

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
August 4, 2020**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on August 4, 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. Stephens gave the invocation.

PRESENT:

ERNEST CARLSON	CHAIR, DISTRICT 1
STEVE MCCUTCHEON	VICE-CHAIR, DIST 4
SUSAN CROCKETT	COMMISSIONER, DIST 5
ALLEN DAVIS	COUNTY MANAGER
GAY WEST	ADMINISTRATIVE ASSISTANT
CAS TABOR	COUNTY ATTORNEY
ROBIN VAN NATTA	COUNTY CLERK
RONDA NELSON	DEPUTY CLERK - REMOTE
CAROL HENNINGTON	INFO SYSTEMS DIR
KEN KEMP	INFO SYSTEMS
BILLY MASSINGILL	WARDEN
WESLEY HOOPER	COMMUNITY ADMIN SERVICES DIR
JERI STRONG	PIO/O&G LIAISON
JOSH MACK	FIRE SERVICES DIR/FIRE MARSHALL
BRIAN STEPHENS	FACILITIES DIRECTOR
JASON BURNS	PUBLIC WORKS DIRECTOR
MIKE SMITH	CARLSBAD CURRENT ARGUS
STEPHANIE YBABEN	RED ROCKET MEDIA

ABSENT:

JON HENRY	COMMISSIONER, DIST 2
LARRY WOOD	COMMISSIONER, DIST 3

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.
- 2. SERVICE AWARDS: SERVICE AWARDS HAVE BEEN GIVEN TO THE EMPLOYEE'S SUPERVISOR TO DISTRIBUTE.**

- a. EULALIA STROMAN, MOTOR VEHICLE DEPARTMENT – 20 YEARS.
- b. ROSIE GARCIA, TREASURER’S OFFICE – 15 YEARS.
- c. MARLENA PELL – DETENTION CENTER – 5 YEARS.

3. BID AWARDS:

- a. *IFB 20-04; LAW ENFORCEMENT VEHICLES FOR SHERIFF’S DEPARTMENT – KRISTEN NOVOTNY: Novotny noted three bids had been received for 12 Chevrolet Tahoe vehicles for the SO. One bid was deemed non-responsive due to missing specs on the bid. Crockett moved, seconded by McCutcheon to award IFB 20-04 in the amount of \$481,884.00 to Tillery Chevrolet. Voting yes: Crockett, McCutcheon and Carlson. Passed 3-0. IFB 20-04 was recorded as Timed Agenda Exhibit 3.a.

TRAILING AGENDA:

1. APPROVE:

- a. *COMMISSION MEETING MINUTES FOR JULY 21, 2020: McCutcheon noted he was not in attendance but had reviewed the minutes. Crockett moved, seconded by Carlson, to approve the Commission Meeting Minutes for July 21, 2020. Voting yes: Crockett, McCutcheon and Carlson. Passed 3-0.
 - b. *SPECIAL COMMISSION MEETING MINUTES FOR JULY 23, 2020: Crockett noted she was not in attendance but had reviewed the minutes. McCutcheon moved seconded by Carlson, to approve the Special Commission Meeting Minutes for July 23, 2020. Voting yes: Crockett, McCutcheon and Carlson. Passed 3-0.
- 2. *REQUEST TO SET HEARING DATE FOR ADOPTION OF O-20-99, EDDY COUNTY MANUFACTURED HOME PLACEMENT ORDINANCE REPLACING O-16-87 – STEVEN MCCROSKEY:** McCroskey requested a date be set for a public hearing on the adoption of O-20-99. Two weeks public notice were required on the item. Changes to the ordinance were minor; correcting certain verbiage, removing and updating forms for easier use, etc. Crockett moved, seconded by McCutcheon to set a public hearing date of September 1, 2020 concerning adoption of O-20-99. Voting yes: Crockett, McCutcheon and Carlson. Passed 3-0.
- 3. *PRIORITIZATION OF THE EDDY COUNTY FY 2022-2026 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP) PROJECTS – STEVEN MCCROSKEY:** McCroskey stated this was the annual ICIP listing with completed items having been removed. The proposed ranking of the list needed perusal and adoption by the Commission with R-20-70 to follow

thereafter. Crockett felt the choice should be from those commissioners staying on the Board and she would follow along with their ranking. McCutcheon wished to have input from the absent commissioners and felt the item should be tabled. Davis would meet with McCroskey and Hooper for input and bring the item back to the Commission. He noted the items would be solicited from LFC and presented by local legislators. He noted big ticket items did not usually get a lot of support and it was easier to get funds earmarked for smaller-ticket items. Following discussion of holding an information workshop, McCroskey stated all paperwork, approvals and the resolution were due to DFA by September 18. Any additional items added to the list would have around five pages of information that would need to be entered into the system before September 18; he requested enough time to input the information. McCutcheon moved, seconded by Crockett to table the prioritization of the ICIP list. Voting yes: Crockett, McCutcheon and Carlson. Passed 3-0.

4. ***CONOCOPHILLIPS DONATION/GRANT – JOSHUA MACK:** Mack stated the item had been a donation in the past with the company filling out the paperwork. He was requesting permission from the BOCC to apply for the \$10K grant to be used for training ground items or small equipment. Crockett moved, seconded by McCutcheon to approve the donation/grant from ConocoPhillips. Voting yes: Crockett, McCutcheon and Carlson. Passed 3-0.

5. ***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-20-69; FTI CONSULTING’S MONTHLY REPORT FOR JUNE 2020 – ALLEN DAVIS.**
 - ii. **R-20-70; EDDY COUNTY FY 2022-2026 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP) – STEVEN MCCROSKEY.**
 - iii. **R-20-71; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.**
 - iv. **R-20-72 AND A-20-117; PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND COMPANION RESOLUTION AND LOCAL GOVERNMENT ROAD FUND COOPERATIVE AGREEMENT, CONTROL NO. L200506 – JASON C. BURNS.**

b. AGREEMENTS:

- i. A-20-114; CONTRACT AMENDMENT AND EXTENSION FOR RFP #18-07 UNDER ON-CALL MASTER SERVICES AGREEMENT A-19-37 – WESLEY HOOPER.**
- ii. A-20-115; ANNUAL MOTOROLA SERVICE AGREEMENT FY20/21 – JOSHUA R. MACK.**
- iii. A-20-116; ENHANCED 911 ACT GRANT PROGRAM GRANT AGREEMENT – ALLEN DAVIS.**

Crockett moved, seconded by McCutcheon to approve the Resolution and Agreement Consent Agenda, pulling item 5.a.ii. Voting yes: Crockett, McCutcheon and Carlson. Passed 3-0. R-20-69, R-20-71, R-20-72, A-20-114 through A-20-116 were recorded as Exhibits 5.a.i, 5.a.iii and 5.a.iv. and 5.b.i, 5.b.ii and 5.b.iii.

- 6. DEPARTMENT UPDATES.** Strong update the Commission on the upcoming clean-up event at Sitting Bull Falls to be held the first Saturday in October annually. The County had partnered with USDA, Keep Carlsbad Beautiful and Camp Fire Industries for the event. Sitting Bull Falls had been shut down due to the litter and waste from 3K visitors left on Memorial Day. XTO had donated \$10K for food the participants and an advertising grant would be presented to the Eddy County Lodgers' Tax. Response had been great from the community. She had sent a survey to the EAB for direction moving forward for the group. Davis noted changes in the dynamics of the community had come about due to the present situations. He felt other community members could contribute to an advisory board with community issues, not just energy industry issues. The EAB had not met since February due to the lockdown, giving an opportunity to retool, reevaluate and refocus the Board, possibly adding nuclear, mining, agricultural aspects from the community. Strong had put together an internal communications plan and would be meeting with department heads and working on a county newsletter, highlighting departments, individual employees, county presence in the community. The first issue should be out in October. Crockett liked the idea, suggesting legislators and mayors be sent the newsletter. Hooper stated a virtual public meeting would be held on August 19 concerning the design of the 285/31 intersection. Burns updated the Commission on progress of road construction in the County. White's City Road maintenance was ongoing with FEMA's approval and approval was obtained to begin designing and procurement services. He felt they would be completed within a year of construction contracts being awarded. He stated auto-gates would be added to the Convenience Stations, allowing them to stay open later than the current 7 am – 4 pm hours. They would be timed-gates and would initially have "hunting hours", 30 minutes before and 30 minutes after daylight. It was hoped this would alleviate some of the illegal dumping that had taken place. More cans had been added to the stations and additional drivers had been hired. McCutcheon inquired why gates had been closed. Burns answered that nothing good happened at a convenience station after dark. He noted more

cans had been purchased to move around the recreational areas in the County, i.e., Diving Rock, Avalon, etc. The grappler truck was out every Wednesday picking up trash and waste. Stephens stated all County buildings were open and safe, as they have been prior to COVID. New technology had been implemented that they felt was effective. Mack spoke of the recent 3,100+ acre brush fire on Buck Jackson that threatened multiple industry locations. He stated all had gone well. He thanked Strong for her help with their Facebook page. The Otis and Malaga tanker pre-build meeting had taken place but they would be delayed due to COVID. Four First Responder Kits were to be donated by the Permian Road Safety Coalition at a value of \$50K each. They would be strategically placed throughout the County for a rapid response. He stated they were still a finalist for the funds for the \$1M funds for the radio system. Some radios had been received and the equipment was being staged in Chicago to be moved here. The in-person Fire Board Meetings were now held quarterly with the next one in October. Bi-weekly Zoom meetings were held on the second and fourth Mondays at 6 pm.

7. ***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: None.

FUTURE

- a. **COMMISSIONER CROCKETT TO ATTEND ECA NATIONAL CLEANUP WORKSHOP 2020 IN WASHINGTON, DC FROM SEPTEMBER 15 THRU SEPTEMBER 21, 2020.**

Crockett noted the DC trip had been cancelled. Davis noted the item would have to be addressed as registration fees had been paid and would be reimbursed. McCutcheon moved, seconded by Carlson to approve the Travel Request Consent Agenda. Voting yes: Crockett, McCutcheon and Carlson. Passed 3-0.

8. **EMERGENCY BUSINESS:** None.

9. **LEGISLATIVE UPDATE:** None.

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

11. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES. Davis noted last week the State presented notification and applications for CARES Relief Funding for counties and municipalities along with Small Business Grants. He stated \$100M had been earmarked for local governments and \$50M for Small Business Grants. The deadline for submission was August 7 and Eddy County would have an application in for reimbursements along with an amount for small business grants. Local governments would administer the small business grants. Bernalillo had gotten their funds the same time as the State and had administered \$5M, capped to \$10K per grant. The money had been sitting at the State for four months now with a 10-day window to complete. Carlson requested the funds be advertised to the public and have a public workshop to help with the applications. Davis stated the County had joined with the City of Carlsbad and BLM to improve the recreational potential at Six-Mile Dam. The County could offer support from the road blades and equipment to push a loop road and support fencing and stands for viewing. He noted Woods Houghton's final day was the end of July and the new County Extension Agent was being anticipated.

12. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES. Crockett encouraged all to go see the new gazebo on the courthouse lawn. She thanked the great community partners for helping with that. She noted Karla Hamill had submitted her resignation, so Main Street was seeking a new Director. She was pleased to announce her son's engagement. McCutcheon related the experience a friend had had soliciting food and being denied food in Roswell and two places in Santa Fe due to not having a mask at the drive-thru. McCutcheon appreciated the attitude in Eddy and Lea County for freedom and for the ability of people to choose for themselves and for the tremendous sacrifices the local businesses were making. He appreciated good men and women standing up for what was right, adding that what it took for tyranny to flourish was for good men to do nothing. Carlson seconded McCutcheon's statement. He felt it took a lot of courage to do what the establishments were doing and it was good for the community to see that we were going to do the right thing, not necessarily what was ordered. He admired those folks.

13. EXECUTIVE SESSION: None.

14. ***ADJOURN:** At 9:23 a.m., Crockett moved, seconded by McCutcheon, to adjourn the meeting. Voting yes: Crockett, McCutcheon and Carlson. Passed 3-0.

***Asterisk Denotes Vote Required**

COMMISSION CHAIR, ERNEST CARLSON

ATTEST:

COUNTY CLERK, ROBIN VAN NATTA

DATE