

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
AUGUST 6, 2019**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on August 6, 2019 at 8:30 a.m. Henry called the meeting to order and led the Pledge of Allegiance and the salute to the New Mexico State flag. Hennington gave the invocation.

PRESENT:

JON HENRY	CHAIR, DISTRICT 1
ERNEST CARLSON	VICE-CHAIR, DISTRICT 2
LARRY WOOD	COMMISSIONER, DISTRICT 3
STEVE MCCUTCHEON	COMMISSIONER, DISTRICT 4
SUSAN CROCKETT	COMMISSIONER, DISTRICT 5
CAS TABOR	COUNTY ATTORNEY
RONDA NELSON	DEPUTY CLERK
MARK CAGE	SHERIFF
GEMMA FERGUSON	ASSESSOR
MELISSA WASHBURN	CHIEF DEPUTY ASSESSOR
RHONDA HATCH	ASSESSOR - SUPERVISOR
CAROLYN STROBLE	CHIEF DEUPUTY TREASURER
BILLY MASSINGILL	DETENTION WARDEN
GAY WEST	EXECUTIVE ADMIN ASSISTANT
ROBERTA SMITH	FINANCE DIR/ CO-COUNTY MGR
ROXANN BRANNON	HR DIRECTOR
CAROL HENNINGTON	IT DIRECTOR
SHARON DODSON	ASSISTANT IT DIRECTOR
ROSIE MUNOZ	IT DEPARTMENT
WESLEY HOOPER	COMM SRVCS DIR/CO-COUNTY MGR
JERI STRONG	PIO/O&G LIAISON
STEVE MCCROSKEY	ASSISTANT DIRECTOR COMM SRVCS
JASON BURNS	PUBLIC WORKS DIRECTOR
CHRISTINE MCCROSKEY	PUBLIC WORKS FINANCE OFFICER
TRAVIS OLBERT	DEPUTY FIRE MARSHALL/FIRE SRVC DIR
BRIAN STEPHENS	FACILITIES DIRECTOR
VERONICA PARRAS	HEALTH CARE ADMINISTRATOR
STEPHANIE YBABEN	RED ROCKET MEDIA
MIKE SMITH	CARLSBAD CURRENT ARGUS

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):** Mary Garwood, City of Carlsbad Beautification Committee, invited the Commissioners to attend the upcoming City-sponsored Boots on the Ground - Illegal Dumping Workshop. A team of professionals would present the workshop dealing with code enforcement, law enforcement, school education, etc.
2. **CHEVRON CHECK PRESENTATION TO EDDY COUNTY – JERI STRONG:** This item was moved to later in the meeting pending the arrival of Chevron representatives

TRAILING AGENDA:

1. **APPROVE:**

- a. **COMMISSION MEETING MINUTES FOR JULY 16, 2019:** Carlson moved, seconded by Crockett, to approve the Commission Meeting Minutes for July 16, 2019. Voting yes: Crockett, McCutcheon, Henry, Carlson and Wood. Passed 5-0.
 - b. **SPECIAL COMMISSION MEETING MINUTES FOR JULY 22, 2019:** McCutcheon moved, seconded by Carlson, to approve the Special Commission Meeting Minutes for July 22, 2019. Voting yes: Crockett, McCutcheon, Henry, Carlson and Wood. Passed 5-0.
 - c. **SPECIAL COMMISSION MEETING MINUTES FOR JULY 30, 2019:** Crockett moved, seconded by Wood, to approve the Special Commission Meeting Minutes for July 30, 2019. Voting yes: Crockett, Henry and Wood. Abstaining: McCutcheon and Carlson. Passed 3-0.
 - d. **PURCHASE CARD REPORT FOR JUNE 2019:** Wood moved, seconded by Crockett, to approve the Purchase Card Report for June 2019. Voting yes: Crockett, McCutcheon, Henry, Carlson and Wood. Passed 5-0. The Purchase Card Report for June 2019 was recorded as Exhibit 1.d.
2. **REQUEST FOR \$15,000.00 TO BE ALLOCATED TO CARLSBAD DEPARTMENT OF DEVELOPMENT FROM THE CONTINGENCY FUND – ROBERTA SMITH/WES HOOPER:** Carlson moved, seconded by Crockett, to pull the request. Voting yes: Crockett, McCutcheon, Henry, Carlson and Wood. Passed 5-0.

3. **APPROVE/DISAPPROVE – ONE (1) INDIGENT BURIAL – VERONICA PARRAS:** Carlson moved, seconded by McCutcheon, to approve one indigent burial. Voting yes: Crockett, McCutcheon, Henry, Carlson and Wood. Passed 5-0.

4. **ICIP PRIORITIZATION OF THE EDDY COUNTY FY 2021-2025 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP) PROJECTS – STEVEN MCCROSKEY:** McCroskey stated this was the annual prioritization of Infrastructure Capital Improvement Projects (ICIP) to be presented to DFA. The Eddy County Detention Center renovation had been moved up to the third priority. He explained the projects should be shovel-ready and ICIP was not a wish list. The County had less of a chance of getting capital outlay for a project not placed on the list. Crockett liked the list. McCutcheon inquired about the East Loop Road. McCroskey related it was US Refinery Road to 31, not including crossing Grandi Road. McCutcheon wanted to see monies allocated for Grandi Road as well. Carlson concurred and wanted that project moved to number three on the list. Crockett was okay with it being number three. Hooper stated the top five on the list were the most important. Adjustments could be made if grant funding was pursued in the future. McCroskey stated the County received no funding from this list. Capital outlay would be requested and the list would then be reviewed to determine what would be allocated. McCutcheon inquired of the timeframe for funding. The soonest would be next year's Legislative Session 20/21 in January. Carlson inquired of grant funding for arterial roads. Hooper stated grant funding had been applied for and the County received around \$200K this year. He stated Eddy County had teamed up with the City of Carlsbad on the Standpipe project. Henry stated for the record and wanted everyone to know the County was fixing the State's problem on SR 31. McCroskey informed the Commission that a resolution would follow to finalize the ICIP and what they directed him to prioritize. The list was due to DFA by September 2, the Resolution would be included. Carlson added he would like Onsurez Road put on the list ahead of Old Cavern Highway, as it was in worse shape. Burns stated Onsurez Road was on the maintenance schedule for this year, and would be worked on after the Pothole Blitz was completed. Burns stated a lot of these problem roads could swing towards maintenance, as opposed to replacing in-kind as ICIP projects.

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-19-84; EDDY COUNTY FY 2021-2025 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP) – STEVEN MCCROSKEY.**
 - ii. **R-19-85; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.**
- b. **AGREEMENTS:**
 - i. **A-19-113; DEPARTMENT OF FINANCE – LOCAL GOVERNMENT DIVISION – E911 GRANT AGREEMENT FY 2020, PROJECT 20-E-46 – BAMBI KERN.**
 - ii. **A-19-116; LEGISLATIVE APPROPRIATION – CYNTHIA SHARIF.**
 - iii. **A-19-117; FUNDING AGREEMENT BETWEEN EDDY COUNTY AND OXY FOR HIGHWAY NM31/US285 INTERSECTION IMPROVEMENTS – JERI STRONG.**
 - iv. **A-19-118; PLANNING AGREEMENT FOR NM31/US285 INTERSECTION – WESLEY HOOPER.**
 - v. **A-19-119; STANTEC MASTER SERVICE AGREEMENT TASK ORDER – STEVEN MCCROSKEY.**
 - vi. **A-19-120; EQUIPMENT SERVICE CONTRACT RENEWAL WITH SPARKS OFFICE SOLUTIONS FOR FIRE SERVICE – JOSHUA MACK.**
 - vii. **A-19-121; EQUIPMENT SERVICE CONTRACT RENEWAL WITH SPARKS OFFICE SOLUTIONS FOR THE OFFICE OF EMERGENCY MANAGEMENT – JOSHUA MACK.**
 - viii. **A-19-122; FUNDING AGREEMENT BETWEEN EDDY COUNTY AND CHEVRON FOR NM31/US285 INTERSECTION IMPROVEMENTS – JERI STRONG.**

Crockett moved, seconded by McCutcheon, to approve the Resolution and Agreement Consent Agenda pulling indefinitely item 5.b.iv. A-19-118 until NMDOT Secretary Sandoval and District Engineer Tim Parker were heard from, and pulling A-19-119 for discussion. Voting yes: Crockett, McCutcheon, Henry, Carlson and Wood. Passed 5-0. R-19-84 and R-19-85 were recorded as Exhibits 5.a.i and 5.a.ii. A-19-113, A-19-116, A-19-117, A-19-120 -122 were recorded as Exhibits 5.b.i – iii. and 5.b.vi - viii, respectively.

- v. **A-19-119; STANTEC MASTER SERVICE AGREEMENT TASK ORDER – STEVEN MCCROSKEY:** Hooper stated A-19-119 was to start discussions and planning of different routes for presentation to Loving and working on a partnership with the Village. McCroskey added it was information gathering to have something to present to them. McCutcheon moved, seconded

by Crockett, to approve A-19-119. Voting yes: Crockett, McCutcheon, Henry, Carlson and Wood. Passed 5-0. A-19-119 was recorded as Exhibit 5.b.v.

6. **PROJECT UPDATES:** None.

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

- a. **JAMES T. LARA ATTENDED TASER CREW INSTRUCTOR CERTIFICATION IN SCOTTSDALE, AZ FROM JUNE 10 THRU JUNE 13, 2019.**
- b. **BRYANT SHOCKLEY ATTENDED LOST PERSON BEHAVIOR CLASS IN ROSWELL, NM ON JULY 13, 2019.**
- c. **BRYANT SHOCKLEY ATTENDED LOST PERSON BEHAVIOR CLASS IN ROSWELL, NM ON JULY 14, 2019.**
- d. **DAVID R. LOONEY AND FREDDY COTA ATTENDED ERS TRAINING IN SAN ANTONIO, TX FROM JULY 15 THRU JULY 19, 2019.**
- e. **ROBIN VAN NATTA, DARLENE ROSPRIM, SUSAN GALVAN, MONICA HERNANDEZ, AND CARA COOKE ATTENDED SECRETARY OF STATE ELECTION TRAINING FROM AUGUST 4 THRU AUGUST 7, 2019.**

FUTURE

- f. **DAVID HARKNESS TO ATTEND HALE PUMP SCHOOL IN CONSHOHOCKEN, PA FROM AUGUST 11 THRU AUGUST 16, 2019.**
- g. **WES HOOPER TO ATTEND THE 2019 NMML ANNUAL CONFERENCE IN LAS CRUCES, NM FROM AUGUST 27 THRU AUGUST 30, 2019.**
- h. **GEMMA FERGUSON, MELISSA WASHBURN, AND RHONDA HATCH TO ATTEND TYLER USERS GROUP MEETING IN ALBUQUERQUE, NM FROM AUGUST 29 THRU AUGUST 30, 2019.**
- i. **ROXANN BRANNON, SHERRILL MCDUGLE, AND AISSA LARA TO ATTEND GATHERING OF THE COUNTY/ NM TRUE DAY IN ALBUQUERQUE, NM FROM SEPTEMBER 11 THRU SEPTEMBER 12, 2019.**

- j. ROXANN BRANNON AND ANNA VASQUEZ TO ATTEND SHRM-35TH EMPLOYMENT LAW UPDATE IN LAS CRUCES, NM FROM SEPTEMBER 26 THRU SEPTEMBER 27, 2019.
- k. ROXANN BRANNON, ANNA VASQUEZ, AND PATRICIA CARRASCO TO ATTEND NEW MEXICO HUMAN RESOURCE AFFILIATE IN RUIDOSO, NM FROM OCTOBER 9 THRU OCTOBER 11, 2019.

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

8. EMERGENCY BUSINESS: None.

9. LEGISLATIVE UPDATE: None.

10. LEGISLATORS, ELECTED OFFICIALS AND COUNTY DEPARTMENT HEADS COMMENTS/ANNOUNCEMENTS/UPDATES: Burns related that in the three weeks since starting the Pothole Blitz, 889 potholes had been repaired on 20 different County roads. The public now had the capability to report a road issue on the County website. Cage was proud of his staff for apprehending within a day the perpetrators of major crimes that had taken place recently in the County. He gave kudos to the detectives and noted that solid cases had been handed to the DAs for prosecution. He stated legal recreational marijuana use was coming and requested the Commission get their thoughts on the subject back to him as he was the County's representative for the legislative session. The NM County board meeting was held recently in Artesia. Many legislators had attended. The Voting Reform House Bill 407 had been enacted. As such, he was in a lawsuit with the Secretary of State that would be heard in the Supreme Court on August 13 concerning the constitutionality of his six-year term. The law change also affected District Attorneys and Judges. He related that County and City SWAT teams had merged allowing resources to be combined benefitting both entities and Eddy County residents. Cross-commissioned Officers given by Cage were not full deputy commissions but were special commissions to satisfy the insurers. He stated he was nine employees down and may have to restructure his budget to find incentives to keep employees. He was losing employees in the 5-12/year service bracket and would focus on that area to make it better for them to stay here. He urged the Commissioners to study the Mexico/Canada/USA Trade Agreement. Dona Ana had passed a resolution supporting it and asked them to consider doing the same in the future. Hennington informed the Commissioners that Commission Meeting videos were now available on a government YouTube channel for public access.

11. INTERIM CO-COUNTY MANAGERS' COMMENTS/ANNOUNCEMENTS/UPDATES: Hooper informed the Commission that the overview of the agenda

and synopsis of the meetings were now available to the public on the County website. Smith related that she and Hooper had reached out to various entities to discuss the housing issues in Eddy County. She also thanked the Department Heads and Elected Officials for their support and cooperation during her tenure as Co-County Manager.

12. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES:

Crockett had spent time with Joe Moynihan, a political blogger from Santa Fe. She suggested that everyone watch the three-night series KOAT-TV had done on Eddy County. She felt it was a good and fair overview of issues Eddy County was experiencing. She had attended the Mayor's Trash Taskforce meeting along with committee members Sepich, Branson and Walterscheid. The meeting was well attended by the public and various governmental entities, with the next meeting scheduled for August 14. She was made aware of a session that had taken place in Carlsbad giving activist training for lobbying against nuclear and methane issues. McCutcheon thanked the SO and Fire Departments/First Responders for their response to the recent drowning at Brantley Lake. He felt Eddy County was in good hands if there were ever an emergency like the recent El Paso tragedy. He had received calls concerning roads and was glad to be able to say action was taking place and potholes were being fixed. Carlson had also escorted Moynihan around Eddy County, observing and experiencing Eddy County roads. He noted that SENM and the State were experiencing an opportunity that would never be seen again and the State should spend the money where the money came from. He felt SENM was putting its sweat and now blood into it. He had traveled from El Paso and found the Border Patrol station to be open once again. Wood related the Eddy County Fair had concluded, having been a great success with record sales. Henry stated he would fight recreational marijuana use in the state. He wondered why NM, with failing schools and record-high DUI cases, would legalize it when other states that had done so had problems that worsened. He stated his district was now District 1. He was proud that ECSO and the BOCC were listening to their constituents. He felt the relationship between the County and the Cities of Artesia and Carlsbad was the best it had been and hoped to keep up the intra-city cooperation and working together. School would start next week.

2. **CHEVRON CHECK PRESENTATION TO EDDY COUNTY – JERI STRONG:** Chevron representative, Carey Baird and NM Operations Superintendent, Nathan Carroll, presented a check for \$75K to Eddy County supporting the Energy Advisory Board. Carroll had been delayed in traffic. He stated it was great to be in Eddy County and that he was moving his family to Artesia in the near future.

SHORT BREAK FOR PICTURES

3. **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. **OPIOIDS DISCUSSION – CAS TABOR.**
- ii. **TAX AND REVENUE DISCUSSION – CAS TABOR.**
- iii. **STANDPIPE PHASE II – JASON BURNS.**

At 9:45 a.m., McCutcheon moved, seconded by Carlson, to go into executive session to return at 10:30 a.m. Voting yes: Crockett, McCutcheon, Henry, Carlson and Wood. Passed 5-0. Crockett left the meeting at 11:50 a.m.

4. **RE-OPEN MEETING:** At 12:04 p.m., McCutcheon moved, seconded by Wood, to re-open the meeting and certify the only things discussed were threatened or pending litigation as stated. Voting yes: McCutcheon, Henry, Carlson and Wood. Passed 4-0.

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

a. **THREATENED OR PENDING LITIGATION:**

- i. **OPIOIDS DISCUSSION – CAS TABOR:** No action taken.
- ii. **TAX AND REVENUE DISCUSSION – CAS TABOR:** No action taken.
- iii. **STANDPIPE PHASE II – JASON BURNS:** No action taken.

6. **ADJOURN:** At 12:05 p.m., McCutcheon moved, seconded by Carlson, to adjourn the meeting. Voting yes: McCutcheon, Henry, Carlson and Wood. Passed 4-0.

Commission Chairman, Jon Henry

Attest:

County Clerk, Robin Van Natta

Date