

**EDDY COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A REGULAR MEETING  
JANUARY 5, 2021**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on January 5, 2021 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 as well as gave the invocation.

**PRESENT:**

STEVE MCCUTCHEON	CHAIR, DISTRICT 4
FRED BEARD	VICE-CHAIR, DISTRICT 3
ERNEST CARLSON	COMMISSIONER, DISTRICT 1
JON HENRY	COMMISSIONER, DISTRICT 2
SARAH CORDOVA	COMMISSIONER, DISTRICT 5
ALLEN DAVIS	COUNTY MANAGER
CAS TABOR	COUNTY ATTORNEY
ROBIN VAN NATTA	COUNTY CLERK
DARLENE ROSPRIM	CHIEF 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. SWEARING-IN CEREMONY FOR NEWLY ELECTED OFFICIALS:**

**\*\*JUDGE JANE SHULER-GRAY PRESIDING\*\***

- a. **JONATHAN A. HENRY – COMMISSIONER, DISTRICT 2**
- b. **FRED F. BEARD – COMMISSIONER, DISTRICT 3**
- c. **SARAH CORDOVA – COMMISSIONER, DISTRICT 5**
- d. **LAURIE PRUITT – TREASURER**
- e. **MARK CAGE – SHERIFF** Unable to attend.

**SHORT BREAK FOR PICTURES**

**TRAILING AGENDA:**

1. **\*ELECT CHAIRMAN AND VICE-CHAIRMAN OF THE EDDY COUNTY BOARD OF COMMISSIONERS FOR 2021 – ALLEN DAVIS:** Carlson opened the floor for nominations for Chair of the Commission. Henry nominated Steve McCutcheon for Chairman; Cordova seconded. Voting yes: Carlson, Henry, Beard and Cordova. McCutcheon abstained. Passed 4-0. McCutcheon nominated Fred Beard as Vice-Chairman; Carlson seconded. Voting yes: McCutcheon, Carlson, Cordova and Henry. Beard abstained. Passed 4-0.

Judge Shuler-Gray joined the meeting and conducted the swearing in ceremony as listed above.

McCutcheon called for a motion to re-affirm the approval of McCutcheon as Chair and Beard as Vice Chair after all the Commissioners were sworn in officially. Carlson made the motion as stated, seconded by Henry. Voting yes: McCutcheon, Beard, Carlson, Cordova and Henry. Passed 5-0.

2. **\*APPROVE:**

- a. **COMMISSION MEETING MINUTES FOR DECEMBER 15, 2020:** Henry moved, seconded by Carlson to approve the Commission Meeting Minutes for December 15, 2020. Voting yes: McCutcheon, Beard, Carlson, Cordova and Henry. Passed 5-0.

3. **TREASURER’S REPORT FOR NOVEMBER 2020 – LAURIE PRUITT:** This item was FYI only. The November 2020 Treasurer’s Report was recorded as Exhibit 3.

4. **\*BUDGET VS. ACTUAL – NOVEMBER REVENUE AND EXPENSES – ROBERTA SMITH:** Smith reported as of November, revenue collected was \$66.5M which was well over the 42% mark due to transfers into the general fund. Expenditures were at 34% again due to road projects and transfers. The Road Department was at 55% collected and 27% expended. Those would start to even out by March and the transfers would not be as big of an impact. Carlson moved, seconded by Beard to approve the November Revenue and Expenses Budget vs. Actual. Voting yes: McCutcheon, Beard, Carlson, Cordova and Henry. Passed 5-0. The November Revenue and Expenses Budget vs. Actual Report was recorded as Exhibit 4.

5. **CARES-BUS-03000-EDC SMALL BUSINESS GRANT UPDATE – ROBERTA SMITH:** The County received \$931,875 in CARES Act Relief monies. The County disbursed the full grant amount to 14 small businesses within the County minus an administration fee to the Carlsbad Department of Development.

6. **\*TRANSFER FUNDS FROM GENERAL FUND RESERVES TO FEMA FUND – ROBERTA SMITH:** Carlson moved, seconded by Cordova to approve the transfer of \$15,473,259.42 from the general fund reserves to the FEMA fund to complete 17 remaining road sites and 1 alternate project for equipment regarding DR-4199. Voting yes: McCutcheon, Beard, Carlson, Cordova and Henry. Passed 5-0.
  
7. **\*APPROVE/DISAPPROVE ONE (1) INDIGENT BURIAL – VERONICA PARRAS:** Cordova moved, seconded by Henry to approve one indigent burial. Voting yes: McCutcheon, Beard, Carlson, Cordova and Henry. Passed 5-0.
  
8. **DONATION OF PPE FROM CHEVRON TO THE EDDY COUNTY OFFICE OF EMERGENCY MANAGEMENT – JENNIFER ARMENDARIZ:** Armendariz reported Chevron donated 10K surgical masks to the Office of Emergency Management. These masks would be distributed as needed.
  
9. **DONATION OF PPE FROM SENDERO TO THE EDDY COUNTY OFFICE OF EMERGENCY MANAGEMENT – JENNIFER ARMENDARIZ:** Armendariz reported Sendero donated 240 N95 masks, a pallet of water and 2 cases of hand sanitizer. These supplies would be distributed as needed.
  
10. **MARATHON OIL CORPORATION DONATION – SHERIFF MARK CAGE:** Lieutenant Decker reported they had received a donation of \$5K to be used for body armor, body cameras or other personal protective gear or devices for officers. McCutcheon wanted the county to make sure and publicly thank those companies for their contribution. He suggested Facebook or other social media as a possible venue.
  
11. **\*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-21-01; 2021 HOLIDAY SCHEDULE – ALLEN DAVIS.**
    - ii. **R-21-02; OPEN MEETINGS ACT – 2021 – ALLEN DAVIS.**
    - iii. **R-21-03; USE OF FACSIMILE SIGNATURE STAMP ON BEHALF OF THE COMMISSION CHAIRMAN – 2021 – ALLEN DAVIS.**
    - iv. **R-21-04; ESTABLISHING THE CHAIN OF COMMAND DURING THE ABSENCE OF THE COUNTY MANAGER – ALLEN DAVIS.**

- v. R-21-05; AUTHORIZATION FOR “CLOSINGS” OF COUNTY FACILITIES AND OPERATIONS – ALLEN DAVIS.
- vi. R-21-07; DONATION OF AN ALLMAND NIGHT-LIGHT PRO LIGHT TOWER TO THE CITY OF ARTESIA – CYNTHIA SHARIF.
- vii. R-21-08; FTI CONSULTING’S MONTHLY REPORT FOR NOVEMBER 2020 – ALLEN DAVIS.
- viii. R-21-09; DISPOSAL, REMOVAL, OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR.
- ix. R-21-10; DONATION OF A 2014 CHEVY 1500 CREW CAB, 4WD FROM DEVON ENERGY TO EDDY COUNTY OFFICE OF EMERGENCY MANAGEMENT – JENNIFER ARMENDARIZ.
- x. R-21-11; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.

**b. AGREEMENTS:**

- i. A-20-173; ORACLE MASTER AGREEMENT FOR JAVA PROGRAMS – CAROL HENNINGTON.
- ii. A-21-03; ENGAGEMENT OF SIMMONS HANLEY CONROY, LLC, CRUGER DICKINSON, LLC, AND VON BRIESEN & ROPER, S.C. COUNSEL IN RELATION TO CLAIMS AGAINST OPIOID MANUFACTURERS, DISTRIBUTORS AND/OR CHAIN PHARMACIES – ALLEN DAVIS.
- iii. A-21-04; BLM RIGHT OF WAY APPLICATION – WES HOOPER.
- iv. A-21-05; AMENDMENT #1 TO A-20-73; ORACLE MASTER AGREEMENT FOR JAVA PROGRAMS – CAROL HENNINGTON.
- v. A-21-06; CONTRACT FOR IFB 20-26 CARTER ROAD & CID CROSSING – CONSTRUCTORS INC. – KRISTEN NOVOTNY.
- vi. A-21-07; PDS SERVICE AGREEMENT – ROXANN BRANNON.
- vii. A-21-08; CIVICPLUS HOSTING RENEWAL – CAROL HENNINGTON.

Carlson moved, seconded by Henry, to approve the Resolution and Agreement Consent Agenda. Voting yes: McCutcheon, Beard, Carlson, Cordova and Henry. Passed 5-0. R-21-01 through R-21-05, R-21-07 through R-21-11 were recorded as Exhibits 11.a.i. - 11.a.x. A-20-173, A-21-03 through A-21-08 were recorded as Exhibit 11.b.i. – 11.b.vii.

**12. PROJECT UPDATES:** Hooper and Burns updated the Board on scheduled and ongoing Road projects. Hooper reported the South East Loop Road bid had been awarded and construction should start in the next month. The DOT project would stop at the intersection of 285 and Carter Rd. The county was not invited to the planning phase on the project and the initial plan was to close a portion of that intersection. The county was not in favor of that and were currently providing input for another solution. Public meetings were being held to inform the public and they would make an effort to get that

information out there. The South East Loop Road was estimated at \$5.2M leaving around \$6M for Phase II. Burns stated Higby Hole Road was under construction as the box culverts were to the point of failure. Public works would improve the road down to Black River Village Road. Red Road was in progress as well as opening bids next week on Old Cavern Highway and Black River Village Road. Davis stated the 17 FEMA projects had been hanging out there for some time due to the process. The projects would move along and be completed quickly. Burns stated meetings and planning had begun on the West Loop Road.

**13. 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.

**14. EMERGENCY BUSINESS:** None.

**15. LEGISLATIVE UPDATE:** Fanning stated the session was 2 weeks out and pre-filing started yesterday. The Legislative Council would meet tomorrow to discuss how the session would be conducted. The Capital would be closed and bills would move through committee without input from the public until it was presented on the floor for consideration. Committees would be closed and that was a very big deal. The Methane rule was in committee and would impact oil and gas tremendously. The Georgia Senate runoff elections were being held today and would decide control of the Senate for the next two years. Congress would meet on Wednesday to count and verify the electoral votes. New Mexico's Representative Haaland was being confirmed as Secretary of the Interior. A special election would be held in her district to fill that seat. Henry questioned if there was a possibility the State session would be postponed. Fanning stated by law the Legislature had to meet the third Tuesday in January. It was possible they could meet and postpone until March; it would seem they had a specific idea of how they wanted the session to be conducted. Henry was disappointed the people would lose their voice and not be able to express their opinion at all. The Governor was in favor of delaying the session due to the pandemic. McCutcheon asked for a printout with updates instead of just the text messages so he could hand it out.

**16. LEGISLATORS AND ELECTED OFFICIALS' COMMENTS/ANNOUNCEMENTS/UPDATES:** None.

**17. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES:**

Davis stated in December the Families First Coronavirus Response Act allowing for 80 hours paid leave to employees had expired. He stated he decided to provide that benefit to County employees for those in need for the next 90 days. After that time period it was his hope that the vaccine would be helpful in the eradication of most of the virus. He welcomed Commissioners Beard and Cordova. He encouraged them to contact him with any questions or to reach out to their peers.

**18. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES:**

Cordova stated she was happy to be serving the County and looked forward to working with her fellow Commissioners. Eddy County was very important to her and leadership was paramount. Henry stated leadership was very important at this time. He stated he had moved his wife and son to Lubbock to enroll his son in school. Henry stated he was saddened by the decisions made by the State of NM and a lot of small businesses that had been there for generations would be closing. He wanted it on the record that he lived in Artesia and would always live there; however, Artesia was losing valuable citizens to Texas. Henry was glad to know that roads were still a priority for the County. Carlson echoed the fact that so many small businesses were struggling which was disheartening. He felt sure the people making the decisions had never had to provide for or struggle with the responsibility of a small business owner. Carlson welcomed the new commissioners. Beard was glad to be here and felt the County was in better shape than when he had decided to run for the commission seat. He stated the County had done a good job getting on track and gave credit to the Board and Manager. McCutcheon looked forward to working with the new Commissioners and 2021.

**19. EXECUTIVE SESSION:** None.

**20. ADJOURN:** At 10:06 a.m. Carlson moved, seconded by to adjourn the meeting. Voting yes: McCutcheon, Beard, Carlson, Cordova and Henry. Passed 5-0.

**\*ASTERISKS DENOTE VOTE IS REQUIRED**

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**COMMISSION CHAIR, ERNEST CARLSON**

**ATTEST:**

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**COUNTY CLERK, ROBIN VAN NATTA**

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**DATE**