

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
September 3, 2019**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on September 3, 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. McCutcheon gave the invocation.

PRESENT:

JON HENRY	CHAIR, DISTRICT 2
ERNEST CARLSON	VICE-CHAIR, DISTRICT 1
LARRY WOOD	COMMISSIONER, DISTRICT 3
STEVE MCCUTCHEON	COMMISSIONER, DISTRICT 4
SUSAN CROCKETT	COMMISSIONER, DISTRICT 5
CAS TABOR	COUNTY ATTORNEY
ROBIN VAN NATTA	COUNTY CLERK
DARLENE ROSPRIM	CHIEF DEPUTY CLERK
GEMMA FERGUSON	ASSESSOR
MELISSA WASHBURN	CHIEF ASSESSOR
RHONDA HATCH	ASSESSOR SUPERVISOR
LAURIE PRUITT	TREASURER
BILLY MASSINGILL	WARDEN
MARIA MALDONADO-MERJIL	DETENTION CHIEF DEPUTY ADMIN
GAY WEST	EXECUTIVE ADMIN ASSISTANT
ROBERTA SMITH	FINANCE DIR/ CO-COUNTY MGR
JESSICA STYGAR	ASSISTANT FINANCE DIRECTOR
ROXANN BRANNON	HR DIRECTOR
CAROL HENNINGTON	INFORMATION SYSTEMS DIRECTOR
SHARON DODSON	ASSISTANT IT DIRECTOR
ROSIE MUNOZ	IT DEPT
WESLEY HOOPER	COMM SVCS DIR/CO-COUNTY MGR
JERI STRONG	PIO/O&G LIASON
VERONICA PARRAS	HEALTH CARE ADMINISTRATOR
BRIAN STEPHENS	FACILITIES DIRECTOR
JASON BURNS	PUBLIC WORKS MANAGER
CHRISTINE MCCROSKEY	PUBLIC WORKS FINANCE OFFICER
FABIAN GOMEZ	LANDFILL SUPERVISOR
JOSHUA MACK	FIRE SRVC DIR/FIRE MARSHALL
CYNTHIA SHARIF	DWI COORDINATOR
MIKE SMITH	CARLSBAD CURRENT ARGUS
STEPHANIE YBABEN	RED ROCKET MEDIA

TIMED AGENDA

- 1. PUBLIC COMMENTS/ANNOUNCEMENTS. (THREE MINUTE TIME LIMIT PER PERSON) (WE REQUEST ALL COMMENTS BE RESPECTFUL AND COURTEOUS IN NATURE):** None.

- 2. BID AWARDS:**

- a. IFB19-02 WATER SERVICES FOR EDDY COUNTY – ROBERTA SMITH:** Four bids were submitted and deemed responsive. Smith recommended IFB 19-02 be awarded to Select Energy Services, Alfadale Inc, Andersen Investments LLC, and J&J Farms. Carlson moved, seconded by Crockett to award IFB 19-02 as recommended. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0. IFB-19-02 was recorded as Timed Agenda Exhibit 2a.
- b. IFB 19-03 ASPHALT EMULSIONS AND ASSOCIATED PRODUCTS FOR EDDY COUNTY – ROBERTA SMITH:** No sealed bids were received. The bid would be re-presented in the future.

10:00 a.m.

- 3. BRINE WELL REMEDIATION UPDATE BY JIM GRISWOLD, NEW MEXICO ENERGY, MINERALS, AND NATURAL RESOURCES – ROBERTA SMITH/WESLEY HOOPER:** Griswold gave a PowerPoint presentation on the remediation of the brine well and reviewed ongoing issues with sinkholes which had developed previously. Work had progressed on characterization of the South Y (I&W) brine well. Griswold reported based on the geophysics the cavern was filled with brine water and other solid material which helped to derive the remediation plan. He stated a series of 16 wells would be installed to pressure inject grout in two phases while removing the brine. Controlling and maintaining the pressure of the brine in the cavern would hold up the roof. For every barrel of grout injected in, a barrel of brine would be pulled out in a controlled fashion. Phase 1 would inject a high-mobility grout to spread across and displace the brine creating a new roof for the cavern. Phase 2 would drill down through that cap into the rubble piles and inject a local building grout to create structural columns or support to hold the new roof up. They had drilled into the cavern and watched the response leading the contractor to rethink the original preliminary design of the process. Currently, they would try to work from the center out rather than from the outside wings in, as it would be more effective and cost-effective. The current plan was to have two rigs running 24/7 during the initial grouting phase, taking about two years for that portion of the plan. The monitoring equipment had been tied-in to the Eddy County Emergency Response since 2009 and if the cavern was breached they anticipated several hours warning before a collapse. Once the situation was remediated, it would be monitored for two years thereafter. Over \$45M of

funding was secured for the project. Expenditures to date were \$6.3M. Preliminary preparation was in place and Griswold anticipated the first 2 rigs would begin drilling by the end of September and continue until August of 2020. He stated he would be leaving his current position to spend more time on this project with the OCD, stating he would not retire until this project was done. Funding was an issue with an \$8.5M budget shortage on the entire project. Meetings would take place to try to resolve that shortfall. Griswold thanked Eddy County EMS and staff that had been very helpful throughout the years. Carlson inquired about the drilling noise and operation of the rigs. Griswold stated the rigs had been running in the area for a year with no complaints. The budget did not include noise abatement fencing. Crockett thanked Griswold and applauded his commitment to the project. The Powerpoint presentation was recorded as Timed Agenda Exhibit 3.

TRAILING AGENDA:

1. APPROVE:

- a. **COMMISSION MEETING MINUTES FOR AUGUST 20, 2019:** McCutcheon moved, seconded by Carlson to approve the Commission Meeting Minutes for August 20, 2019. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.
2. **TREASURER'S REPORT FOR JULY 2019 – LAURIE PRUITT:** This item was for information only. The July 2019 Treasurer's Report was recorded as Exhibit 2.
3. **JULY 2019 REVENUE REPORT – ROBERTA SMITH:** Gross Receipts revenue was targeted at \$1,150,000 per month with July collecting \$1,385,003. Oil and Gas revenue was targeted at \$1.5M per month with July collections totaling \$2,565,802. Crockett moved, seconded by McCutcheon to approve the July 2019 Revenue Report. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0. The July 2019 Revenue Report was recorded as Exhibit 3.
4. **BUDGET VS. ACTUAL – JULY 2019 – ROBERTA SMITH:** Smith stated the budgeted revenue was \$97,670,528 with actual revenue being \$23,627,360. Budgeted expenses were \$109,827,391 with actual expenses being \$19,392,871. McCutcheon moved, seconded by Carlson to approve the Budget vs Actual Report for July 2019. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0. The Budget vs. Actual Report for July 2019 was recorded as Exhibit 4.
5. **APPROVE SAFETY NET CARE POOL CERTIFICATION OF PUBLIC FUNDS FOR FY 2019/2020 – 1ST QUARTER – VERONICA PARRAS:** Crockett moved, seconded by Wood to approve the Safety Net Care Pool Certification of Public Funds for FY 2019/2020 – 1st Quarter. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0. The Safety

Net Care Pool Certification of Public Funds for FY 2019/2020 – 1st Quarter was recorded as Exhibit 5.

6. CHANGE POSITION TITLE OF DEPUTY ASSESSOR – GEMMA

FERGUSON: Ferguson requested the title of two positions be changed to reflect the actual duties. Crockett moved, seconded by Carlson to approve the change in position title of Deputy Assessor. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.

7. DISCUSSION AND DIRECTION ON ADDING AN ADDITIONAL HOLIDAY TO THE 2019 HOLIDAY SCHEDULE – ROBERTA SMITH/WES HOOPER:

Smith relayed the Clerk's Office was on a 10-hour schedule but was open five days a week instead of four. She explained if one was working 8:00 to 5:00, you would have 15 holidays equaling 14 full days off. If working 10-hour days, you would have 12 holidays. The Clerks and the SO were on the 10-hour day but open five days a week. McCutcheon felt working the Friday after Thanksgiving was not a good deal and didn't make much sense. Wood was okay with changing it. Carlson felt it was a waste of time working the day after Thanksgiving when people had family in. Carlson would be in favor of taking Friday off. Smith stated the Holiday Schedule would be brought back and an additional 5/10 schedule added. Carlson added in real business that Friday was always taken off as it was basically a wasted day. Henry was sick and tired of talking about the Holiday Schedule. He was under the impression that this had been fixed the last time and everyone was happy with the outcome. Smith noted the only change would be adding the Thanksgiving Friday. Henry had no interest in changing. Van Natta stated the schedules were changed mid-year and it was done in a hurry; we had gone through a complete cycle with the revised hours and holiday schedule; there was no way to anticipate every issue. Crockett would like to see the schedule brought back for approval. Smith stated a 5/10 holiday schedule would be added to include Black Friday for that schedule, with no other schedule changed. Wood moved, seconded by Crockett to bring back the 5/10 Holiday Schedule adding the Friday after Thanksgiving. The change would come back as a resolution on the consent agenda. Voting yes: Carlson, Wood, Crockett and McCutcheon. Voting no: Henry. Passed 4-1.

8. AWARD ONSUREZ ROAD CHIP SEAL – JASON BURNS:

Burns stated the shoulders had been pulled and rolled and was now requesting to complete the repair on the road. Burns stated it was not a sealed bid but was done on the construction contract to get the work done in chip seal season. Multiple bids had been obtained through the construction contract. McCutcheon moved, seconded by Crockett to award the road chip seal project on Onsurez Road to J&H Services Inc. for \$474,473.32. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.

9. AWARD MUSCATEL ROAD REHABILITATION – JASON BURNS:

Constructors, Inc. had recently done work on Muscatel Road for the City of Carlsbad. The City approached the County to partner with them to extend

the road. Crockett moved, seconded by Wood to award the road rehabilitation project on Muscatel Road to Constructors, Inc. Voting yes: Wood, Crockett, McCutcheon and Henry. Carlson abstained. Passed 4-0.

10. REQUEST FOR THE APPROVAL OF TWO NEW POSITIONS FOR LICENSED MENTAL HEALTH PROVIDERS – WARDEN MASSINGILL:

Massingill stated there would be no impact on the budget to hire two licensed mental health providers. Wood moved, seconded by McCutcheon to approve the two new positions. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.

11. REQUEST TO DISCONTINUE ROOM RESERVATIONS – JOSHUA MACK:

Mack requested stopping the room rentals at the training facility, as it was taking too much of Betsy's time. He was requesting to stop the rental business without closing down or stopping use of the facility. It would still be available to the City and County for events. Mack reviewed the revenue vs. expense of the facility. He stated A/C in the back half of the building was an issue, as it was a swamp cooler and was uncomfortable for the companies to pack 250 people in the room. He felt the focus should be on fire, EMS and police training, detention center, etc. McCutcheon inquired about the duties Betsy was hired for. He replied the PBTC was going out of business and wanted us to assume use of the training ground, etc. with WIPP/DOE being their biggest customer. He requested she be in that position to work with the college to get the EMS program started. A First Responder/EMT class was held each semester. Betsy was not hired to lease out the building. She was hired to help maintain the building and keep it scheduled. The coordinator position had been lost and she would be utilized more in that capacity. McCutcheon questioned the use of the facility. Mach responded stating classroom classes for firefighters totaled 20-40 a year. Carlsbad Fire utilized it 2-3 weeks every other month, and they used the classroom and training grounds. He stated it was the matter of not having the space, personnel or resources to run the rental business. He stated issues were with collection of the payments and those not wanting to pay or pay late fees or getting marked out contracts back referencing specific agreements with the County. McCutcheon suggested getting rid of training and sell the training center. He noted eight people were on staff there and complaints were constant from chiefs, volunteer chiefs that they couldn't get in touch with Mack, as he didn't answer his phone, or was too busy. McCutcheon was okay to forget the rental but the whole facility would have to go. If the facility was kept, it should be rented out more to justify the purchase. Mack stated he had only seen McCutcheon in his facility one time for a very quick walk-through. Mack stated the EOC had been upgraded and it was that way in 2016 when he arrived. McCutcheon stated the facility should be sold or rented out every day. Carlson agreed with McCutcheon. He felt if the facility was not properly staffed, it was Mack's job to prove it to the Commission and possibly reprice it rather than to cut it off since there was lots of community use; look at what was needed to make it a success. He was not for closing the facility. Henry inquired of the purpose of hiring Betsy. Mack stated the objective was not

renting it out to every company in the Basin. Henry felt that was the objective at the time. He remembered thinking it could be a money-maker and pay for itself. Mack felt money was being lost on the facility. Henry agreed that rates should be looked at. He saw this as a partnership with a lot of the oil guys as there was no rental space in Artesia or Carlsbad. Henry wondered if the facility was not being utilized, why the County had it. Mack stated the training ground was utilized more than in the past with 50-70 events a year. Henry felt room rentals were providing a service. Everyone agreed the rates should be revised and deposits added to the cost of the rental. Brian Stephens addressed the complaints of the HVAC in the large room. He stated the evaporative cooling in that room would not keep 200 people comfortable in that space. Recent rain events had also posed an issue. He had proposals to install 50 tons of refrigerated air across two of the big bays in the back. He also had a proposal to have the roof coated and address the water accumulation issue. Carlson stated if funds or repairs were needed it was Mack's job to present those needs to the Board. Stephens agreed the costs of projects should be added but reminded that Eddy County got a great deal on the property by paying \$1.8M for a \$30M facility. Stephens felt some of the building neglect had been overcome since obtaining the facility. Carlson felt those issues should have been part of the cost calculation that was made at the beginning, and then included in the rates to be charged. Mack stated a ton of projects had been done in the last two years. Henry would like to see the facility used for what it was supposed to be; get the facility up and running and working for people and charge the proper rates. McCutcheon inquired of a ballpark figure to get the facility up and running, exterior and interior. He felt the costs would be so much that they would not be able to be recouped. Stephens reported estimates had been given and probably 90-95% of those came in under budget. Smith stated shortly after the purchase, \$2.6M was allocated for facility upgrades with \$100K left in the fund. Crockett wanted to clarify to the new commissioners that monies were put into that building after purchase. Mack stated he would bring in a proposal on the new rates. McCutcheon moved, seconded by Carlson to continue room reservations at the Eddy County Fire Services Training Center. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.

12. DISCUSSION AND DIRECTION ON LOVING FIRE DEPARTMENT –

JOSHUA MACK: Mack stated some sort of proposal was needed to go to the Loving Council. He presented a proposal to the Village of Loving if Eddy County was to take over their fire protection. Currently, four volunteers were working with Otis and Malaga to get caught up on their training and the Loving Department was no longer on probation with the State Fire Marshall Office. The change in status made state fire funds available. He would like the Village of Loving to put \$3.5M towards their fire department to purchase equipment, apparatus needed, and look at building a future station off of SR 31 and Donaldson Farm Road. He felt the best fix would be to merge Otis fire district with the Village of Loving, making it one department, allowing 30 men versus three guys for the station. The District Chief would oversee that

single station and the new one in the future. He was asking the Village of Loving to implement a Fire Excise Tax. An engine was an immediate need at a cost of \$550K to \$800K. He commended the three to four volunteers that had been showing up for training. The Village Council meeting was scheduled next Monday night and Mack would attend to relay the Commissioner's direction. Crockett inquired of the City of Carlsbad's plans. Mack stated the City was not in favor of adding more employees and overhead for Carlsbad. The City wanted to transplant their people and the County would keep up the facility and the equipment, etc. McCutcheon thanked him for getting Loving off of probation. He inquired if Mack had spoken with Mayor Estrada about the \$3.5M. Estrada had replied it would be up to the Council. Smith stated the bottom line for Estrada was he wanted his residents and village to have response when needed. Mack stated Estrada understood the need for the merger with Otis. He stated there were four volunteers/applicants but they were not trained to a level to be by themselves yet. McCutcheon inquired how many fires were in Loving yearly. Mack stated there had been two in the last four weeks. McCutcheon wondered why a new facility needed to be built with two facilities close. Mack stated to provide the protection having the trucks strategically placed in areas that were needed. A future facility was needed to cover the amount of calls. The equipment and need for trucks was \$1.5M right now. The current Loving fleet had not been maintained, upgraded, etc. Mack stated Loving's brush truck and rescue truck were being worked on at his office, stealing parts off one to get at least one to operate. McCutcheon felt the Loving building was decent and an engine could be placed there, allowing Malaga and Otis to handle the bigger stuff. He felt \$3.5M would be a huge stretch for Loving. Mack stated if the County took it over, the costs would then be encumbered by the County. Carlson inquired if the Otis fire fighters had been okay with the merge plan. Smith noted Otis was currently responding but they previously had to wait as Loving was toned out first. This had since been addressed with dispatch utilizing a dual tone. Carlson would accompany Mack to the Loving Council meeting. Henry felt Otis taking it over was good, as they were already responding. Loving Village limit residents were not currently paying Fire Excise Tax, only those in the County were. If merged, Otis would get the Loving Fire Excise Tax because it would be one entity. Crockett felt the Loving Council should not be given a dollar amount until the Council's thoughts on the subject had been stated. Mack noted if every truck was replaced in the next 15 years, the amount would be a couple million dollars with the County encumbering the amount. Henry stated the direction was to negotiate, sit down and come to an agreement, then taking it back to their Council. Crockett agreed with that direction. Carlson would like to get an idea of the Village Council's thoughts on the subject.

BREAK, 5 MINUTES:

13. 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-19-65; FTI CONSULTING'S MONTHLY REPORT FOR JUNE 2019 – WES HOOPER/ROBERTA SMITH.
- ii. R-19-89; FORGIVENESS OF WORKING CAPITAL LOANS TO REDA – ROBERTA SMITH/WES HOOPER.
- iii. R-19-93; AMEND FY 2019-2020 FINAL BUDGET – ROBERTA SMITH.
- iv. R-19-95; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.

b. AGREEMENTS:

- i. A-19-35; INTERCEPT AGREEMENT FOR FIRE FIGHTING APPARATUS FOR OTIS VOLUNTEER FIRE DEPARTMENT – ROBERTA SMITH.
- ii. A-19-36; LOAN AGREEMENT FOR FIRE FIGHTING APPARATUS FOR OTIS VOLUNTEER FIRE DEPARTMENT – ROBERTA SMITH.
- iii. A-19-132; PROFESSIONAL SERVICES FOR PSYCHIATRIC MEDICAL SERVICES FOR EDDY COUNTY DETENTION DETAINEES – WARDEN MASSINGILL.
- iv. A-19-133; PROFESSIONAL SERVICES FOR PSYCHIATRIC MEDICAL SERVICES FOR EDDY COUNTY DETENTION DETAINEES – WARDEN MASSINGILL.
- v. A-19-134; FUNDING AGREEMENT WITH CONCHO FOR NM31/US285 INTERSECTION – JERI STRONG.
- vi. A-19-135; EMPLOYMENT CONTRACT – ALLEN R. DAVIS – CAS TABOR.
- vii. A-19-137; POWER DMS AGREEMENT – JOSHUA MACK.
- viii. A-19-138; MEMORANDUM OF AGREEMENT WITH NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT FOR WIPP FUNDING – JOSHUA MACK
- ix. A-19-139; CONTRACT WITH WESTT, LLC FOR PROCUREMENT SERVICES – ROBERTA SMITH.
- x. A-19-140; CONTRACT WITH ONE BUSY MAMA LLC FOR . PROCUREMENT SERVICES – ROBERTA SMITH.
- xi. A-19-141; LEASE AGREEMENT FOR WAGNER/CAT D6 DOZER – JASON BURNS.
- xii. A-19-142; MAINTENANCE/SUPPORT AGREEMENT PDS FOR SCANPRO 2000 AND LARGE FORMAT SCANNER – ROBIN VAN NATTA.
- xiii. A-19-143; REROUTE CR SOUTHERN UNION AND CHASE ACCESS ROAD – JASON BURNS.

- xiv. **A-19-145; STANTEC MASTER SERVICE AGREEMENT – ON-CALL CONSTRUCTION MANAGEMENT SERVICES – STEVEN MCCROSKEY.**
- xv. **A-19-146; DISTRIBUTION REVERSION FUNDING APPLICATION – CYNTHIA G. SHARIF.**

McCutcheon requested R-19-89 be pulled for discussion. Wood requested A-19-135 be pulled for discussion.

Crockett moved, seconded by McCutcheon to approve the Resolution/Agreement Consent Agenda, pulling R-19-89 and A-19-135. R-19-65, R-19-93 and R-19-95 were recorded as Exhibits 13.a.i., a.iii-a.iv., respectively. A-19-35, A-19-36, A-19-132 – A-19-134, A-19-137 – A-19-143, A-19-145 and A-19-146 were recorded as Exhibits 13.b.i-v and vii-xv., respectively.

R-19-89; FORGIVENESS OF WORKING CAPITAL LOANS TO REDA – ROBERTA SMITH/WES HOOPER: Smith stated the City of Artesia and Eddy County had lent money to REDA to be repaid back as a working capital loan. However, every expense they had was returned to them at a 60:40 split. It didn't make sense for the County to keep the loan on the books, as the County would be paying itself back. They asked for reimbursement when they spent monies, which Eddy County paid back 60% of that and City of Artesia paid 40%. Originally, it was not intended to work as such; monies were lent hoping they would be self-sufficient enough to pay the money back. That was not the way it had worked thus far. Auditors suggested the County and the City of Artesia formally taking this for approval, and then at the REDA Board, forgiving this loan. Smith stated out of the \$315K, the County portion would be \$249K with the remaining of that being the City of Artesia's. She did not know if Artesia was forgiving the loan. Henry stated it seem to be so at the last REDA meeting. McCutcheon moved, seconded by Carlson to approve R-19-89. Voting yes: Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0. R-19-89 was recorded as Exhibit 13.a.ii.

A-19-135; EMPLOYMENT CONTRACT – ALLEN R. DAVIS – CAS TABOR: Carlson moved, seconded by McCutcheon to approve A-19-135. Voting yes: Carlson, Crockett, McCutcheon and Henry. Voting no: Wood. Passed 4-1. A-19-135 was recorded as Exhibit 13.b.vi.

14. PROJECT UPDATES:

- a. **PUBLIC WORKS:** Burns reviewed several projects and updated the Commission. The update was recorded as Exhibit 14.a.

15. 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. **WARREN HARDIN ATTENDED STATE CENSUS MEETING IN ALBUQUERQUE, NM FROM AUGUST 25 THRU AUGUST 26, 2019.**

FUTURE

- b. **RICHARD DOSS TO ATTEND ECA NATIONAL CLEANUP WORKSHOP 2019 AS COMMISSIONER CROCKETT'S DESIGNEE FROM SEPTEMBER 8 THRU SEPTEMBER 13, 2019 IN WASHINGTON, DC.**
- c. **DAVID HARKNESS TO ATTEND EVT CLASS AND TESTING IN OCALA, FLORIDA FROM SEPTEMBER 9 THRU SEPTEMBER 13, 2019.**
- d. **FABIAN GOMEZ AND ARTURO MUNOZ TO ATTEND LANDFILL RECERTIFICATION IN LAS CRUCES, NM FROM SEPTEMBER 9 THRU SEPTEMBER 13, 2019.**
- e. **JERI STRONG TO ATTEND NMOGA ANNUAL CONFERENCE FROM OCTOBER 6 THRU OCTOBER 8, 2019 IN SANTA FE, NM.**

McCutcheon requested Item c. be pulled for discussion. McCutcheon moved, seconded by Crockett, to approve the Travel Request Consent Agenda as presented pulling Item c. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.

McCutcheon asked what EVT stood for. Mack stated it was Emergency Vehicle Technician. The training for EVT classes was commonly scheduled in Ocala. McCutcheon moved to approve Item c. of the Travel Request Consent Agenda, seconded by Crockett. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.

16. **EMERGENCY BUSINESS:** None.

17. **LEGISLATIVE UPDATE:** None.

18. **LEGISLATORS, ELECTED OFFICIALS AND COUNTY DEPARTMENT HEADS COMMENTS/ANNOUNCEMENTS/UPDATES:** Ferguson shared a letter from DFA to Tax and Rev stating the County would not get tax rates until the week of September 13 due a recertification of oil and gas assessed values received, and an extension having been granted to delay issue of the

tax year 2019 tax certificates. The extra meeting would probably need to be the week of the 23rd.

19. INTERIM CO-COUNTY MANAGER'S COMMENTS, ANNOUNCEMENTS,

UP-DATES: Hooper met with NMDOT, Stantec and BNSF last week. Stantec would keep moving forward on their planning portion of SR31 and 285. They were hired to do realignment on that intersection and put in interim alternative traffic lights. The traffic studies previously said a traffic light would not work at the intersection, but now it's thought it would work. BNSF Railroad was now onboard and wanted to get rid of that crossing. They would have funding towards the project during construction. Smith welcomed the new county manager, Al Davis.

20. COUNTY COMMISSIONERS' COMMENTS, ANNOUNCEMENTS,

UPDATES: Crockett thanked all those attending the illegal dumping forum. Eddy County was recognized as one of the premier landfills in the state. She and Gomez were hoping to get the tire shredder before Dona Ana County. She noted Dona Ana had a reporting mechanism for illegal dumping going through GIS coordinates. She felt it was something for the County to explore with the City of Carlsbad. Dona Ana stated they would share their information at no charge. McCutcheon mentioned the shootings that had taken place recently and hoped the Sheriff was prepared. Old Loco Road was recently completed and now potholes were everywhere. McCutcheon had Code Enforcement called on him and he had remedied the violation. He appreciated them holding elected officials to the same standards as everyone else. He welcomed Al Davis and looked forward to working with him. Carlson stated he had had about 50K calls on noise from on-going drilling in residential areas. He wondered if we had the ability to require noise abatement and would like to address the issue with some of the oil and gas companies. Henry reminded all of Vice President Pence's visit to Artesia on the USMC Agreement. He noted it affected agriculture, dairy, and oil and gas. He would like to look at getting a resolution in support of that. He was approached by a group wanting to sign a document for a census having to do with PSP. He was glad to see all the Caveman fans today. He thanked Burns for doing a great job.

Al Davis, new County Manager, stated he appreciated the opportunity and looked forward to working with the Commission and the County Staff and employees. He thought there was an opportunity to continue the progress and development of what Eddy County was capable of being. He thought he could leverage past experiences in his career in oil and gas to contribute to that progress. Davis would meet with various departments, groups, individuals and Commissioners to understand how the processes were working and things that could be done to help them be efficient and effective. He felt there were a lot of great things ahead for Eddy County and he hoped to contribute to that momentum and progress.

21. **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) and (7), which authorizes the Board of County Commissioners to go into executive session to discuss:

a. **LIMITED PERSONNEL MATTERS:**

i. **COUNTY MANAGEMENT PERSONNEL – CAS TABOR.**

b. **THREATENED OR PENDING LITIGATION:**

i. **STANDPIPE PHASE II PROJECT – JASON BURNS.**

At 11:26 a.m. Crockett moved, seconded by McCutcheon to go into Executive Session to discuss items previously stated and to return at 12:30 p.m. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.

22. **RE-OPEN MEETING.** At 1:01 p.m., McCutcheon moved, seconded by Crockett to re-open the meeting and certified the only topics discussed were limited personnel matters, threatened or pending litigation. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.

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

a. **LIMITED PERSONNEL MATTERS:**

i. **COUNTY MANAGEMENT PERSONNEL – CAS TABOR.**

None.

b. **THREATENED OR PENDING LITIGATION:**

i. **STANDPIPE PHASE II PROJECT – JASON BURNS.**

None.

24. **ADJOURN:** At 1:02 p.m. McCutcheon moved, seconded by Crockett to adjourn the meeting. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.

Commission Chair

ATTEST:

County Clerk

Date