

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
October 15, 2019**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on October 15, 2019 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. Wood 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	EDDY COUNTY CLERK
DARLENE ROSPRIM	CHIEF DEPUTY CLERK
RONDA NELSON	DEPUTY CLERK
GEMMA FERGUSON	ASSESSOR
RHONDA HATCH	ASSESSOR SUPERVISOR
MARK CAGE	SHERIFF
KIM BALLARD	SHERIFF'S OFFICE ADMIN ASST
BILLY MASSINGILL	WARDEN
GAY WEST	EXECUTIVE ADMIN ASSISTANT
ROBERTA SMITH	FINANCE DIRECTOR
JESSICA STYGAR	ASSISTANT FINANCE DIRECTOR
ROXANN BRANNON	HR DIRECTOR
CAROL HENNINGTON	INFORMATION SYSTEMS DIRECTOR
ROSIE MUNOZ	IT DEPARTMENT
WESLEY HOOPER	COMM SVCS DIRECTOR
JERI STRONG	PIO/O&G LIAISON
FABIAN GOMEZ	LANDFILL SUPERVISOR
STEVE MCCROSKEY	COUNTY PLANNER
VERONICA PARRAS	HEALTH CARE ADMINISTRATOR
BRIAN STEPHENS	FACILITIES DIRECTOR
JASON BURNS	PUBLIC WORKS MANAGER
JOSHUA MACK	FIRE SRVC DIR/FIRE MARSHALL
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).** Larry Pardue spoke to the BOCC concerning issues accessing Dark Canyon Lookout through Queens and via County Roads 412 and 412A. County Road 412A went to the driveway of the McCollum Ranch Headquarters and then transitioned to US Forest Service roads. The McCollum Ranch had recently sold and “No Trespassing-Violators Will Be Prosecuted” signs were put on the fence leading into McCollum Ranch. The signs also gave an alternate route crossing other private tracts ending up on the very same McCollum Ranch tract with the “No Trespassing” signs. The alternate route was very rough and impassable for many vehicles. The new owners would let people pass on the County Road if permission had been given by them. County Road 412A was a tax-payer, publicly funded and maintained road and access could not be blocked legally. He had filled out a road issue form on the County website and had met with Forest Service personnel and a county official on the issue, each of them agreeing that the land owner had no right to do what was being done. He would pursue the issue until it was resolved.

2. **SERVICE AWARDS:**
 - a. **MARLENE ARNOLD, PUBLIC WORKS – 5 YEARS**
 - b. **GILBERT GOMEZ, SO – 5 YEARS**
 - c. **WARDEN BILLY MASSINGILL, DETENTION – 5 YEARS**

Service awards were presented to Gomez and Massingill for their respective years of service to Eddy County. Arnold was not in attendance.

Short break for pictures.

3. **PRESENTATION OF SCHOOL BOARD ELECTION – GERRY WASHBURN, CARLSBAD MUNICIPAL SCHOOLS:** Washburn presented an explanation of the upcoming bond election and status of the Carlsbad Schools. He thanked the BOCC for their resolution of support for the school bond. He stated the primary reason for the bond was to address capacity issues of the elementary schools. The 2010 enrollment had been 5,837 elementary students; October 10, 2019 the enrollment was 7,764. The plan presented would address the capacity issues and allow current developments to mature. Future schools could be built where kids were, rather than where CMS had property. Riverside School would be reopened; Monterrey and Sunset would be upgraded. Kindergartners would be moved to elementary schools by 2023, converting ECEC to a preschool program accommodating 600-700 preschoolers on an AM/PM schedule. Currently, attendance at ECEC was 600, being 200 over capacity for the building. The first phase of the bond would also cover building a 1,100-seat performing arts auditorium on CHS campus allowing all parents and family to attend band concerts and choir

performances. A multi-sport locker room facility was proposed with a remodel of the existing field house to create a training room for all the athletes. He addressed the issue of raising taxes stating the bond group had placed CMS on a cycling program that revolved up to a tax rate limit of 6.28. Crockett thanked Washburn for his contributions and for being a breath of fresh air for CMS and thanked the Committee for the Kids for their work. She was in favor of neighborhood schools which would bring continuity to families and encourage parents to get involved from Kindergarten to Grade 5. She appreciated the locker room facility improvements bringing equity to athletes other than those playing football. She inquired if CMS was looking at selling schools not currently in use. Washburn stated Craft and Edison were being reappraised. CMS had five acres on Sandy Lane and Sixth Street and 3 parcels across the river. His recommendation would be to use the money from land sales and the \$2M from HB33 to work with Community Leaders to develop teacherages. The beginning salary for a teacher was \$41K, affordable housing required an income of about \$72K. The housing issue would have to be addressed in order to attract and maintain quality staff to grow the schools. Seventy-eight of the staff would be retiring. McCutcheon looked forward to working with him and appreciated him addressing each problem individually and also looking at the whole issue. Carlson congratulated him on all he had done and felt they were doing great things, furnishing affordable housing for the teachers. Washburn stated the District was committed to partnering with the City and the County. Henry was excited to hear about the teacherages, stating they had been very successful in Artesia.

TRAILING AGENDA:

1. APPROVE:

a. COMMISSION MEETING MINUTES FOR OCTOBER 1, 2019: McCutcheon moved, seconded by Carlson, to approve the Commission Meeting Minutes for October 1, 2019. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.

b. EXPENSE APPROVAL REPORT FOR SEPTEMBER 2019: Crockett moved, seconded by McCutcheon to approve the Purchase Card Report for September 2019. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0. The Expense Approval Report for September 2019 was recorded as Exhibit 1.b.

2. DISCUSSION AND DIRECTION ON APPROVAL OF COUNTY TRAVEL – ROBERTA SMITH: Smith and Stygar presented three recommendations concerning P-card violations regarding travel forms; they felt making the proposed changes would eliminate a lot of the common violations. They recommended that in-state travel only require the employee and Department Head signature as long as funds were available in their respective budgets.; the Commission and County

Manager signatures would not be required. Currently, the forms had changed hands multiple times in order to obtain the signatures. They recommended out-of-state travel remain unchanged, requiring County Manager and BOCC approval. They also suggested day travel working the same way as in-state travel, whether in-state or out-of-state (Lubbock, El Paso, etc.). The final recommendation would be if no funds, food or mileage were requested for day travel, a travel form would not be necessary. Stygar updated the Travel Policy each January for the mileage amount change. Smith stated these recommendations were presented for discussion and direction; if agreed to by the BOCC, the changes would be presented with the Travel Policy at the end of December. Crockett supported the changes. McCutcheon inquired of the County policy for continuing education, the number per year, etc. Smith stated there was no policy in place addressing that. Davis felt if the Elected Officials and Department Heads had sufficient budget and the travel was recognized and known, they would manage their activities as they had budgeted them. He felt the changes would help streamline the process and make it more efficient. McCutcheon stated as long as the budgets were used correctly, he had no issues with the changes. Wood supported the ideas and had wondered why they had been on the agenda in the past. Carlson thought it was great and fully agreed with Davis' comments. He felt controls could be developed but the cost/benefit had to be looked at. He added the Elected Officials and Department Head all had an approved budget and as long as they were judicious, he had no problem with it. Smith stated the Finance Department was currently under audit. Since the policy stated the County Manager's signature and BOCC approval were required, violations were required to be assessed. If the travel form was missing a signature, an audit violation would be found. If the policy were changed, the oversight would still be there, alleviating the auditors' concern. Henry supported the revision; it would make it easier to do business. He added he had he an issue with Edge but felt their presentation was a good policy, making it easier for all to function.

3. **APPROVAL FOR THE PURCHASE OF A 2020 FORD TRANSIT CONNECT VAN – SHERIFF MARK CAGE:** Cage stated the request was an unbudgeted adjustment. A vehicle had been totaled out with insurance paying \$18,500. A new patrol vehicle would run \$55K. The evidence tech drove a vehicle with over 100K miles. The van would cost only an extra \$9K to buy versus an extra \$35K to purchase another patrol vehicle. He added over \$1K per vehicle would be saved on the new decals for deputy vehicles. Crockett moved, seconded by Carlson, to approve the purchase of a 2020 Ford Transit Connect Van. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.

4. **GRAPPLER TRUCK PURCHASE – JASON BURNS:** Burns requested a grapppler truck be purchased out of the materials-hauling line item of the landfill budget. The truck would be used in cleaning up the illegal dumping sites in the County. The truck would be purchased on a State contract at a cost of \$155K. Carlson moved, seconded by Crockett, to approve the grapppler truck purchase. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. 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-19-106; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT-VERONICA PARRAS.
- ii. R-19-107; FY 2019-2020 1ST QUARTER BUDGET ADJUSTMENTS – AMENDING R-19-101 – ROBERTA SMITH.

b. AGREEMENTS:

- i. A-19-166; STANTEC MSA TASK ORDER – FINAL DESIGN AND PERMITTING – STEVEN MCCROSKEY.
- ii. A-19-167; HYPER REACH EMERGENCY MASS NOTIFICATION SERVICES – JOSH MACK.
- iii. A-19-168; MOU ESTABLISHING PECOS VALLEY DRUG TASK FORCE – SHERIFF MARK CAGE.

Wood moved, seconded by McCutcheon, to approve the Resolution/Agreement Consent Agenda. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0. R-19-106 and R-19-107 were recorded as Exhibits 5.a.i. and 5.a.ii. A-19-166 through A-19-168 were recorded as Exhibits 5.b.i. through 5.b.iii. respectively.

6. DEPARTMENT UPDATES:

- a. **PUBLIC WORKS – JASON BURNS:** Burns presented an update on public works projects. See attached Exhibit 6.a.
- b. **FIRE SERVICE – JOSHUA MACK:** Mack updated the Commission on Fire Service and tower/communication issues. See attached Exhibit 6.b.

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, JR. ATTENDED TRAFFIC CRASH RECONSTRUCTION UPDATE IN PHOENIX, AZ FROM FEBRUARY 3 THRU FEBRUARY 9, 2019.
- b. JARED ROSTRO ATTENDED SEX OFFENDER DATA BASE TRAINING IN SANTA FE, NM ON JULY 29, 2019.
- c. KANE WYATT ATTENDED TRAINING IN RUIDOSO, NM FORM AUGUST 13 THRU AUGUST 16, 2019.
- d. KANE WYATT ATTENDED TRAINING IN RUIDOSO, NM FORM AUGUST 22 THRU AUGUST 23, 2019.
- e. ROBERT SMITH ATTENDED 2019 OIL AND GAS INVESTIGATIVE CONFERENCE IN MIDLAND TX FROM SEPTEMBER 11 THRU SEPTEMBER 12, 2019.
- f. JENNIFER ARMENDARIZ ATTENDED NMEMA CONFERENCE IN SANTA ANA PUEBLO, NM FROM SEPTEMBER 23 THRU SEPTEMBER 25, 2019.
- g. SHERIFF MARK CAGE ATTENDED A MEETING WITH PRESIDENT TRUMP IN WASHINGTON, DC FROM SEPTEMBER 23 THRU SEPTEMBER 27, 2019.
- h. SIMRANJIT KHURANA ATTENDED A FUNERAL IN HOUSTON, TX FROM OCTOBER 1 THRU OCTOBER 3, 2019.
- i. TRAVIS OLBERT ATTENDED NMIAAI QUARTERLY MEETING AND TRAINING IN LOS LUNAS, NM OCTOBER 7 THRU OCTOBER 11, 2019.
- j. ALEXANDER DUCHENE AND ALFREDO GUEVARA ATTENDED INVESTIGATIVE INTERVIEWING IN ALBUQUERQUE, NM FROM OCTOBER 7 THRU OCTOBER 11, 2019.
- k. MIKE MOLINA AND BRETT GRAKES ATTENDED MCP GUIDELINES MEETING IN THE ROUNDHOUSE IN SANTA FE, NM ON OCTOBER 9, 2019.

FUTURE:

- l. GEMMA FERGUSON AND MELISSA WASHBURN TO ATTEND LEADERSHIP NM IN ALBUQUERQUE, NM FROM OCTOBER 17 THRU OCTOBER 18, 2019.
- m. TRAVIS OLBERT TO ATTEND FIRE OFFICER III COURSE IN HOBBS, NM FROM OCTOBER 21 THRU OCTOBER 25, 2019.
- n. MERIA MERJIL TO ATTEND NMPAA 2019 CONFERENCE IN ALBUQUERQUE, NM FROM OCTOBER 22 THRU OCTOBER 24, 2019.
- o. DAMETRA KARTCHNER, DAWN MCCARTY, AND SUE DOMINGUEZ TO ATTEND NIBRS TRAINING IN ROSWELL, NM ON OCTOBER 22 THRU OCTOBER 23, 2019.
- p. IMA LEE MELLARD TO ATTEND LEADERSHIP NM MEETING IN ALBUQUERQUE, NM FROM OCTOBER 24 THRU OCTOBER 25, 2019.
- q. STEVEN MCCROSKEY TO ATTEND NM EDGE RFP CLASSES IN ALBUQUERQUE, NM FROM NOVEMBER 11 THRU NOVEMBER 14, 2019.

- r. **CHRISTINE MCCROSKEY TO ATTEND NM EDGE RFP CLASSES – CPPP CERTIFICATION IN ALBUQUERQUE, NM FROM NOVEMBER 11 THRU NOVEMBER 14, 2019.**
- s. **ROBERTA SMITH AND JESSICA STYGAR TO ATTEND 2019 LGD DFA ANNUAL BUDGET CONFERENCE IN ALBUQUERQUE, NM FROM NOVEMBER 13 THRU NOVEMBER 15, 2019.**

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

Break: 10:15 a.m. – 10:25 a.m.

8. EMERGENCY BUSINESS: None.

9. LEGISLATIVE UPDATE: None.

10. LEGISLATORS, ELECTED OFFICIALS AND COUNTY DEPARTMENT HEADS COMMENTS/ANNOUNCEMENTS/UPDATES: Hooper notified the BOCC of a stakeholder meeting on the 285/31 intersection at 10:00 a.m. tomorrow in the HR conference room. A public information meeting would then be held at 6:00 p.m. at the Loving High School auditorium. He stated BNSF looked like they would be on board with the intersection if the crossing could be eliminated. If the build grant were awarded, it would help with improving the intersection and getting BNSF on board to put monies into construction. Cage updated on the NM Counties Board meeting. He felt the State wanted to regionalize all dispatches. He had read the article about the Albuquerque wish list. He felt monies should be brought to help with the County roads since the funds were coming from this area and Lea County. He reported the Board had rejected a request from the Clerks Affiliate to make a change to their by-laws. He listed the three legislative priorities brought forth from the meeting. HB2 was a tax bill that would reimburse detention for transport costs of prisoners; and an EMS funding project. The second was a change to the way funds were distributed from the law enforcement protection fund. Currently, counties received funds based on the size of the municipality. Eddy County currently received \$25K plus \$600 per certified deputy. The change would be \$50K plus \$1K per certified officer to spend on equipment, training, etc. The third priority was getting funding for professional mental health services for detention. The SO would begin focusing on community service projects.

11. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES: Davis had been interviewed by three reporters related to O&G issues in the area. Those reporters worked for ENE, NY Times and Reuters. He felt the articles written had been educational with the bias being fairly moderate. He found it interesting to see their perspective and found they had been taken aback by all that was actually going on here. He had presented them the facts. He had met with Sheriff Cage, the Undersheriff, and Department Heads. Davis had also met with officials from the Cities of Carlsbad and Artesia. He wanted to recognize the EOM, SO and Public

Works for their efforts keeping the public safe during the recent rains and storms. Assessments were winding up on the roads damaged from those storms and DHSEM would be petitioned for funds to repair those roads.

12. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES:

Crockett had a good Solid Waste Committee meeting with representatives from Artesia, Carlsbad and the public. She and Hooper served on the Integrated Road Coalition Safety Board. She thanked Hooper for his contributions. They were looking at grant opportunities. She reminded all of the County Days at the State and wanted to make sure the signs they had requested were in the works. McCutcheon loved the new website and felt it was user friendly. He would like to pursue the travel and continuing education policy. He wanted to continue work on the East Bypass rolling forward and funds for this would be available in January or February. The City of Carlsbad had committed \$1M to the project. Wood had a call from a gentleman at Queens who had received a citation which ended up being a warning for using an ATV hauling his trash to the convenience station there. The County had ordinances on ATV use, but the Forest Service officer had issued the citation. He was looking for any guidance on resolving the issue. Carlson commended the Sheriff and NM Counties for addressing the rural roads. He reminded funds from the weight/distance tax based on heavy truck activity should be available to counties with the affected roads. He stated all those funds were being used to collateralize the Rail Runner and not one cent was coming back to the counties to help repair the roads affected by the heavy truck traffic. He would like to see that tax addressed legislatively. He felt when we taxed someone, we needed to be sure the funds were used for what they were intended. Henry would like to see Edge classes available online. He spoke with NMOGA and sat on the panel along with Hobbs', Farmington's and Artesia's Mayors. He felt the County had failed the O&G industry by not taking their message to Santa Fe properly. He thought windmill turbines were a terrible idea. He and his wife had recently witnessed the Rail Runner running without even one visible passenger. He agreed with the Sheriff on the State monies and applauded him for addressing mental health. He commented that the way to fix the ATV issue was revisit the ATV ordinance, addressing it the way it should have been done at first. Carlson congratulated the Cavemen on their 50-7 win.

13. 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)(7) & (8) which authorizes the Board of County Commissioners to go into Executive Session to discuss:

- a. **LIMITED PERSONNEL MATTERS:**
 - iv. **DISCUSSION ON COUNTY EXECUTIVE MANAGEMENT PERSONNEL – CAS TABOR.**
- b. **THREATENED OR PENDING LITIGATION:**
 - v. **OPIOIDS DISCUSSION – CAS TABOR.**
 - vi. **TAX AND REVENUE DISCUSSION – CAS TABOR.**
 - vii. **UPDATE ON FEMA ROAD REPAIRS – ROBERTA SMITH.**

c. REAL PROPERTY – ALLEN DAVIS

At 11:03 a.m., McCutcheon moved, seconded by Crockett to go into closed session to discuss the items listed and to reconvene 11:48 a.m. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.

14. RE-OPEN MEETING: At 12:14 p.m., McCutcheon moved, seconded by Crockett to re-open the meeting and certified that the only items discussed were Limited Personnel Matters, Threatened or Pending Litigation and Real Property as stated. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.

15. 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. THREATENED OR PENDING LITIGATION:

i. UPDATE ON FEMA ROAD REPAIRS – ROBERTA SMITH. No action taken.

c. REAL PROPERTY:

i. DISCUSSION ON EDDY COUNTY PROPERTY – ALLEN DAVIS. No action taken.

16. ADJOURN: At 12:15 p.m., McCutcheon moved, seconded by Crockett to adjourn the meeting. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.

COMMISSION CHAIRMAN

ATTEST:

COUNTY CLERK

DATE