

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
August 18, 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 18, 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. Van Natta gave the invocation.

PRESENT:

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| ERNEST CARLSON | CHAIR, DISTRICT 1 |
| STEVE MCCUTCHEON | VICE-CHAIR, DIST 4 |
| JON HENRY | COMMISSIONER, DIST 2 - REMOTE |
| LARRY WOOD | COMMISSIONER, DIST 3 - REMOTE |
| SUSAN CROCKETT | COMMISSIONER, DIST 5 - REMOTE |
| ALLEN DAVIS | COUNTY MANAGER |
| CAS TABOR | COUNTY ATTORNEY |
| ROBIN VAN NATTA | COUNTY CLERK |
| RONDA NELSON | DEPUTY CLERK - REMOTE |
| JASON BURNS | PUBLIC WORKS DIRECTOR |
| WESLEY HOOPER | COMMUNITYADMIN SRVCS DIR |
| ROBERTA SMITH | FINANCE DIRECTOR |
| JERRY FANNING | PUBLIC GOVT AFFAIRS DIRECTOR |
| CAROL HENNINGTON | INFO SYSTEMS DIR |
| KEN KEMP | INFO SYSTEMS |
| STEPHANIE YBABEN | RED ROCKET MEDIA |

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. **JACOB JAQUEZ, SHERIFF’S OFFICE, ARTESIA – 15 YEARS.**
 - b. **RHONDA BRYANT, DETENTION – 15 YEARS.**
 - c. **STEPHEN CANNON, ASSESSOR’S OFFICE – 5 YEARS.**
 - d. **CHARLENE “CHARLIE” POWELL, SAFETY – 5 YEARS.**
 - e. **JOHN RUNYAN, PUBLIC WORKS, ARTESIA – 5 YEARS.**
 - f. **KENNETH SMITH, SHERIFF’S OFFICE, CARLSBAD – 5 YEARS.**

TRAILING AGENDA:

1. APPROVE:

- a. ***EXPENSE APPROVAL REPORT FOR JULY 2020:** McCutcheon moved, seconded by Crockett to approve the July 2020 Expense Approval Report. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0. The July 2020 Expense Approval Report was recorded as Exhibit 1.a.
2. ***POSITION RECLASSIFICATION – CYNTHIA SHARIF:** Sharif stated the grant-funded position had in the past been a full-time position. Services had increased and referrals had been received from entities throughout New Mexico and the US. She stated funds were available to support the reclassification. McCutcheon moved, seconded by Crockett to approve the position reclassification for DWI. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0.
3. ***CORRECTION OF AN OVERSIGHT REGARDING WAGES FOR EMPLOYEES WITH JUNE SERVICE DATES – ROXANN BRANNON:** Brannon stated 22 employees had been affected by the previous freeze on wages and did not get the increase due to issues with the system. Crockett moved, seconded by McCutcheon, to approve the correction of wages for employees with June service dates. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0.
4. ***CONCEPTUAL DESIGN APPROVAL OF EDDY COUNTY WELCOME SIGN – JASON C. BURNS:** Burns presented a proposed schematic of the “Welcome to Eddy County” signs to be placed at all highways leading into Eddy County. He stated the NMDOT had no issues with rights-of-way and DOT requirements would be met to install the signs. McCutcheon requested a wording change from “God, Country and Family” to “God, Family and Country.” He and Carlson requested the size of the signs be increased as much as possible. McCutcheon moved, seconded by Crockett, to approve the conceptual design of the Eddy County welcome sign with the minor changes to wording and size. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0.
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-20-73; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.**

b. AGREEMENTS:

- i. A-20-118; SPARKS EQUIPMENT SERVICE CONTRACT – JESSICA STYGAR.
- ii. A-20-119; PDS ANNUAL MAINTENANCE AGREEMENT – ROBIN VAN NATTA.
- iii. A-20-120; EQUIPMENT RENTAL AGREEMENT WITH NUCLEAR WASTE PARTNERSHIP LLC (NWP) – ALLEN DAVIS.
- iv. A-20-121; COST OF CARE FOR JUVENILE OFFENDERS AGREEMENT WITH BERNALILLO COUNTY – ALLEN DAVIS.

McCutcheon moved, seconded by Crockett, to approve the Resolution and Agreement Consent Agenda. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0. R-20-73 was recorded as Exhibit 5.a.i. A-20-118 through A-20-121 was recorded as Exhibit 5.b.i. – 5.b.iv.

6. DEPARTMENT 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: None.

FUTURE: None.

8. EMERGENCY BUSINESS: None.

- 9. LEGISLATIVE UPDATE:** Fanning updated the Commission on the Legislative Council meeting discussion of the CARES Act funds, how they had been distributed by the Governor and how they were spent in the State. Representative Townsend was able to obtain an agreement by the staff of the LFC and Legislative Councils to present by an extensive breakdown of how those funds had been allocated and expended by the first working day in September. It was very evident there was concern from both sides of the aisle concerning those powers. He felt something would be introduced at the session to possibly change the powers of a governor's ability to allocate those funds and the amounts they would be able to allocate at one time. An additional meeting would be held by Courts, Correction and Justice with discussion on broadband services in the state and also law enforcement body camera costs and funding, along with privacy and inspection of public records. The SOS would give an update on the election and League of Women Voters would discuss redistricting. He would follow the meetings for the BOCC and keep the Commission updated. McCutcheon inquired how the BOCC could support legislators in their pursuit to limit the Governor's powers. Fanning felt submitting letters as a Commission to the Legislature and the Governor's office in support of that, articulating what the Commission wanted, would be helpful. He noted discussion had

surfaced of spending CARES funds to offset the State deficit. Information was needed in order to make an

informed decision on the future budget in January. Carlson inquired if the State deficit had been created from the decline in oil and gas revenue and gross receipts taxes. He inquired where the State stood on their budgeted revenue amount. Davis added their forecasts were soft and he didn't know if they understood what the outlook was. He noted NM production had dropped from past performance and the rig count continued to drop. Eddy County had 22 currently which was the most active rigs in the US at this point. The County had budgeted \$25 per barrel for the first six months and he felt the State had used \$50 per barrel for their budget, therefore the State forecast had not been met. McCutcheon noted the State could not afford to be more conservative on their projections, as it would make them look worse with a larger deficit on the State budget due to their overspending. Davis noted the federal provisions stated that the first Federal CARES package funds were not to be used for budget relief.

10. LEGISLATORS AND ELECTED OFFICIALS' COMMENTS, ANNOUNCEMENTS, UPDATES: None.

11. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES: Davis could not emphasize enough all the good the County was doing to hold the line and maintain the expectations of the County's forecast. He appreciated the County employees continuing to provide services during this challenging time. Positive activity was progressing with the roads and FEMA funds. The SE Loop RFP was anticipated to be let in the near future. He appreciated the employees and all the support given to him.

12. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES: Crockett stated a "Woods Houghton Day" was in the works to honor Houghton's extensive service to the public and to Eddy County. Davis noted it would be presented at the second September meeting. McCutcheon had received and passed along praises to Burns for the great progress made on the roads. He thanked Burns for good work on the welcome sign. McCutcheon noted the restaurant industry, along with the oil and gas industry, had suffered tremendously in the State. He added now the movie industry had been affected and would shut down after September, adding that the Governor had once again ruined another industry in the State. He felt there was no industry that had not been affected dramatically by the Governor's actions. McCutcheon hoped the Commissions and all legislators in the upcoming session could come together and come up with legislation that would check the Governor's powers, giving power back to the three branches of government, not just the one. Henry thanked all for what they were doing for the County. Carlson had recently attended a CPE course and had been questioned about the oil and gas industry in SENM. He was pleased others were aware of the oil and gas issues and they were hoping legislature would come to support the Permian Basin. He thanked all for what they did to support the County.

13. EXECUTIVE SESSION: None.

14. *ADJOURN: At 9:05 a.m. McCutcheon moved, seconded by Crockett, to adjourn the meeting. Voting yes: McCutcheon, Carlson, Henry, Wood and Crockett. Passed 5-0.

***ASTERISK DENOTES VOTE IS REQUIRED.**

COMMISSION CHAIR, ERNEST CARLSON

ATTEST:

COUNTY CLERK, ROBIN VAN NATTA

DATE