

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
JULY 5, 2023**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on July 5, 2023 at 8:30 a.m. Beard called the meeting to order and led the Pledge of Allegiance and the Salute to the New Mexico State flag. Beard gave the invocation.

PRESENT:

ERNEST CARLSON	CHAIRMAN
FRED BEARD	VICE-CHAIR
JON HENRY	COMMISSIONER, DISTRICT 2
JAMES (BO) BOWEN	COMMISSIONER, DISTRICT 4
ROBERTA GONZALES	COUNTY MANAGER
CAS TABOR	COUNTY ATTORNEY
CARA COOKE	COUNTY CLERK
TAMI WHITE	CHIEF DEPUTY COUNTY CLERK
MARK CAGE	SHERIFF
KIM BALLARD	SHERIFF ADMIN ASSISTANT
ADRIENNE JONES	EXEC ADMIN ASSISTANT
RACHEL BARKER	IPRA ADMIN COORDINATOR
JESSICA STYGAR	ACTING INTERIM FINANCE DIR
STEVE MCCROSKEY	COMMUNITY SERVICES DIRECTOR
JASON BURNS	PUBLIC WORKS DIRECTOR
ROXANN BRANNON	HR DIRECTOR
BILLY MASSENGILL	DETENTION WARDEN
JOSHUA MACK	FIRE CHIEF
JAROD ZUNIGA	DEPUTY FIRE CHIEF
JASON FLOREZ	ASSISTANT IT DIRECTOR
ROSE MUNOZ	IT SPECIALIST II
TRENT MOORE	M&O SUPERVISOR
CYNTHIA SHARIF	DWI COORDINATOR
STEPHANIE YBABEN	RED ROCKET MEDIA

ABSENT:

SARAH CORDOVA	COMMISSIONER, DISTRICT 5
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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.

TRAILING AGENDA:

1. **APPROVE:**

- a. ***COMMISSION MEETING MINUTES FOR JUNE 20, 2023.** Bowen moved, seconded by Beard, to approve the Commission Meeting Minutes for June 20, 2023. Voting yes: Bowen, Henry, Carlson and Beard. Passed 4-0.

2. **TREASURER'S REPORT FOR MAY 2023 – LAURIE PRUITT – FYI ONLY.**

3. ***REVENUE REPORT FOR MAY 2023 – JESSICA STYGAR.** Stygar stated General Fund Revenues for May were \$5M, with a total of \$51M. Oil and Gas Receipts were \$6.5M, for a total of \$106M. Henry moved, seconded by Bowen, to approve the Revenue Report for May, 2023. Voting yes: Bowen, Henry, Carlson and Beard. Passed 4-0. The Revenue Report for May, 2023 was recorded as Exhibit 3.

4. ***BUDGET VS. ACTUALS – MAY REVENUE AND EXPENSES – JESSICA STYGAR.** Stygar stated May's Revenue received was just over \$369M or 147% collected of the budgeted amount; correcting for transfers, the amount would be 192%. Expenses were at \$231M or 73.8% of the budgeted amount; correcting for transfers the amount would be 57%. General Fund Receipts were at 206.9%. Expenses for the General Fund were at 90.08%, or 71% correcting for transfers. Bowen moved, seconded by Beard, to approve the Budget v. Actuals – May Revenue and Expenses. Voting yes: Bowen, Henry, Carlson and Beard. Passed 4-0. The Budget v. Actuals – May Revenue and Expenses was recorded as Exhibit 4.

5. ***ADD K9 AND DRUG RECOGNITION EXPERT TO ECSO INCENTIVE PAY, ALSO, RAISE CRASH RECONSTRUCTION INCENTIVE PAY FROM \$.75 TO \$1.00 – MARK CAGE.** Cage stated the department was bringing the K9 program online. He stated the program was funded through LMPF. He felt an incentive pay for the two handlers and re-constructionists would help compensate and motivate them. All employees on the traffic team were required to be crash re-constructionists through an intensive training program. The position assignments would be open to all deputies to put in for it. Beard moved, seconded by Bowen, to approve adding K9 and Drug Recognition Expert to ECSO Incentive Pay, and to Raise Crash Reconstruction Incentive

Pay from \$0.75 to \$1.00. Voting yes: Bowen, Henry, Carlson and Beard. Passed 4-0.

6. ***EXPANSION OF THE ROADWAY CLEANUP COMMUNITY SERVICE PROGRAM – CYNTHIA SHARIF.** Sharif recapped the history of the DWI program's involvement in community service, which began in 1999. A past judge had requested assistance with fulfilling the State's unfunded mandate for underage drinkers cited for possession. The program would be geared towards prevention of future citations. The offenders would clean up litter, DWI Memorial sites, etc. She noted offender referrals were now from racing, littering, shoplifting, and other offenses. The program would help build a sense of community pride, resulting in a protective effect for the offenders. She added for the month of June, the current Roadway Cleanup crews had collected 85 bags of trash or 4,250 pounds, with tires, couches and mattresses included. Deputies had assisted with the program. She stated they welcomed working with the SO in this program and had met with Deputy Jacquez and Kim Ballard, the SO employees who had volunteered to coordinate with Sharif. She stated the DWI program carried its own professional liability insurance. Beard moved, seconded by Henry, to approve Expansion of the Roadway Cleanup Community Service Program. Beard moved, seconded by Bowen, to approve the Expansion of Roadway Cleanup Community Service Program. Voting yes: Bowen, Henry, Carlson and Beard. Passed 4-0.
7. ***APPLICATION FOR OXY 2023 FIRST RESPONDERS PROGRAM – JOSHUA MACK.** Mack stated the grant would be for \$12,500 to allow for training and licensing of 12 drone pilots. Bowen moved, seconded by Henry, to approve the Application for Oxy 2023 First Responders Program. Voting yes: Bowen, Henry, Carlson and Beard. Passed 4-0.
8. ***APPLICATION FOR 2024 NEW MEXICO FIRE PROTECTION GRANT – JOSHUA MACK.** The \$400K grant would go toward building modifications and improvements on the Otis station. Bowen moved, seconded by Beard, to approve the Application for 2024 New Mexico Fire Protection Grant. Voting yes: Bowen, Henry, Carlson and Beard. Passed 4-0.
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:**

- i. R-23-53; FY 2022-2023 EDDY COUNTY ANNUAL INVENTORY CERTIFICATION – JESSICA STYGAR.
- ii. R-23-54; DISPOSAL, REMOVAL, OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR.
- iii. R-23-55; DONATION OF FIRE APPARATUS TO CHAVES COUNTY – JOSHUA MACK.
- iv. R-23-56; DONATION OF FIRE APPARATUS TO REGIONAL EMERGENCY DISPATCH AUTHORITY – JOSHUA MACK.
- v. R-23-57; DONATION OF FIRE EQUIPMENT TO CITY OF ROSWELL – JOSHUA MACK.
- vi. R-23-58; DONATION OF FIRE APPARATUS TO WINCHELL VFD – JOSHUA MACK.
- vii. R-23-59; DONATION OF VEHICLE - 2000 FORD F-350 TRUCK TO WHITE MOUNTAIN DRUG TASK FORCE IN OTERO COUNTY – LENIN LEOS.
- viii. R-23-60; A RESOLUTION SUPPORTING INDUSTRY IN SOUTHEAST NEW MEXICO, INCLUDING HOLTEC, INTERNATIONAL AND THE CONSOLIDATED INTERIM STORAGE FACILITY IN SOUTHEAST NEW MEXICO – ROBERTA GONZALES.

b. AGREEMENTS:

- i. A-23-108; MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CARLSBAD AND EDDY COUNTY IN REGARDS TO THE 2022 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD – ROBERTA GONZALES.
- ii. A-23-109; RATIFICATION OF PROFESSIONAL SERVICES AGREEMENT BETWEEN TRIP J LLC DBA MERCER GROUP ASSOCIATES AND EDDY COUNTY FOR EXECUTIVE SEARCH – FINANCE DIRECTOR – ROBERTA GONZALES.
- iii. A-23-110; MEMORANDUM OF UNDERSTANDING BETWEEN THE EDDY COUNTY DWI PROGRAM AND THE CARLSBAD MAGISTRATE DWI/TREATMENT COURT – CYNTHIA G. SHARIF.
- iv. A-23-111; MEMORANDUM OF UNDERSTANDING BETWEEN ADMINISTRATIVE OFFICE OF THE COURTS (AOC) AND THE COUNTY OF EDDY – BILLY MASSINGILL.
- v. A-23-112; AMENDING A-23-61; PROFESSIONAL SERVICE AGREEMENT WITH CARLSBAD HONOR GUARD – ROBERTA GONZALES.
- vi. A-23-113; PUBLIC SERVICE AGREEMENT BETWEEN EDDY COUNTY AND THE EDDY COUNTY FAIR BOARD – ROBERTA GONZALES.

Henry requested that R-23-60 be pulled for discussion.

Bowen moved, seconded by Beard, to approve the Resolution and Agreement Consent Agenda, pulling R-23-60. Voting yes: Bowen, Henry, Carlson and Beard. Passed 4-0. R-23-53 through R-23-59 were recorded as Exhibits 9.a.i through 9.a.vii., respectively. A-23-108 through R-23-113 were recorded as Exhibits 9.b.i through 9.b.vi., respectively.

Gonzales stated the resolution would support industry in general in SE New Mexico, including the Holtec project and the Consolidated Interim Facility. She added it had nothing to do with the ongoing lawsuit. Henry stated his opposition to the resolution noting he had not approved the previous resolution supporting Holtec. His vote was against that particular point, not against industry. He noted Eddy County oil and gas was an industry producing for the whole nation and \$106M for the State. Following discussion, Beard moved, seconded by Bowen, to approve R-23-60. Voting yes: Bowen, Carlson and Beard. Voting no: Henry. Passed 3-1.

10. ELECTED OFFICIAL/DEPARTMENT UPDATES. Cage stated the K9's would be multipurpose dogs trained to track and sniff out drugs with one being assigned to the SWAT team. THE NMAC Board Meeting would be held in Eddy County on August 2 and 3. Dinner receptions and other events were being arranged for those attending. He thanked the Commission for its support noting his department was almost fully staffed. Mack stated eight employees were in the fire academy and three certified had gone through orientation. Nine positions had been open with six ready to test. The Happy Valley station was now open. The department had 15 call-outs on the Fourth of July.

11. LEGISLATIVE UPDATES. None.

12. *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. **JAMES LARA ATTENDED TASER TRAINING IN AMARILLO, TX FROM MAY 31, 2023 THROUGH JUNE 1, 2023**
- b. **JOSHUA MACK, JAROD ZUNIGA, KADEN ZUNIGA AND BRENDEN HARVEY ATTENDED TRUCK INSPECTION IN ST. PAUL, MN FROM JUNE 5, 2023 THROUGH JUNE 9, 2023**

FUTURE

- c. JOSE BARRAZA TO ATTEND DRUG COURT RISE 2023 CONFERENCE IN HOUSTON, TEXAS FROM JUNE 25, 2023 THROUGH JUNE 30, 2023
- d. CARA A. COOKE AND TAMI WHITE TO ATTEND NACO'S ANNUAL CONFERENCE IN AUSTIN, TX FROM JULY 20, 2023 THROUGH JULY 25, 2023
- e. WILLIAM GUINN TO ATTEND CRITICAL CARE CLINICALS AND TESTING IN OMAHA, NE FROM JULY 6, 2023 THROUGH JULY 12, 2023
- f. BARBARA MOUNCE TO ATTEND INTENSIVE COGNITIVE BEHAVIOR THERAPY CERTIFICATION COURSE IN SCOTTSDALE, AZ FROM JULY 20, 2023 THROUGH JULY 23, 2023.
- g. BARBARA MOUNCE TO ATTEND INTENSIVE COGNITIVE BEHAVIOR THERAPY CERTIFICATION COURSE IN SCOTTSDALE, AZ FROM AUGUST 17, 2023 THROUGH AUGUST 20, 2023.

Bowen moved, seconded by Beard, to approve the Travel Request Consent Agenda. Voting yes: Bowen, Henry, Carlson and Beard. Passed 4-0.

13. EMERGENCY BUSINESS. None.

14. LEGISLATORS, ELECTED OFFICIALS' COMMENTS, ANNOUNCEMENTS & UPDATES. None.

15. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES.

Gonzales noted the elevator had been fixed and she thanked Trent for being ahead of schedule, noting it would be it fully operable soon. The process had begun for an executive search to employ a Finance Director with the hope of finishing up in August or September. IPRA county-wide training would be conducted Thursday. She introduced Rachel Barker, the County's new IPRA Coordinator. She presented a hand-out showing the increase year-over-year of oil and gas production in Eddy County, stating production had double in the last five years. Gas production also showed a steady increase over the years.

16. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES.

Henry appreciated Gonzales' handout. Clarifying his previous vote, he stated he would support a nuclear power plant in New Mexico. He was not against nuclear power, he was against storing it here. He added his issue was with having an industry in the county that was producing for the State, the nation and everyone else, and he did not want to continue to be a dumping ground. He referenced to Yucca Mountain where all the waste was supposed to go and was to be completed in 1999, which did not happen and with them wanting to put the waste here now. He had an issue with that and did not see that the benefits would outweigh the negativity of the situation. He loved that

Artesia had read the Declaration of Independence before shooting off fireworks. Bowen respected Henry's stance and stated he would not support anything that would jeopardize the oil and gas industry, as his livelihood depended on it. He felt we had the opportunity to be the tip of the spear in the industry that could potentially grow into something generational job-wise for Eddy and Lea County. He added that with good legislation put in place, we could have the potential for growth and expansion, and would regret it if we missed the opportunity now. He felt this was a long-term strategy and felt research showed it was safe. He was comfortable supporting Holtec and the direction it was going. Being in Carlsbad on the Fourth of July made him realize how lucky we are to still be patriotic and have traditional American values. He felt fortunate his kids were growing up here and did not see the things that were on the news daily. Beard shared information on the Holtec project being storage of reusable rods that could be used in a small reactor that could power the whole oil field. He felt this was the tip of the iceberg and wanted to see it happen, adding it could be used to clean up produced water, supplying the power to do that. He did not see it as waste—it was a reusable rod. He felt the plan was sound and was good for Eddy County and the nation. He wondered if it could be used to clean up produced water and put it in the Pecos toward credits to Texas. He felt it was doable and could be done. Carlson had agreed with those two commissioners, and he appreciated Henry's different point of view. He felt he was a big proponent of the oil and gas industry. He was sold on Holtec by the idea of the second phase to build a manufacturing concern in Eddy County that would produce the smaller reactors that would use partially spent rods to produce energy across the nation. A lot of people were not aware that it was not only a storage facility but also going to be a smaller reactor manufacturing facility that would use the spent rods.

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

a. **THREATENED OR PENDING LITIGATION.**

i. STATE OF NEW MEXICO GENERAL SERVICE DEPARTMENT (GSD).

At 9:19 a.m., Beard moved, seconded by Henry, to go into closed session to discuss the items listed, and to reconvene at 9:35 a.m. Voting yes: Bowen, Henry, Carlson and Beard. Passed 4-0.

18. RE-OPEN MEETING. At 9:41 a.m., Henry moved, seconded by Beard, and to end the Executive Session and reconvene the Regular Meeting and to certify that only the items discussed were Threatening or Pending Litigation. Voting yes: Bowen, Henry, Carlson and Beard. Passed 4-0.

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

a. *THREATENED OF PENDING LITIGATION.

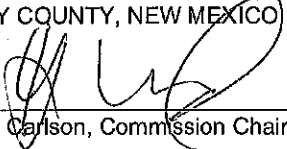
i. STATE OF NEW MEXICO GENERAL SERVICE DEPARTMENT (GSD).

Bowen moved, seconded by Henry, to state the only action taken was that of ratifying participation in the lawsuit against the State of New Mexico on the General Services Department for back billing on the Self-Insurance Plan. Voting yes: Bowen, Henry, Carlson and Beard. Passed 4-0.

Meeting adjourned at 9:42 a.m.

~Asterisks denote vote is required~

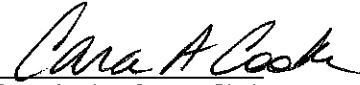
EDDY COUNTY BOARD OF COMMISSIONERS
EDDY COUNTY, NEW MEXICO



Ernie Carlson, Commission Chairman

Date: July 18, 2023

ATTEST:



Cara Cooke, County Clerk

