

**EDDY COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A REGULAR MEETING  
July 7, 2020**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on July 7, 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. Vasquez 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
JASON DECKER	SHERIFF DEPUTY
ROXANN BRANNON	HUMAN RESOURCES DIRECTOR
ANNA VASQUEZ	ASSISTANT HR DIRECTOR
ROBERTA SMITH	FINANCE DIRECTOR
BRIAN STEPHENS	FACILITIES DIRECTOR
BILLY MASSINGIL	WARDEN
CAROL HENNINGTON	INFO SYSTEMS DIR
KEN KEMP	IT DEPARTMENT
MIKE SMITH	CARLSBAD CURRENT ARGUS
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.

**TRAILING AGENDA:**

- \*APPROVE:**
  - a. EXPENSE APPROVAL REPORT FOR JUNE 2020:** Crockett moved, seconded by McCutcheon to approve the June 2020 Expense Report. Voting yes: Carlson, Henry, Wood, Crockett and McCutcheon. Passed 5-0. The June 2020 Expense Report was recorded as Exhibit 1.a.

2. **TREASURER'S REPORT FOR MAY 2020 – LAURIE PRUITT:** This is for information only. The May 2020 Treasurer's Report was recorded as Exhibit 2.
3. **\*REQUEST FOR SPECIAL COMMISSION MEETING – ROBERTA SMITH:** Smith noted in order to finalize the end of the year and get it all sent to the State she was requesting a special meeting. After discussion McCutcheon moved, seconded by Crockett to set a Special Commission Meeting on July 23, 2020 at 8:30 a.m. Voting yes: Carlson, Henry, Wood, Crockett and McCutcheon. Passed 5-0.
4. **\*APPROVE/DISAPPROVE – TWO (2) INDIGENT BURIALS – VERONICA PARRAS:** Crockett moved, seconded by McCutcheon to approve two indigent burials in the amount of \$600. Voting yes: Carlson, Henry, Wood, Crockett and McCutcheon. Passed 5-0.
5. **\*SHERIFF DEPUTY OVER-HIRE – SHERIFF MARK CAGE:** Decker explained they had an opening in the Detective Division; however, they needed deputies on patrol. Davis explained the total number of employees would not change. When the need for a Detective came about, they would hire one and absorb the patrol officer. In the mean-time a deputy would fulfill the department's needs and save the county money. McCutcheon moved, seconded by Henry to approve the deputy over-hire for the Sheriff. Voting yes: Carlson, Henry, Wood, Crockett and McCutcheon. Passed 5-0.
6. **\*BUDGET ADJUSTMENT FOR PUBLIC WORKS ROAD CHIP SEAL EQUIPMENT – JASON BURNS:** Burns stated with the cost savings in the department over the last year they would like to purchase a chip sealing machine in order to facilitate future projects. Crockett moved, seconded by McCutcheon to approve the budget adjustment for Public Works road chip seal equipment. Voting yes: Carlson, Henry, Wood, Crockett and McCutcheon. Passed 5-0.
7. **\*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-20-62; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.**

- ii. R-20-63; 2020 COMMITTEE, BOARD AND COMMISSION APPOINTMENTS AND DESIGNATIONS – ALLEN DAVIS.

**b. AGREEMENTS:**

- i. A-20-104; NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION SECOND AMENDMENT TO INTERGOVERNMENTAL GRANT AGREEMENT NUMBER 2019-3410-ZD5037-01013 – ALLEN DAVIS.
- ii. A-20-106; CONTRACT WITH CONSTRUCTORS INC. REGARDING IFB 20-03 NORTH 26<sup>TH</sup> STREET ROADWAY REHABILITATION PROJECT – ROBERTA SMITH.
- iii. A-20-107; VILLAGE OF HOPE ROAD MAINTENANCE AGREEMENT – JASON BURNS.
- iv. A-20-108; VILLAGE OF LOVING ROAD MAINTENANCE AGREEMENT – JASON BURNS.
- v. A-20-109; MODIFICATION #3 OF GRANT AGREEMENT WITH THE US FOREST DEPARTMENT, GRANT AGREEMENT NUMBER 18-LE-11030800-005 – SHERIFF MARK CAGE.
- vi. A-20-110; EQUIPMENT SERVICE CONTRACT WITH SPARKS OFFICE SOLUTIONS FOR MAILROOM COPIER – ALLEN DAVIS.

Wood moved, seconded by McCutcheon to approve the Resolution/Agreement Consent Agenda. Voting yes: Carlson, Henry, Wood, Crockett and McCutcheon. Passed 5-0. R-20-62 and R-20-63 were recorded as Exhibits 7.a.i and 7.a.ii, respectively. A-20-104, A-20-106 through A-20-110 were recorded as Exhibits 7.b.i through 7.b.vi., respectively.

8. **DEPARTMENT UPDATES:** Burns reported they had a pre-construction meeting for N 26<sup>th</sup> St in Artesia. The project should start tomorrow and continue for at least 60 days. Bounds Road was also under construction. Henry questioned if N 26<sup>th</sup> St would be widened? Burns stated that it would and would extend to the highway. Henry complemented Public Works on the job they had done on Derrick Road. Burns stated they were currently reviewing projects to be completed this year and prioritizing them.

Mack reported over the 4<sup>th</sup> of July his departments responded to 13 fires, 2 of which were assists to other departments. All in all it was a successful holiday.

9. **\*TRAVEL REQUEST CONSENT AGENDA:** Since all of the items listed below have been distributed to the Commissioners in advance for review and are of a routine and non-controversial nature, they will be enacted by a single motion. Any Commissioner or the County Manager may remove an item from this Travel Request Consent Agenda if separate discussion is desired. Any item so removed shall be placed on the trailing agenda immediately following

this Travel Request Consent Agenda or later, at a specific time or place on the Trailing Agenda.

**PRIOR**

- a. **SHERIFF MARK CAGE ATTENDED PRESIDENTIAL MEETING FROM JUNE 15 THRU JUNE 17, 2020 IN WASHINGTON, D.C.**
- b. **WILLIAM MARION ATTENDED AN INTERVIEW FROM JUNE 29 THRU JULY 3, 2020 IN TUCSON, AZ.**

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

**FUTURE:** None.

**10. EMERGENCY BUSINESS:** None.

**11. LEGISLATIVE UPDATE:** Davis stated Fanning had nothing new to report. The Body Cam bill had not been signed as of today. He was trying to get our local legislators and Yvette Herrell to talk with the County before the next session. Davis stated if anyone had questions, he would be glad to take those back to Fanning for answers.

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

**13. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES:** Davis stated he had sent a letter to all employees due to the increase of COVID-19 cases in the region. Basically, he asked them to consider 3 things: safety for themselves, their families, and their co-workers as they planned activities this summer. Davis stated people were virus fatigued and it was wearing on employees. The County had never shut down service to the public. The things that we had been doing were successful and he appreciated everyone for the jobs they did. The budget had been scaled back and everyone had really done a good job facilitating those changes. Davis urged employees to stay the course and keep doing what was needed. All departments had stepped up and faced challenges while providing service to the public. He mentioned the Clerk and staff for their work during voting and every day they continued to deliver service during uncertain and difficult times. He asked all employees to stick with it and we would get through this together.

**14. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES:** Crockett reiterated Davis' remarks and welcomed Brannon back and congratulated Josh Mack on his upcoming wedding. The fireworks show was amazing this year. McCutcheon thanked everyone and hoped this Board

would continue to make the decisions that supported the God given freedoms we all enjoyed. Henry agreed. Carlson stated he felt the County was in good shape and thanked employees and Davis for their work. Crockett stated Glenn Collier had passed away this week adding she had served with him for 4 years on the BOCC. He would be missed.

**15. \*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. **POTENTIAL TO VACATE PROPOSED, UNDEVELOPED ROADS – ALLEN DAVIS.**
  - ii. **POTENTIAL DISTRICT COURT SUIT TO RENEW SERVICE CONTRACT – CAS TABOR.**
  - iii. **ALLEGED IPRA VIOLATIONS – CAS TABOR.**
  - iv. **UPDATE OF ACTION TO ADDRESS GOVERNOR’S AUTHORITY – ALLEN DAVIS.**

At 9:00 a.m. McCutcheon moved, seconded by Crockett to go into executive session to discuss threatened or pending litigation as stated above to return to open meeting at 9:30 a.m.. Voting yes: Carlson, Henry, Wood, Crockett and McCutcheon. Passed 5-0.

**16. \*RE-OPEN MEETING:** At 9:40 a.m. McCutcheon moved, seconded by Crockett to come back into regular session certifying the only things discussed were threatened or pending litigation as stated. Voting yes: Carlson, Henry, Wood, Crockett and McCutcheon. Passed 5-0.

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

- a. **THREATENED OR PENDING LITIGATION.**
  - i. **POTENTIAL TO VACATE PROPOSED, UNDEVELOPED ROADS – ALLEN DAVIS:** Crockett moved, seconded by McCutcheon to participate and join as a plaintiff should there be litigation of the roads and mineral rights of platted sections limited to county ownership. Voting yes: Carlson, Henry, Wood, Crockett and McCutcheon. Passed 5-0.
  - ii. **POTENTIAL DISTRICT COURT SUIT TO RENEW SERVICE CONTRACT – CAS TABOR.** No action
  - iii. **ALLEGED IPRA VIOLATIONS – CAS TABOR.** No action.
  - iv. **UPDATE OF ACTION TO ADDRESS GOVERNOR’S AUTHORITY – ALLEN DAVIS.** No action.

18. **\*ADJOURN:** At 9:45 a.m. Henry moved, seconded by McCutcheon to adjourn the meeting. Voting yes: Carlson, Henry, Wood, Crockett and McCutcheon. Passed 5-0.

**\*ASTERISKS DENOTES VOTE REQUIRED**

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**COMMISSION CHAIR, ERNEST CARLSON**

**ATTEST:**

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**COUNTY CLERK, ROBIN VAN NATTA**

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**DATE**