

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
FEBRUARY 2, 2021**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on February 2, 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. 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
CAS TABOR	COUNTY ATTORNEY
ROBIN VAN NATTA	CLERK
DARLENE ROSPRIM	CHIEF DEPUTY CLERK
MARK CAGE	SHERIFF
ROBERTA SMITH	FINANCE DIRECTOR
WESLEY HOOPER	COMMUNITY ADMIN SRVCS DIR
TERRA DOUGAN	ADMINISTRATIVE ASST
ROXANN BRANNON	HUMAN RESOURCES DIRECTOR
CAROL HENNINGTON	INFO SYSTEMS DIRECTOR
KEN KEMP	INFO SYSTEMS
ANDREW MEDRANO	INFO SYSTEMS
JERI STRONG	PIO/O&G LIAISON
STEVE MCCROSKEY	COUNTY PLANNER
JERRY FANNING	PUBLIC GOVT AFFAIRS DIRECTOR
JOSHUA MACK	FIRE SERVICE DIR/FIRE MARSHAL
JENNIFER ARMENDARIZ	EMERGENCY MANAGER
BRIAN STEPHENS	M&O SUPERVISOR
STEPHANIE YBABEN	RED ROCKET MEDIA

TIMED AGENDA

8:30 A.M.:

- 1. PUBLIC COMMENTS/ANNOUNCEMENTS. (WILL BE READ BY THE COUNTY MANAGER)** None.

2. IFB/RFP/BID AWARDS:

- a. IFB 20-27 SOUTHEAST LOOP ROAD CONSTRUCTION – ROBERTA SMITH:** Smith reported there was one bid received from Constructors Inc for \$4,755,269.26 plus GRT. It was deemed responsive and it was recommended they be awarded the bid. Beard moved, seconded by Cordova to award IFB 20-27 as recommended. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0. IFB 20-27 was recorded as Timed Agenda Exhibit 2.a.

TRAILING AGENDA:

1. APPROVE:

- a. *COMMISSION MEETING MINUTES FROM JANUARY 19, 2021:** Carlson moved, seconded by Henry to approve the Commission Meeting Minutes for January 19, 2021. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0.

- 2. TREASURER’S REPORT FOR DECEMBER 2020 – LAURIE PRUITT:** This was an FYI item. The December 2020 Treasurer’s Report was recorded as Exhibit 2.

- 3. *DECEMBER 2020 REVENUE REPORT – ROBERTA SMITH:** Smith reported \$1,084,745 was collected in gross receipts tax and \$7,221,628 in oil and gas receipts for December 2020. The monies from oil & gas included the equipment payment from the State. Carlson moved, seconded by Beard to approve the December 2020 Revenue Report. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0. The December 2020 Revenue Report was recorded as Exhibit 3.

- 4. *BUDGET VS. ACTUAL – DECEMBER REVENUE AND EXPENSES – ROBERTA SMITH:** Cordova moved, seconded by Carlson to approve the Budget vs. Actual December Revenue and Expenses Report. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0. The Budget vs. Actual December Revenue & Expenses Report was recorded as Exhibit 4.

- 5. FY 2020-2021 MID - YEAR FINANCIAL REVIEW – ROBERTA SMITH. FYI ITEM:** Smith reviewed the mid-year financial report. The report was recorded as Exhibit 5.

- 6. FY 2021-2022 BUDGET PRIORITIES AND OBJECTIVES – ROBERTA SMITH. FYI ITEM:** Smith reported the 2021-2022 budget priorities and objectives included salary step increases, no COLA, and up to 5 new full time employee positions. Capital outlay projects would be considered on an individual basis. Cordova thanked Smith for the information. Henry stated if the need arose, he would always be in favor of unfreezing positions at the Detention Center. Carlson stated he did not want to set the budget until after the legislative session. Beard stated we were on target and needed to protect any unobligated funds.

McCutcheon stated his budget priorities had always been roads and public safety.

7. **DONATION OF SHIRTS FROM VARSITY SPORTS, LLC (RECRUITMENT T-SHIRTS) – JOSHUA MACK:** Mack reported silk screening of shirts paid for by sponsors had been donated from Varsity Sports LLC to help with recruiting efforts for the volunteer fire departments. The various business sponsorships were printed on the backs of the shirts. The shirts would be given throughout the community.
8. ***SUN COUNTRY VFD TANKER BUDGET ADJUSTMENT – JOSHUA MACK:** Mack explained this adjustment was in response to change orders on the tanker approved previously. The monies would be taken from the fire excise fund in the amount of \$9,429. Carlson moved, seconded by Cordova to approve the budget adjustment. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. 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 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-21-19; FTI CONSULTING'S MONTHLY REPORT FOR DECEMBER 2020 – ALLEN DAVIS.**
 - ii. **R-21-20; RESOLUTION REQUESTING THE GOVERNOR TO MODIFY THE EXECUTIVE ORDERS ALLOWING SCHOOL DISTRICTS IMPLEMENT THEIR PROGRAMS ALLOWING ALL STUDENTS TO RETURN TO IN-PERSON LEARNING – ALLEN DAVIS.**
 - iii. **R-21-21; FY 2020-2021 DFA 2ND QUARTERLY REPORT – ROBERTA SMITH.**
 - iv. **R-21-22; APPROVE FY 2021-2022 BUDGET PREPARATION METHODOLOGY PROCESS – ROBERTA SMITH.**
 - b. **AGREEMENTS:**
 - i. **A-21-13; CONTRACT AMENDMENT/RENEWAL TO RFP #18-07, MSA #A-19-37, 2ND EXTENSION – JANA HEFT.**
 - ii. **A-21-14; USDA, FOREST GRANT 18-LE-11030800-005 MODIFICATION 004 – AMENDING ORIGINAL AGREEMENT A-18-60 – SHERIFF MARK CAGE.**
 - iii. **A-21-15; CONTRACT FOR IFB 20-27 SOUTHEAST LOOP ROAD CONSTRUCTION – CONSTRUCTORS, INC. – ROBERTA SMITH.**
 - iv. **A-21-16; COVID-19 DISASTER SUB-GRANT AGREEMENT #FEMA-4529-EDDY COUNTY – JENNIFER ARMENDARIZ.**

Henry moved, seconded by Carlson to approve the Resolution and Agreement Consent Agenda. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0. R-21-19 through R-21-22 was recorded as Exhibits 9.a.i. through 9.a.iv. respectively. A-21-13 through A-21-16 were recorded as Exhibits 9.b.i. through 9.b.iv. respectively.

10. DEPARTMENT UPDATES: Hooper reported he had been to Santa Fe and reviewed the Arrowhead Study with our legislators. He had forwarded the study to County Managers and Municipalities. Hooper reported he had a positive response from everyone who had read the study.

Armendariz reported on Emergency Management activities in the last month. She had picked up PPE supplies in Roswell for the schools which contained different colored masks, gowns, gloves and specific masks they would be required to wear. Since the last commission meeting well over 100K masks had been distributed through OEM. OEM had partnered with DOH, WIPP and the City of Carlsbad with a vaccination clinic on the 14th of January. There were 220 vaccinations given with the follow up on Thursday. She was informed that 70 doses would be taken from the shipment. Henry questioned why Eddy County was not being vaccinated. Davis stated Eddy County was 28 out of 33 counties. Carlsbad Medical Center had not registered as a vaccination provider. That left us at the mercy of NMDOH to hold the pod events. Armendariz had met with Artesia General Hospital and they had been great about helping get people vaccinated. NWP had donated a freezer to house vaccinations. Davis clarified CMC was a provider but expressed hesitation at having a community event; however, once the vaccinations were received location was not an issue. The county could provide everything else; location, staff to administer the shot, and post vaccination staff to monitor if we could get the vaccination. NMDOH had decided only 1A risk would receive the vaccination which was over 75 years of age and had an underlying health issue. Henry questioned why we couldn't get the vaccinations needed or even allotted to us. Lea County was ordering directly from the manufacturer bypassing the NMDOH. McCutcheon stated the Board would like getting vaccines here and people taken care of to be the only focus of OEM. Cordova stated insurance was being billed for vaccines so they were paid for through a person's provider. Beard questioned if volunteers were needed. Armendariz stated that she had everything ready to go if she could only get the product.

Mack reported 8 structure fires and 1 dumpster fire in Eddy County. Volunteers were doing a great job as was Code Enforcement. Hopefully by next month they would have a solution to the Loving Fire Department.

Fanning reported overnight the number of bills went from 150 to 569. He was currently tracking 108 of those bills that might have an impact on the county. Every county was opposed to HB4 as it would bankrupt local governments. He reminded the Board this was a Speaker Bill and had been through the

House committee with a do pass vote along party lines. Davis stated NMC had encouraged resolutions in support or opposition of legislation. Fanning reported the bill on fresh water uses in the oil field was hiding regulations and rules that would drive industry out of New Mexico. He was working with Mike Gallagher from Lea County to come up with talking points for NMC against the bill. Fanning stated this legislature had a platform bill that was bad for New Mexico and would move through committee. The only hope was once it hit the floor for a vote. SB 149 against Fracking and the Red Flag bill had come up again. Sheriff Cage reported once a person was deemed dangerous, they were given 48 hours' notice before your weapons were confiscated. This could happen to anyone including law enforcement. It was a violation of due process. Law enforcement was not qualified to evaluate the mental health of any individual. Fanning stated SB220 was trying to fix a bad bill concerning body cameras. SB37, 20 and 121 were all good bills that should help with roads. Senator Pirtle had introduced a bill to help counties secede from the State. It was very challenging to almost impossible to be heard.

Cage reported Deputy Martinez who was involved in an altercation with a suspect had been sent to Lubbock. NMC was meeting every Thursday to sift through legislation. The bill that addressed Game and Fish Laws contained language concerning sex offenders and mandatory sentencing. Ivey-Soto had a marijuana bill that he actually supported. If we were going to legalize recreational use it should be taxed. HB4 would not help law enforcement in New Mexico. Cage clarified qualified immunity did not exist in state law. All the bill would do would be to eliminate caps for attorney fees and bankrupt counties. Cage stated he would not be asking for anything this budget except vehicles.

11. ***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. **AMY DUGAS ATTENDED FBI LEEDA SUPERVISOR CLASS IN HOUSTON, TX FROM JANUARY 29 THRU FEBRUARY 5, 2021.**

FUTURE: None.

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

12. EMERGENCY BUSINESS: None.

13. LEGISLATIVE UPDATE: See above comments under Department Updates.

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

15. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES: Davis reported on budget monies, vaccines, legislation and a road story to come in March.

16. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES: Henry stated he would be interested in a Resolution against HB50 and expressed interest in Senator Pirtle's bill to secede from the State. He also expressed an interest in maybe doing resolutions against the use of recreational marijuana and abortion. Henry felt legislators were not listening to the citizens and was disappointed in the ability to get the COVID vaccine to Eddy County. Cordova stated she would help the Office of Emergency Management in any way. Carlson reported he and Davis had participated in a forty-minute interview with KRQE which when played was only two sentences worth of information. Beard stated he was very pleased where the County was headed and the actions taken. McCutcheon encouraged the parents of school aged kids to be patient as schools were starting back up. He questioned what we were missing in all the bills being introduced, ie a hidden agenda. Carlson wanted to set up a discussion with oil and gas companies to discuss the future and strategies for the County budget. He felt it was very important that the residents in the County knew why there was a shortage in vaccines, was it from the State or the local hospital. He also had concerns about the marijuana and abortion bills.

17. EXECUTIVE SESSION: None.

18. ADJOURN: At 10:52 a.m. Carlson moved, seconded by Henry to adjourn the meeting. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0.

~Asterisks denote vote is required~

COMMISSION CHAIR, STEVEN MCCUTCHEON

ATTEST:

COUNTY CLERK, ROBIN VAN NATTA

DATE