

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
January 18, 2022**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on January 18, 2022 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. Beard 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
WES HOOPER	COMMUNITY/ADMIN SRVCS DIR
CAS TABOR	COUNTY ATTORNEY
MARK CAGE	SHERIFF
ROBERTA SMITH	FINANCE DIRECTOR
BILLY MASSINGILL	DETENTION WARDEN
TERRA DOUGAN	EXEC ADMIN ASSISTANT
MARISELA VASQUEZ	ADMINISTRATIVE ASST
ROXANN BRANNON	HR DIRECTOR
CAROL HENNINGTON	INFO SYSTEMS SUPERVISOR
ROLAND RODRIGUEZ	INFO SYSTEMS
JERI STRONG	PUBLIC INFO COORDINATOR
STEVE MCCROSKEY	COUNTY PLANNER
JASON BURNS	PUBLIC WORKS DIRECTOR
JOSHUA MACK	FIRE SERVICE DIRECTOR/MARSHAL
JAROD ZUNIGA	FIRE SVC CHIEF DEPUTY ADMIN
BETSY BRADSHAW	FIRE SVC ADMIN ASSISTANT
JENNIFER ARMENDARIZ	EMERGENCY MANAGER
BRIAN STEPHENS	FACILITIES DIRECTOR
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:**
 - a. **JONATHAN HENRY, COMMISSIONER – 5 YEARS**
 - b. **GAIL LEE OBRIEN – 15 YEARS**

3. **RETIREMENT PRESENTATIONS:**
 - a. **PETE T. MARQUEZ, SHERRIFF'S OFFICE – 21 YEARS**
 - b. **JESUS F. VAZQUEZ, SHERRIFF'S OFFICE – 20 YEARS, 1 MONTH**

Years of service and retirement awards were presented.

Short break for pictures.

TRAILING AGENDA:

1. **APPROVE:**
 - a. ***COMMISSION MEETING MINUTES FOR JANUARY 4, 2022.** Beard moved, seconded by Carlson, to approve the Commission Meeting Minutes for January 4, 2022. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.

 - b. ***EXPENSE APPROVAL REPORT DECEMBER 2021.** Carlson moved, seconded by Henry, to approve the December, 2021 Expense Approval Report. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0. The December 2021 Expense Approval Report was recorded as Exhibit 1.b.

 - c. ***PURCHASE CARD APPROVAL REPORT FOR DECEMBER 2021.** Cordova moved, seconded by Beard, to approve the December 2021 Purchase Card Approval Report. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0. The Purchase Card Approval Report for December 2021 was recorded as Exhibit 1.c.

2. ***NOVEMBER 2021 REVENUE REPORT – ROBERTA SMITH.** Smith stated GRT collected had been \$2.7M with the FY total being \$14M. Oil and Gas collected had been \$5.5M with a FY total of \$23M. Carlson moved, seconded by Beard, to approve the November 2021 Revenue Report. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0. The Revenue Report for November 2021 was recorded as Exhibit 2.

3. ***BUDGET VS ACTUAL – NOVEMBER REVENUE AND EXPENSES – ROBERTA SMITH.** Smith stated revenue had been \$81.2M with expenses of \$63M. The General Fund stood at 59% collected and 50% expensed which included \$21M in transfers. Cordova moved, seconded by Henry, to approve the Budget v. Actual November 2021 Revenue and Expenses Report. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0. The

Budget v. Actual Revenue and Expenses Report for November 2021 was recorded as Exhibit 3.

4. ***G21SN0017A REGION VI DRUG TASK FORCE ADMIN GRANT MODIFICATION #3 BUDGET ADJUSTMENT – WM. ROBERT SULLIVAN.** Cage stated the request would cover COLA for Sullivan. Carlson moved, seconded by Beard, to approve the G21SN0017A Region VI Drug Task Force Admin Grant Modification #3 Budget Adjustment. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0. The G21SN0017A Region VI Drug Task Force Admin Grant Modification #3 Budget Adjustment was recorded as Exhibit 4.
5. ***RECLASSIFICATION OF ONE DEPUTY SHERIFF POSITION TO ONE LIEUTENANT PATROL POSITION – SHERRIFF MARK CAGE.** Carlson moved, seconded by Beard, to approve the reclassification of one Deputy Sheriff Position to Lieutenant Patrol Position. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.
6. ***REQUEST FOR FOUR (4) NEW SHERIFF DEPUTIES – SHERRIFF MARK CAGE.** Cage related the need for additional deputies with the population increase, increase in violent crime, cutting traffic deaths and supporting the DTF. Davis suggested requesting four additional in the upcoming FY budget along with the current request. Following discussion, it was felt the SO would benefit with six new deputies. Carlson moved, seconded by Beard, to approve the request for six new Sheriff Deputies. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.
7. ***60% FIRE EXCISE APPLICATION FOR MEDICAL EQUIPMENT – JOSHUA MACK.** Zuniga explained the items purchased would be new AEDs for each truck, 12 auto-CPR machines and 12 cardiac monitors for all staff vehicles and four ambulances. The funding would be up to \$1M. Carlson moved, seconded by Cordova, to approve the 60% Fire Excise Application for Medical Equipment. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.
8. ***OVER-HIRE LIEUTENANT POSITION FOR ECDC – WARDEN BILLY MASSINGILL.** Massingill stated an employee would be retiring and the over-hire would allow the retiring employee eight days of training for the replacement employee. Beard moved, seconded by Henry, to approve to approve the over-hire of a Lieutenant position for ECDC. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.
9. ***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 separated 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-22-06; AMENDING R-22-01; 2022 HOLIDAY SCHEDULE – ALLEN DAVIS.
- ii. R-22-07; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.
- iii. R-22-09; SUPPORTING THE NEW MEXICO COUNTIES 2022 LEGISLATIVE PRIORITIES – ALLEN DAVIS.
- iv. R-22-10; RESOLUTION REQUESTING NMDOT COMMISSION TO APPROVE USE OF OHV'S ON PAVED SECTION OF NM 137 – JASON BURNS.
- v. R-22-11; RESOLUTION TO ADOPT COUNTY ROADS FOR MAINTENANCE AND INVENTORY OF EDDY COUNTY ROAD DEPARTMENT – JASON BURNS.

b. AGREEMENTS:

- i. A-22-02; AMENDMENT #1 TO A-21-93; DFA GRANT AGREEMENT 22-E-46 REDA – BAMBI KERN.
- ii. A-22-03; BETWEEN EDDY COUNTY AND \$360 FOR PROFESSIONAL SERVICES DURING THE 2022 LEGISLATIVE SESSION – ALLEN DAVIS.
- iii. A-22-05; RENEWAL OF A-19-184; MOU BETWEEN THE UNITED STATES DEPARTMENT OF ENERGY (USDOE) WIPP CARLSBAD FIELD OFFICE AND EDDY COUNTY REGARDING EMERGENCY SERVICES – JOSHUA MACK.
- iv. A-22-06; AGREEMENT WITH SAN JUAN COUNTY FOR HOUSING OF JUVENILE DETAINEES – WARDEN BILLY MASSINGILL.

Henry moved, seconded by Beard, to approve the Resolution and Agreement Consent Agenda, pulling item 9.a.iv., R-22-10. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0. R-22-06, R-22-07, R-22-09 and R-22-11 were recorded as Exhibits 9.a.i – 9.a.iii. and 9.a.v., respectively. Items A-22-02, A-22-03, A-22-05 and A-22-06 were recorded as Exhibits 9.b.i. through 9.b.iv.

Following discussion, Beard moved, seconded by Carlson, to approve R-22-10. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0. R-22-10 was recorded as Exhibit 9.a.iv.

10. ELECTED OFFICIAL/DEPARTMENT UPDATES. Burns updated the Commission on road projects in process and future projects in the design/planning stage. He stated the department had concluded all FEMA construction and was in the process of closing out the projects. Carlson requested rumble strips be placed on the south side of Derrick Road at Grandi Road due to trucks braking at the intersection. He felt in hot weather, the road could be damaged by the truck brakes sliding.

Cage thanked the Commission for its generosity and for the supportive comments of the SO. He added there may be a need for additional vehicles if six new deputies were hired.

Mack stated the first fire academy had been held and 31 had completed the session. The Fire Board would now be meeting the second Saturday of each month at 9:00 a.m. A pre-ISO inspection had been performed at Loving. All hydrants had been tested and color coded. Loving's fire engine had arrived. The Permian Basin Region Training Center will be accredited as a training center equal to the one in Socorro. An adjunct instructor would partner with the State to run the classes. Vehicle maintenance was almost complete. The Safer Grant would be applied for and reviewed. He stated the goal was to have the facilities at Whites City done in three to four months.

Armendariz stated the State had determined by the Social Vulnerability Index that Artesia was on the list to receive 6,604 COVID tests on Thursday. Davis stated the methodology of that issuance was being checked into. Discussion ensued on how to help the public obtain information on and access to testing services.

11. LEGISLATIVE UPDATES. Davis stated the Legislature would open at 12:00 pm and that 200 pieces of legislation would be presented. The Commission had approved an agreement with Strategies 360 for professional services during the 2022 Legislative Session.

12. *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. **JAROD ZUNIGA TO ATTEND FDIC IN INDIANAPOLIS, IN FROM APRIL 24 THRU APRIL 30, 2022.**
- b. **JASON BURNS TO ATTEND WORLD OF CONCRETE 2022 IN LAS VEGAS, NV FROM JANUARY 19 THRU JANUARY 21, 2022.**

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

13. EMERGENCY BUSINESS. None.

14. LEGISLATORS AND ELECTED OFFICIALS' COMMENTS/ANNOUNCEMENTS/UPDATES. None.

15. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES.
None.

16. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES.
Cordova thanked the first responders and SO and looked forward to the Legislative Session. Henry had received multiple calls and 95% of those had been sick so he advised all to be careful. Carlson renewed his call to have a committee formed to study how the health care in Eddy County could be helped. He had recently lost a friend due to lack of health care. Beard agreed with Carlson. He wanted it to be known to the State what Eddy County did with the oil and gas monies. McCutcheon felt a lot had been accomplished at the recent meetings and that Eddy County was doing well due to good people and good leadership. He added there were a couple of ordinances he would like to get rid of.

17. *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.**
 - I. **CONTRACT PERSONNEL – ALLEN DAVIS.**
- b. **THREATENED OR PENDING LITIGATION.**
- c. **REAL PROPERTY.**

At 10:31 a.m., Henry moved seconded by Cordova, to go into Executive Session and return at 10:48 a.m. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.

18. *RE-OPEN MEETING. At 10:49 a.m., Beard moved, seconded by Henry, to come out of Executive Session and certified the only item discussed was contract

personnel. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.

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

a. ***LIMITED PERSONNEL MATTERS.**

i. **CONTRACT PERSONNEL – ALLEN DAVIS.**

None.

20. *ADJOURN. At 10:50 a.m., Henry moved, seconded by Beard, to adjourn. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.

~Asterisk denotes vote is required~

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIR

ATTEST: _____

DATE: _____