

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
July 16, 2019**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on July 16, 2019 at 8:30 a.m. Smith called the meeting to order and led the Pledge of Allegiance and the Salute to the New Mexico State flag. Olbert gave the invocation. A moment of silence was observed for:

*Chief Casey White, Sun Country VFD
Chief Albert Hobbs, Queen VFD*

PRESENT:

JON HENRY	CHAIR, DISTRICT 2
LARRY WOOD	COMMISSIONER, DISTRICT 3
STEVE MCCUTCHEON	COMMISSIONER, DISTRICT 4
SUSAN CROCKETT	COMMISSIONER, DISTRICT 5
CAS TABOR	COUNTY ATTORNEY
ROBIN VAN NATTA	CLERK
DARLENE ROSPRIM	CHIEF DEPUTY CLERK
RONDA NELSON	DEPUTY CLERK
GEMMA FERGUSON	ASSESSOR
MELISSA WASHBURN	CHIEF DEPUTY ASSESSOR
LAURIE PRUITT	TREASURER
CAROLYN STROBLE	CHIEF DEPUTY TREASURER
CAPTAIN VICTOR MARTINEZ	DEPUTY SHERIFF
KIM BALLARD	ADMIN ASSISTANT, SHERIFF
BILLY MASSINGILL	WARDEN
GAY WEST	EXECUTIVE ADMIN ASSISTANT
ROBERTA SMITH	FINANCE DIR/ CO-COUNTY MGR
KATIE GOMEZ	PROCUREMENT
ROXANN BRANNON	HR DIRECTOR
SHARON DODSON	ASSISTANT IT DIRECTOR
ROSIE MUNOZ	IT DEPT
WESLEY HOOPER	COMM SVCS DIR/CO-COUNTY MGR
STEVE MCCROSKEY	ASST COMM SRVCS DIR
VERONICA PARRAS	HEALTH CARE ADMINISTRATOR
BRIAN STEPHENS	FACILITIES DIRECTOR
JASON BURNS	PUBLIC WORKS MANAGER
JOSHUA MACK	FIRE SRVC DIR/FIRE MARSHALL
TRAVIS OLBERT	ASST FIRE SERVICE MARSHAL
JENNIFER ARMENDARIZ	EMERGENCY MANAGER

ABSENT:
ERNEST CARLSON

VICE-CHAIR, DISTRICT 1

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)***: John Putman with the Eddy County Fair Board thanked the Commission for all the support and invited them to ride in the parade on July 22 @ 4:00 p.m. and the ribbon cutting at 5:00 p.m.
2. **SERVICE AWARDS:**
 - a. **RICHARD RODRIGUEZ, PUBLIC WORKS – 30 YEARS**
 - b. **JOHNNY MUNOZ, VECTOR CONTROL – 5 YEARS**
 - c. **GAIL LOPEZ, ASSESSOR – 5 YEARS**
 - d. **KANDY MARTINEZ, DETENTION – 5 YEARS**

Wood presented service awards to Rodriguez, Munoz, Lopez and Martinez for their years of service with the county.

SHORT BREAK FOR PICTURES.

3. **BID AWARDS:**
 - a. **IFB 19-01; LAW ENFORCEMENT VEHICLES FOR SHERIFF'S DEPARTMENT – KATIE GOMEZ:** Gomez stated two bids had been received with Guy Chevrolet having submitting the lowest bid for 11 Tahoes and 1 truck. Crockett moved, seconded by Wood to award IFB 19-01 to Guy Chevrolet in the amount of \$466,102.96. Voting yes: Henry, Wood, Crockett and McCutcheon. Passed 4-0. IFB 19-01 Law Enforcement Vehicles for Sheriff's Department was recorded as Timed Agenda Exhibit 3.a.

TRAILING AGENDA:

1. **NOAH'S ARK ANIMAL REFUGE, INC. SPAY/NEUTER ASSISTANCE PROGRAM IMPLEMENTATION PLAN – ROBERTA SMITH/WES HOOPER:** Crockett moved, seconded by Wood to approve Noah's Ark Implementation Plan. Voting yes: Henry, Wood, Crockett and McCutcheon. Passed 4-0. Noah's Ark Animal Refuge Inc Spay/Neuter Assistance Program Implementation Plan was recorded as Exhibit 1.
2. **APPROVE:**

- a. **COMMISSION MEETING MINUTES FOR APRIL 24, 2019:** McCutcheon moved, seconded by Wood to approve the Commission Meeting Minutes for April 24, 2019. Voting yes: Henry, Wood, Crockett and McCutcheon. Passed 4-0.
 - b. **COMMISSION MEETING MINUTES FOR JUNE 25, 2019:** McCutcheon moved, seconded by Crockett to approve the Commission Meeting Minutes for June 25, 2019. Voting yes: Henry, Wood, Crockett and McCutcheon. Passed 4-0.
 - c. **EXPENSE APPROVAL REPORT FOR JUNE 2019:** Crockett moved, seconded by McCutcheon to approve the Expense Approval Report for June 2019. Voting yes: Henry, Wood, Crockett and McCutcheon. Passed 4-0. The Expense Approval Report for June 2019 was recorded as Exhibit 2.c.
3. **BUDGET VS ACTUAL – MAY REVENUE AND EXPENSES – ROBERTA SMITH:** Smith stated the General Fund balance showed a surplus of \$13.7M, actual over budgeted. Wood moved, seconded by McCutcheon to approve the Budget vs. Actual – May Revenue & Expenses Report. Voting yes: Henry, Wood, Crockett and McCutcheon. Passed 4-0. The Budget vs. Actual – May Revenue & Expenses Report was recorded as Exhibit 3.
4. **TREASURERS’ REPORT FOR MAY 2019 – LAURIE PRUITT:** This was FYI only. The May 2019 Treasurers’ Report was recorded as Exhibit 4.
5. **APPOINTMENT OF MEMBERS TO THE LABOR MANAGEMENT RELATIONS BOARD – ROXANN BRANNON:** The current member, Jay Forbes, had resigned his position; therefore, a replacement member must be appointed. John Caraway had agreed to fill the position. Oran Means had filled the neutral position. The Labor Representative Position was also vacant after efforts having been made to fill the position. Crockett moved, seconded by McCutcheon to appoint John Caraway to the Labor Management Relations Board. Voting yes: Henry, Wood, Crockett and McCutcheon. Passed 4-0.
6. **ROAD ASSESSMENT BUDGET ADJUSTMENT REQUEST – JASON BURNS:** Burns stated a qualified firm would drive every mile of each County road, assessing all the County roads’ conditions and present a detailed, technical report with an interactive map allowing a maintenance plan to be developed. The interactive map could be made available on the County website for public use. McCutcheon had concerns about adjusting the budget, acknowledging that the budget had been formed before Burns’ employment, allowing him no

input on the budget process. Hooper noted a study had been previously conducted that was for road classification purposes and assessment of traffic flow. McCutcheon moved, seconded by Crockett to procure services to conduct a road study. Voting yes: Henry, Wood, Crockett and McCutcheon. Passed 4-0.

7. **PUBLIC WORKS POTHOLE BLITZ – JASON BURNS:** Burns related four County Road crews were conducting a pot hole patch blitz for three weeks, July 15 through August 1, in hopes of addressing the road potholes and public complaints received. If successful, the blitz could become a bi-annual process. It was suggested publicizing the event to let the public know the County was working on the road issues.

8. **DISCUSSION AND DIRECTION REGARDING THE STATUS OF ROAD PROJECTS – JASON BURNS:** Burns distributed to the Commissioners a schedule of Public Works projects. He planned to keep the Commissioners informed each month on planned projects, those in progress and those actually completed. Burns noted the schedule had been helpful to employees knowing what projects were assigned on their work day. Crockett requested the updated project schedule be emailed to the Commissioners prior to each meeting. The Public Works Schedule was attached as Exhibit 8.

9. **DISCUSSION AND DIRECTION ON COUNTY PARKS – BRIAN STEPHENS:** Stephens declared he had the best job in the County. He had received complaints on Cherry Lane Park and had personally worked at the park with his crew. Stephens stated all the parks had been treated equally. All the parks had deficiencies and were in need of upgrading, needed parking lots, ADA access, fencing, irrigation, electricity, lighting, etc., all of which were big-ticket items. He had stopped taking his own pets to the Cherry Lane Park in 2007 due to goat heads and stickers. The department had lost an employee and ECDC labor was not currently available, as it had been in the past. He had plans and good ideas for the parks in the future dependent upon funding. Crockett noted the County was in the park business and should put some funds into maintenance of the parks, as all the parks had been increasingly used by families in the areas. Hooper had recently met with the City of Carlsbad and the possibility arose of partnering with the County on keeping the parks maintained. Crockett had met with the mayor and had discussed the City taking over Cherry Lane Park. Stephens listed the County parks and playgrounds the County had to maintain, each 3-5 acres, along with the Courthouse lawn, Health Office, etc. Wood noted Happy Valley residents were very grateful for their park. Stephens had hoped to leave the parks in better condition than when he started with the

County. Crockett suggested hiring a service to help out; Stephens stated he was working on that currently. Tabor cautioned against an open invitation to the public asking for volunteers to help with maintenance tasks.

10. PAY PREVIOUS FISCAL YEAR INVOICE – COLLINS TREE

SERVICE – BRIAN STEPHENS: Stephens stated the work was completed and was beyond his expectations. He stated the invoice needed to be paid for work performed in May, 2019. Crockett moved, seconded by Wood to approve payment of the previous fiscal year's invoice from Collins Tree Service for the amount of \$4,963.21. Voting yes: Henry, Wood, Crockett and McCutcheon. Passed 4-0.

11. EDDY COUNTY FIRE SERVICE 2019 ELECTIONS – JOSHUA

MACK: Mack presented the results of the Fire Service Elections. The elections were held every two years. Sun County would hold an election in a month due to the recent vacancy created. He would return the info to the Commission after the election. McCutcheon moved, seconded by Wood to approve the Fire Service 2019 Elections. Voting yes: Henry, Wood, Crockett and McCutcheon. Passed 4-0. The Fire Service 2019 Election Results was recorded as Exhibit 11.

12. 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-19-75; RESOLUTION DESIGNATING POLLING PLACES (VOTING CONVENIENCE CENTERS AKA VCC'S) FOR STATEWIDE ELECTIONS JANUARY 1, 2020 – DECEMBER 31, 2023 – ROBIN VAN NATTA.**
- ii. R-19-76; APPROVE FY 2019-2020 BUDGET METHODOLOGY – ROBERTA SMITH.**
- iii. R-19-77; UPDATED PURCHASING POLICY – KATIE GOMEZ.**

- iv. R-19-78; COMPANION RESOLUTION TO AGREEMENT A-19-108; CAP PROJECT L200467 – SOUTH 26TH STREET – JASON BURNS.
- v. R-19-79; DISPOSAL, REMOVAL, OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR.
- vi. R-19-80; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.

b. AGREEMENTS:

- i. A-19-107; MAINTENANCE/SUPPORT AGREEMENT FOR FOUR SCANNERS IN THE ASSESSOR OFFICES – GEMMA FERGUSON.
- iii. A-19-110 AMENDING A-19-106; SCREENING SERVICE AGREEMENT WITH JD PALATINE LLC – ROXANN BRANNON.
- iv. A-19-111; 3RD PARTY ADMINISTRATOR FOR COBRA NOTIFICATION ON VSP AND BILLING – ROXANN BRANNON.
- v. A-19-112; ERS INTERFACE-MOTOROLA MAINTENANCE AND SUPPORT AGREEMENT – JOSHUA MACK.

Hooper requested A-19-108 be pulled for more discussion. McCutcheon moved, seconded by Crockett to approve the Resolution/Agreement Consent Agenda as presented, pulling A-19-108. Voting yes: Henry, Wood, Crockett and McCutcheon. Passed 4-0. R-19-75 through R-19-80 and A-19-107, A-19-110 through A-19-112 were recorded as Exhibits 12.a.i. through vi. and 12.b.i. and 12.b.iii through 12.b.v., respectively.

- ii. A-19-108; COOPERATIVE AGREEMENT FOR CAP PROJECT L200467 – SOUTH 26TH STREET – JASON BURNS. Hooper relayed that staff had presented three applications, one a school bus, one a co-op and one a CAP for LGI funding. The County was awarded \$228,149 but total project cost was \$1.8M, with a contingency attached to funding. Hooper stated a budget adjustment would have to be made to cover the costs, as the matching grant was not awarded to the County. Other funding had been applied for but the status on that funding was unknown. He noted the agreement should be approved so as to not lose the funding. The budget adjustment would be made at the Commission's discretion, whether to make the adjustment now or wait until the additional grant funding was determined. Wood

was not in favor of authorizing that kind of money on that project right now. He suggested waiting to see if the additional grant money was awarded, allowing the funds to be spent on a different project. Burns felt the project was needed but the County had to stay within the scope of the grant award, using the funds on the minor arterials. The current plan was for a mill and fill producing the high cost. He noted the amount was the engineering estimate that was given. Crockett moved, seconded by Wood to approve A-19-108. Voting yes: Henry, Wood, Crockett and McCutcheon. Passed 4-0. A-19-108 was recorded as Exhibit 12.b.ii.

13. PROJECT UPDATES: None.

14. 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. **ALFREDO GUEVARA ATTENDED TRAINING FROM JUNE 2 THRU JUNE 7, 2019 IN RIO RANCHO, NM.**
- b. **FREDDIE DOMINGUEZ PICKED UP BELLY DUMP TRAILER ON JUNE 17, 2019 IN ALBUQUERQUE, NM.**
- c. **BRENDEN HARVEY, JAROD ZUNIGA AND RYAN ZUNIGA ATTENDED A PRE-BUILD FOR A RESCUE TRUCK FROM JUNE 17 THRU JUNE 20, 2019 IN MINNEAPOLIS, MN.**
- d. **ANGEL ARAGON PICKED UP BELLY DUMP TRAILER ON JUNE 19, 2019 IN ALBUQUERQUE, NM.**
- e. **RODNEY CAMPBELL PICKED UP A TRAILER ON JUNE 19, 2019 IN ODESSA, TX.**
- f. **ALBERT GONZALEZ AND VICTOR LARA ATTENDED CDL SKILLS TEST ON JUNE 21, 2019 IN ROSWELL, NM.**
- g. **CHRISTOPHER CHAVARRIA ATTENDED ICS 400 CLASS FROM JUNE 26 THRU JUNE 28, 2019 IN SANTA FE, NM.**
- h. **CARA COOKE AND ROBIN VAN NATTA ATTENDED CLERK'S AFFILIATE/SOS HB407 TRAINING FROM JULY 9 THRU JULY 11, 2019 IN ALBUQUERQUE, NM.**
- i. **CHRIS CHAVARRIA, DAVID HARKNESS AND TRAVIS OLBERT ATTENDED PRECONSTRUCTION MEETING FOR**

RIVERSIDE VFD TANKER FROM JULY 9 THRU JULY 12, 2019 IN BRADENTON, FL.

- j. JAROD ZUNIGA ATTENDED QUARTERLY STATE MEETING FOR IAAI ON JULY 12, 2019 IN BELEN, NM.
- k. JAROD ZUNIGA ATTENDED LOST PERSON BEHAVIOR TRAINING ON JULY 13, 2019 IN ROSWELL, NM.
- l. JAROD ZUNIGA ATTENDED LOST PERSON BEHAVIOR TRAINING ON JULY 14, 2019 IN ROSWELL, NM.
- m. JERI STRONG ATTENDED RFP TRAINING FROM JULY 15 THRU JULY 19, 2019 IN SANTA FE, NM.

FUTURE:

- n. SHEENA VASQUEZ AND TERRA DOUGAN TO ATTEND TRAINING FROM SEPTEMBER 10 THRU SEPTEMBER 11, 2019 IN EL PASO, TX.
- o. RICHARD BURKS TO ATTEND FIRE DEPARTMENT SAFETY OFFICER ASSOCIATION CONFERENCE FROM JANUARY 12 THRU JANUARY 18, 2020 IN SCOTTSDALE, AZ.

Crockett moved, seconded by McCutcheon to approve the Travel Consent Agenda as presented. Voting yes: Henry, Wood, Crockett and McCutcheon. Passed 4-0.

15. EMERGENCY BUSINESS: None.

16. LEGISLATIVE UPDATE: None.

17. LEGISLATORS, ELECTED OFFICIALS AND COUNTY DEPARTMENT HEADS COMMENTS/ANNOUNCEMENTS/UPDATES:

Smith stated the audits would begin on August 5 and again in October. She thanked Department Heads and Elected Officials in advance for their cooperation, as she would be contacting them during the audit. Ferguson stated the first batch of assessments sent from the State were not correct; they were awaiting the final numbers. Stephens gave an update on the power outage at the Courthouse and ECDC last Friday. The issue was an Xcel Energy issue and not Eddy County's issue. Mack noted Albert Hobbs' service at Queen. He was working with the State Fire Marshal and National Firefighters to get Casey White's line-of-duty death recognized. He thanked all who assisted.

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

Hooper had contacted Woods Houghton in regards to the request made by the Commission to put together a report tracking Eddy County tax dollars to send to the State and the disbursement from there. The City of Carlsbad had already talked to someone at NMSU about the same issue.

19. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UP-

DATES: Crockett had attended the meeting on the Hwy 31/285 interchange. She had hoped for more public attendance. She noted the first Energy Advisory Board meeting was in Artesia last week and recognized James Mason, who was elected Chairman. She had met with Carlsbad Mayor Janway and appreciated all the positive input and the relationship with the City. NM Economic Development awarded a \$25K grant to CDOD for economic assistance. She gave kudos to John Waters for his hard work in Santa Fe. McCutcheon had attended the 31/285 meeting. Three oil companies had committed \$300K each to that project. He thanked local businesses that had also donated to the project. He requested focus be given to blade the rural roads during the monsoon season. He suggested streamlining communication with the public, requesting a synopsis of the Commission meetings be posted on the County webpage and social media. Wood had attended the Energy Alliance and 31/285 meetings and had gotten more information than he expected. He reminded it was Fair time, due to the fact it had rained in Artesia. Henry thanked all the surrounding fire departments for their contribution to honor Casey White. He appreciated White and his contributions to the community. He felt perhaps a housing deal instead of pay may help draw employees to work in Eddy County. He had difficulty attending the Facebook on-line live feed meeting of the 31/285 public meeting. Henry appreciated Hooper's work on the project, reminding all that it was a state road, not a county road. However, it was now the County's problem and we had to fix it. He concurred with making a Commission meeting recap available for the public.

20. 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) & (8), WHICH AUTHORIZES THE BOARD OF COUNTY COMMISSIONERS TO GO INTO EXECUTIVE SESSION TO DISCUSS

a. LIMITED PERSONNEL MATTERS:

i. DISCUSSION ON COUNTY EXECUTIVE MANAGEMENT PERSONNEL – CAS TABOR.

b. REAL PROPERTY – ROBERTA SMITH/CAS TABOR.

At 10:15 a.m., McCutcheon moved to go into Executive Session and to return at 11:00 a.m., seconded by Crockett. Voting yes: Henry, Wood, Crockett and McCutcheon. Passed 4-0.

21. RE-OPEN MEETING:

At 11:40 a.m., Crockett moved, seconded by McCutcheon to reopen the meeting and certified that the only items discussed were Limited

Personnel Matters and Real Property. Voting yes: Henry, Wood, Crockett and McCutcheon. Passed 4-0.

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

a. LIMITED PERSONNEL MATTERS:

i. DISCUSSION ON COUNTY EXECUTIVE MANAGEMENT PERSONNEL – CAS TABOR.

No action taken.

b. REAL PROPERTY – ROBERTA SMITH/CAS TABOR.

No action taken.

23. ADJOURN:

At 11:42 a.m. McCutcheon moved, seconded Crockett by to adjourn the meeting. Voting yes: Henry, Wood, Crockett and McCutcheon. Passed 4-0.

County Commissioner Chairman

ATTEST:

County Clerk

Date