. He explained the highlights, bulk buying and distribution on an as-needed basis. The savings from HVAC and roofing projects for the Courthouse were applied where need had been the greatest, usually an air conditioner unit. All four Clerks' Office air conditioners were replaced, along with the future replacement of the 20-ton unit at the Fairgrounds Community Center. The FY21 priorities were limited with the focus on the necessary fire alarm system modernization at ECDC. There were staffing challenges recently but the issues had almost resolved from being down six to only one open position and one on long term leave without pay. He felt COVID helped with understaffing as the buildings were not being used as they had normally. The staff kept the buildings clean and accessible to the public.

- 10. *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. **DIEGO LOPEZ, ROBERT CONN, AND MICHAEL SHUMATE PERFORMED HOSPITAL SECURITY FOR ECDC DETAINEE IN EL PASO, TX FROM APRIL 28 THRU MAY 4, 2020.**
- b. **ROBERT FLORES AND ROBERT CONN PICKED UP DETAINEE IN LAS VEGAS, NV MAY 6 THRU MAY 7, 2020.**
- c. **SCOTT LYND ATTENDED SWAT COMMAND IN GRAND PRAIRIE, TX FROM JUNE 14 THRU JUNE 20, 2020.**

FUTURE:

- d. **ERIC MORAN TO ATTEND NASRO CONFERENCE IN DALLAS, TX FROM AUGUST 4 THRU AUGUST 10, 2020.**

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

- 11. EMERGENCY BUSINESS:** None.

- 12. LEGISLATIVE UPDATE:** Fanning updated the BOCC on the recent Legislative Session. He noted the Capital had been closed to the public but

he was able to meet with legislators before the meeting and followed the meeting as the day progressed despite webcast issues. Eddy County Legislators had been on the floor in attendance. Seven bills had passed. The Sanding Bill, HB1, sanded off some of the expenditures passed during the General with a dependency on the \$1.5B-\$1.6B CARES Act Fund. The Legislature looked at \$750M to help with the deficit in the State. The State had a \$7.5B budget during the General Fund with a little over \$500M in cuts being passed. Eddy County and its cities did not have any significant cuts. The Solvency Bill, SB5, passed. It voided General Fund appropriations for certain projects. He reminded that anything budgeted through General Fund monies should have an encumbrance to forego being cut out of the budget in January. A Civil Rights Bill passed with unfunded mandates of about \$400K to administer the committee. The temporary election bill was passed to facilitate the 2020 General Election which concerned the Clerk and would impose additional requirements in relation to absentee voting. He stated it had been a terrible bill, with a big portion of the terrible part being cut out after deliberations in the Senate. Fanning felt the body cam bill had many gaping holes and posed liability issues for the county. Qualified individuals who testified, had presented the facts on concerns of the bill and had been totally ignored. Law enforcement would face challenges in forming policy. He suggested going on record and writing a letter to the Governor expressing displeasure with the bill, asking her not to sign it. Storage of camera data could be \$5K with cameras costing \$800 each. He added January would present a challenging session as there was no money and a lot of people would try to spend money we did not have. He was proud to work for a county that had been good stewards of our money.

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

14. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES:

Davis felt there were a lot of positive elements in this year-end with a lot of positive effort by County Staff. He felt austere times were in front of us but we would continue our stewardship of those efforts. He thanked the Commission for their support and consideration on issues that were presented to them.

15. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES:

Crockett stated Health Care meetings had ramped up. They had met with the legislators before the session. She appreciated Burns' work on Refinery Road. She had received thanks for the work that had been done. McCutcheon thanked the Sheriff for doing a great job. He supported law enforcement 100% and police would not be defunded in Eddy County. He would like to use the Lodgers' Tax funds for signs promoting Eddy County. He had recently attended a horse sale in Levelland, TX that had previously been regularly held in Clovis. It had now been permanently moved to Levelland due

to the Governor's mandates and felt losing the sale could have cost Clovis \$7K - \$8K. He felt it was just one of multiple businesses that were leaving NM and going across the state line. Henry thanked the Governor for shutting down all GRT and giving the County unfunded mandates. Carlson wanted the Sheriff to know that this Commission stood behind him 100%. A Lea County Commissioner had felt a threat coming down that if the County Commissioners did not do what the Governor wanted, she could try to remove them from office.

16. EXECUTIVE SESSION: None.

17. *ADJOURN: At 10:33 a.m., McCutcheon moved, seconded by Crockett, to adjourn the meeting. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0.

***ASTERISKS DENOTE VOTE IS REQUIRED**

COMMISSION CHAIR, ERNEST CARLSON

ATTEST:

COUNTY CLERK, ROBIN VAN NATTA

DATE