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**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
JANUARY 3, 2023**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on January 3, 2023 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. Cordova gave the invocation.

PRESENT:

JAMES (BO) BOWEN	COMMISSIONER, DISTRICT 4
JON HENRY	COMMISSIONER, DISTRICT 2
ERNEST CARLSON	COMMISSIONER, DISTRICT 1
SARAH CORDOVA	COMMISSIONER, DISTRICT 5
ALLEN DAVIS	COUNTY MANAGER
CAS TABOR	COUNTY ATTORNEY
WES HOOPER	COMMUNITY/ADMIN SVC DIRECTOR
CARA COOKE	COUNTY CLERK
TAMI WHITE	DEPUTY CLERK
LAURIE PRUITT	TREASURER
CAROLYN STROBLE	CHIEF DEPUTY TREASURER
MARK CAGE	SHERIFF
RHONDA HATCH	COUNTY ASSESSOR
MELISSA WASHBURN	CHIEF COUNTY ASSESSOR
BILLY MASSENGILL	DETENTION WARDEN
ADRIENNE JONES	EXEC ADMIN ASSISTANT
ROBERTA GONZALES	FINANCE DIRECTOR
ANISIA CERNA	PROCUREMENT MANAGER
ROXANN BRANNON	HR DIRECTOR
CAROL HENNINGTON	INFORMATION SYSTEMS DIRECTOR
JASON FLORES	ASSISTANT IT DIRECTOR
STEVE MCCROSKEY	COUNTY PLANNER
ROBIN RAMACCIOTTI	COUNTY SERVICES ASSISTANT
JOSHUA MACK	FIRE SVC DIR/FIRE MARSHAL
JAROD ZUNIGA	DEPUTY FIRE MARSHAL/FIRE SV DIR
TRENT MOORE	M&O MANAGER
LAURA WHALEY	RED ROCKET MEDIA

ABSENT:

FRED BEARD	VICE-CHAIR, DISTRICT 3
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TIMED AGENDA**8:30 A.M.:****1. SWEARING-IN CEREMONY FOR NEWLY ELECTED OFFICIALS:******JUDGE ANNEMARIE C. LEWIS PRESIDING****

- a. JAMES (BO) BOWEN – COMMISSIONER, DISTRICT 4
- b. ERNEST B. CARLSON – COMMISSIONER, DISTRICT 1
- c. CARA COOKE – CLERK
- d. RHONDA HATCH – ASSESSOR
- e. JAY FRANCIS – PROBATE JUDGE

Judge Annemarie C. Lewis administered the Oath of Office to the recently-elected officials.

2. ELECT CHAIRMAN AND VICE-CHAIRMAN OF EDDY COUNTY BOARD OF COMMISSIONERS FOR 2023 – ALLEN DAVIS: Henry moved, seconded by Cordova, to elect Carlson as Chairman and Beard as Vice-Chairman of the Board of Commissioners for 2023. Voting yes: Cordova, Henry, Bowen and Carlson. Passed 4-0.**3. PUBLIC COMMENTS/ANNOUNCEMENTS. (THREE MINUTE TIME LIMIT PER PERSON) (WE REQUEST ALL COMMENTS BE RESPECTFUL AND COURTEOUS IN NATURE):** Justin Wilson, rancher, requested the South Loop vote be postponed today due to giving the new commissioner time to become informed. He noted all the surface owners and leasees were not present at the Stakeholders meeting and he felt they should have an opportunity for input on the route decisions. He noted option A6 did not align with Dark Canyon Road intersection. Alisa Ogden, Eddy County rancher and farmer, had leases bordering 2.75 miles of the proposed Carrasco Road expansion that would affect their operation. Ditches, hayfields, fences and power lines would all be affected. There were a minimum of 10 pipelines that would be impacted by this proposed road. Those pipeline owners had not been aware of the project before she informed them. She inquired who would be responsible for fences, cattle guards and maintenance of those. Her operation already had 67 miles of fences to maintain and adding additional fences to maintain would be inconvenient. She inquired if cattle got on the highway, who had the liability. She felt due diligence had not been done contacting all the stakeholders involved. James Bindel, ATC Shooting Sports owner, felt they had not been properly contacted about the impact on their businesses. He requested the issues be tabled today. He noted this would bring unwanted people closer to their property, referencing the recent \$75K theft of his property. Willie Bockman, Dark Canyon rancher, inquired who would be liable for fences, cattle, etc. She had County cattle guards that needed to be maintained. She noted the SO was stretched thin and did not need to add more mileage to their area. She felt the City was being represented but not the County residents. Howard Vasquez, Eddy County resident, was concerned of the safety, security and livelihood of the residents on rural Derrick Road and Carrasco Road. He was concerned of possible vandalism occurring. He requested the vote be postponed

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and felt Bowen could then be brought up to speed. Coley Burgess, CID, read a letter from Woods Houghton regarding the Amicus Brief wherein the County supported Intrepid Potash's claim to water rights. He noted the court case was a civil case of Intrepid Potash versus every other water-rights holder in the lower Pecos River system. It was stated that the legal issue should be determined by a court of law and that the legal issues were too complicated and numerous and should be left to the courts.

4. *IFB/RFP/BID AWARDS:

- a. **RFP 22-13; GENERAL CONSTRUCTION:** Staff recommended RFP 22-13 be awarded to all six vendors as a multi-award. Henry moved, seconded by Cordova, to approve RFP 22-13; General Construction, as recommended by staff. Voting yes: Cordova, Henry, Bowen and Carlson. Passed 4-0. RFP 22-13 was recorded as Timed Agenda Exhibit 4.a.
- b. **RFP 22-14; ON-CALL ELECTRICIAN MAINTENANCE AND SERVICES:** Staff recommended RFP 22-14 be awarded to all four vendors. Cordova moved, seconded by Henry, to approve RFP 22-14; On-Call Electrician Maintenance and Services, as recommended by staff. Voting yes: Cordova, Henry, Bowen and Carlson. Passed 4-0. RFP-22-14 was recorded as Timed Exhibit 4.b.
- c. **RFP 22-15; ON-CALL LANDSCAPING MAINTENANCE SERVICES:** Staff recommended RFP 22-15 be awarded to The Garden Mart. Henry moved, seconded by Cordova, to approve RFP 22-15; On-Call Landscaping Maintenance Services, as recommended by staff. Voting yes: Cordova, Henry, Bowen and Carlson. Passed 4-0. RFP 22-15 was recorded as Timed Agenda Exhibit 4.c.

TRAILING AGENDA:

1. ***CARRASCO ROAD ROUTE SELECTION:** Hooper noted the County was still in the planning stages of the route; this item would narrow the area down making things more efficient as opposed to planning for all six routes. The road would not be engineered; the planning and study area would be narrowed down to make things more efficient. Stakeholder meetings would still be held in the future. He noted 2 public meeting had already been held. Agendas could be added to future meeting notices. With staff recommending A6 on the map, he would also like the planning and study area of the Dark Canyon intersection be included, if A6 were to be selected. Hooper stated previous meetings had been well attended. Following discussion, Henry moved, seconded by Bowen, to table the approval of the Carrasco Road Route Selection and bring the item back as a discussion item following a public meeting with a roster of stakeholder contacts and an agenda having been presented prior to the public meeting, and after the Commissioners had visited the sites. Voting yes: Cordova, Henry, Bowen and Carlson. Passed 4-0.
2. ***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-23-06; A RESOLUTION AUTHORIZING EDDY COUNTY TO SUBMIT AN APPLICATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION LOCAL GOVERNMENT DIVISION TO PARTICIPATE IN THE LOCAL DWI GRANT AND DISTRIBUTION PROGRAM – CYNTHIA G. SHARIF.
- ii. R-23-07; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.

b. AGREEMENTS:

- i. A-23-01; MEMORANDUM OF UNDERSTANDING BETWEEN THE EDDY COUNTY DWI PROGRAM AND THE NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION/LOCAL GOVERNMENT DIVISION – CYNTHIA G. SHARIF.
- ii. A-23-02; APPLICATION COVER SHEET FOR THE FY24 DWI PROGRAM GRANT AND DISTRIBUTION FUNDING – CYNTHIA G. SHARIF.
- iii. A-23-03; STATEMENT OF ASSURANCES – CYNTHIA G. SHARIF.
- iv. A-23-04; CONTINUED MAINTENANCE AGREEMENT WITH SPARKS OFFICE SOLUTIONS FOR COPIER/PRINTER IN BUREAU OF ELECTIONS/CLERKS OFFICE, SHARP MX-4071 CARA COOKE/TAMI WHITE.
- v. A-23-05; AGREEMENT BETWEEN EDDY COUNTY AND FORTE FOR CREDIT CARD PAYMENT PROCESSING – STEVEN MCCROSKEY
- vi. A-23-06; INTER-GOVERNMENTAL AGREEMENT BETWEEN: THE MOTOR VEHICLE DIVISION AND EDDY COUNTY (ARTESIA) – WESLEY HOOPER.

Cordova moved, seconded by Henry, to approve the Resolution/Agreement Consent Agenda as presented. Voting yes: Cordova, Henry, Bowen, and Carlson. Passed 4-0. R-23-06 and R-23-07 were recorded as Exhibit 2.a.i. and 2.a.ii, respectively. A-23-01 through A-23-06 were recorded as Exhibit 2.b.i – vi., respectively.

3. **DEPARTMENT UPDATES:** Cage stated the SO staff vacancies were down to single digits. The new video recording systems would be integrated and a tech had been hired for redacting videos for IPRA requests and an additional tech

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would probably be needed. He was proud of his staff. He noted he would be attending DA Dianna Luce's husband's memorial today. Cordova appreciated and supported the techs reviewing all the videos.

Burns updated on projects for the new year. The web site complaint tracker was still active. Ms. Willie's cattle guard would be taken care of. Roads had been bladed and additional future projects would be lined out partnering with the municipalities. The West Loop was looking at a completion date of April. An engineering firm was looking at the Hidalgo and Dark Canyon intersection. Chip seal projects would be prepped awaiting ideal temperatures to commence. The OHV was done. Safety issues were immediately addressed by the department.

Mack presented a power point with departmental statistics. See attached exhibit. Possible new fire station details were discussed.

4. **LEGISLATIVE UPDATES:** Missy Currier, Strategies 360, updated the County on the upcoming 60-day Legislative Session. She noted the House and Senate were controlled by Democrats; they would look toward moderate Democrats during the Session. The Green Amendment would be discussed and could possibly affect Counties and Cities. She spoke to possible responsibilities that may result from that Amendment. Being an amendment, the Governor would have no veto power. If passed, it would then be voted on by citizens in the next election. It was felt anti-fracking legislation would not be an issue this Session. New Mexico Counties presented their priorities such as the public safety package, detention reimbursement fund, support for EMS and public safety staffing issues were being discussed. Courthouse funding was being looked at. Clarifying language concerning IPRA requests around elections was being discussed. Changes in the House were anticipated. Committees will be named in the first couple of days. Eddy County's Reception will take place January 23. Cage added the NMC Conference was approaching on January 16 – 19.
5. ***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. **STEVEN MARQUEZ TO ATTEND THE 2023 COUNTY FIRE TACTICS CONFERENCE IN PENSACOLA BEACH, FL ON JANUARY 29, 2023 THROUGH FEBRUARY 4, 2023.**

Cordova moved, seconded by Henry, approve the Travel Consent Agenda, as presented. Voting yes: Cordova, Henry, Bowen and Carlson. Passed 4-0.

6. **EMERGENCY BUSINESS:** None.

7. **LEGISLATORS AND ELECTED OFFICIALS' COMMENTS/ANNOUNCEMENTS/UPDATES:** Hatch updated the Commission on recent projects of the Assessor's Office. The first business property renderings had been sent out with 300 new businesses receiving renderings. Livestock and Mobile Home renderings would be upcoming. February 28 was the deadline before penalties were levied.

8. **COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES:** Davis wished all a Happy New Year, noting it would be a busy year. The County had no specific legislation to pursue but there was the possibility of legislation that would affect the County. The Commission would attend the afternoon of January 23 with activities the following days and returning to Carlsbad Wednesday, January 25. He noted the Courthouse project was in process and road work was commencing. Feedback would be forthcoming within the next couple of weeks on the feasibility and assessment on the Detention/Court facility that would be brought to the Commission for discussion. Crude prices remained in \$77 - \$80 range and production volumes were steady, gas volumes were increasing. He felt the County would continue to see similar revenues. Eddy County and Lea County would continue contributing significant Gross Receipt Tax revenues, nearly 25% of the matched GRT values.

9. **COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES:** Cordova welcomed the newly elected officials and wished all a Happy New Year. Henry welcomed those to the new positions and was excited to go to the House to have a voice this year. He appreciated the public comments today. Bowen was honored to serve alongside the existing officials. He looked forward to learning a lot. He voiced a Larry McMurtry quote that referenced choosing what matters in life and he was excited to represent the citizens to the best of his ability. Carlson was excited to go to Santa Fe. He inquired of progress on the Arrowhead Study. Davis would work to get the updated data. Carlson would like to hand the talking points of information to the legislators.

10. ***EXECUTIVE SESSION:** None.

Meeting closed at 10:28 a.m.

~Asterisk denotes vote is required~

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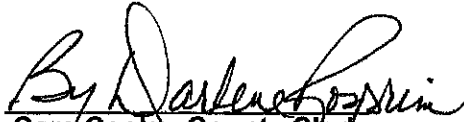
**EDDY COUNTY BOARD OF COMMISSIONERS
EDDY COUNTY, NEW MEXICO**



Errlie Carlson, Commission Chairman

Date: January 17, 2023

ATTEST:



Cara Cooke, County Clerk

