

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
FEBRUARY 7, 2023**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on February 7, 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. Brannon gave the invocation.

PRESENT:

ERNEST CARLSON	CHAIRMAN
FRED BEARD	VICE-CHAIR
JAMES (BO) BOWEN	COMMISSIONER, DISTRICT 4
JON HENRY	COMMISSIONER, DISTRICT 2
SARAH CORDOVA	COMMISSIONER, DISTRICT 5
ALLEN DAVIS	COUNTY MANAGER
CAS TABOR	COUNTY ATTORNEY
CARA COOKE	COUNTY CLERK
TAMI WHITE	CHIEF DEPUTY COUNTY CLERK
CAROLYN STROBLE	CHIEF DEPUTY TREASURER
RHONDA HATCH	COUNTY ASSESSOR
MELISSA WASHBURN	CHIEF COUNTY ASSESSOR
MATTHEW HUTCHINSON	CHIEF DEPUTY SHERIFF
BILLY MASSENGILL	DETENTION WARDEN
MARIA MALDONADO-MERJIL	DETENTION CHIEF ADMIN ASST
ADRIENNE JONES	EXEC ADMIN ASSISTANT
ROBERTA GONZALES	FINANCE DIRECTOR
JESSICA STYGAR	ASSISTANT FINANCE DIRECTOR
ROXANN BRANNON	HR DIRECTOR
CAROL HENNINGTON	INFORMATION SYSTEMS DIRECTOR
KEN KEMP	IT SYSTEMS ADMINISTRATOR
STEVE MCCROSKEY	COUNTY PLANNER
JASON BURNS	PUBLIC WORKS DIRECTOR
JENNIFER ARMENDARIZ	EMERGENCY MANAGER
VERONICA PARRAS	HEALTH CARE ADMINISTRATOR
TRENT MOORE	M&O MANAGER
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).* Norbert Rempe requested the Commissioners pass an ordinance with teeth banning abortions in Eddy County. Laverne Shan represented Eddy County schools, invited the Commissioners to attend the upcoming Literacy Event on March 6. Details and information would be provided to the Commissioners in the future.
2. **RETIREMENT PRESENTATION:**
 - a. **SYBIL R. SCARBROUGH, DETENTION RECORDS CLERK – 8 YEARS.**

A retirement award was presented to the employee for years of service to Eddy County.

Short break for pictures.

TRAILING AGENDA:

1. ***R-23-09; PRESENTATION, ACKNOWLEDGEMENT, ACCEPTANCE AND APPROVAL OF EDDY COUNTY’S FY 2021-2022 AUDIT – ROBERTA GONZALES.** Alan Bowers, Carr Riggs & Ingram LLC, reviewed and summarized the 2021-2022 audit performed for Eddy County. He appeared via a Zoom Meeting before the Commission and gave a video presentation showing details of the County financial audit. He stated that an Unmodified Opinion had been issued, the best opinion available. Under GASB relating to internal controls, no negative assurances were found and no findings were noted relating to federal awards and federal items with an Unmodified Opinion having been rendered. He stated the Commission should be proud of the entire team and that the resources of Eddy County have been protected. He noted Eddy County had shown consistent growth of assets over the last five years with significant increases in 2022, a healthy trend, with minimal debt. Training on GASB had been requested. He would keep the County informed of any available in the future. He encouraged the County to keep abreast of IT security issues, and suggested spending funds on detection as well as on prevention relating to security issues. He thanked Gonzales, Stygar and the team, stating they were great to work with. Davis appreciated the ability to have questions answered during the year, ensuring a clean audit. Gonzales appreciated working with Bowers and his being open to answering questions. Beard moved, seconded by Henry, to approve R-23-09. Voting yes: Carlson, Cordova, Henry, Bowen and Beard. Passed 5-0. R-23-09 was recorded as Exhibit 1.
2. **ANNUAL REPORT ON COUNTY EXTENSION SERVICES BY WAYNE SHOCKEY – ALLEN DAVIS – FYI ONLY.** Wayne Shockley,

County Extension Director, summarized a very busy and successful year involving the youth of Eddy County. The donations, grants and funding towards the County Extension programs were very much appreciated noting it had helped 320 students involved in the programs achieve their goals. Ivan Tellez, Agriculture Agent, elaborated on accomplishments of those students involved in the programs, noting that this was the fifth year that the group had won Parliamentary Procedures contests. A workshop would be held March 28. See attached presentation.

3. **FY 2022-2023 MID-YEAR FINANCIAL REVIEW – ROBERTA GONZALES – FYI ONLY.** Gonzales recapped the year that started with a budget of \$158M, with \$45.7M in total salary and benefits included therein. She noted the County still had 14 vacant allocated positions. Last FY ended with a surplus of \$73M. General Fund had collected \$111M and expensed \$137M. The County was sitting at \$27.6M overage in Oil and Gas and GRT as of December, putting the cash balance at \$111M. Davis noted the Revenue receipts exceeded the County's conservative forecast in order to have a balanced budget. This excess revenue was attributed to industry activity levels and to revenues from GRT and production taxes exceeding forecasted levels. Gonzales noted the County had collected \$258M or 116% for the FY and expensed \$173M or 32%. General Fund stood at 118% collected and 37% expensed.
4. **FY 2023-2024 BUDGET PRIORITIES AND OBJECTIVES – ROBERTA GONZALES – FYI ONLY.** A brief discussion was presented on suggested Budget Priorities and Objectives for FY 2023 - 2024. The items included a balanced budget, salary step increases, COLA consideration, no across-the-board operational increases and entertaining capital outlay requests on an individual basis.
5. ***DECEMBER 2022 REVENUE REPORT – ROBERTA GONZALES.** Gonzales stated GRT received was \$4.8M and \$17.1M received from Oil and Gas. Bowen moved, seconded by Cordova, to approve the December 2022 Revenue Report. Voting yes: Carlson, Cordova, Henry, Bowen and Beard. Passed 5-0. The December 2022 Revenue Report was recorded as Exhibit 5.
6. ***BUDGET VS. ACTUAL – DECEMBER REVENUE AND EXPENSES – ROBERTA GONZALES.** Gonzales stated \$258M was collected and \$173M was expensed. The General Fund stood at 119% collected and 32% expensed. She noted all departments were at or under 50% of their budgeted amounts. Beard moved, seconded by Cordova, to approve the Budget v. Actual - December Revenue and Expenses Report. Voting yes: Carlson, Cordova, Henry, Bowen and Beard.

Passed 5-0. The Budget v. Actual – December Revenue and Expenses Report was recorded as Exhibit 6.

7. ***FY 2022-2023 2ND QUARTER LODGER'S TAX REPORT – ROBERTA GONZALES.** Gonzales stated the beginning balance of the fund was \$223K and was \$211K at the end of quarter. The majority of the remaining balance would be spent with applications that were pending approval. Henry moved, seconded by Beard, to approve the FY 2022-2023 2nd Quarter Lodger's Tax Report. Voting yes: Carlson, Cordova, Henry, Bowen and Beard. Passed 5-0. The Budget v. Actual – December Revenue and Expenses Report was recorded as Exhibit 7.

8. **APPROVE:**

- a. ***COMMISSION MEETING MINUTES FOR JANUARY 17, 2023.** Beard moved, seconded by Cordova, to approve the Commission Meeting Minutes for January 17, 2023. Voting yes: Carlson, Cordova, Henry, Bowen and Beard. Passed 5-0.
- b. ***EXPENSE APPROVAL REPORT FOR JANUARY 2023.** Henry moved, seconded by Bowen, to approve the Expense Approval Report for January 2023. Voting yes: Carlson, Cordova, Henry, Bowen and Beard. Passed 5-0. The Expense Approve Report for January 2023 was recorded as Exhibit 8.b.
- c. ***PURCHASE CARD APPROVAL REPORT FOR DECEMBER 2022.** Bowen moved, seconded by Cordova, to approve the Purchase Card Approval Report for December 2022. Voting yes: Carlson, Cordova, Henry, Bowen and Beard. Passed 5-0. The Purchase Card Approval Report for December 2022 was recorded as Exhibit 8.c.

9. **TREASURER'S REPORT FOR DECEMBER 2022 – LAURIE PRUITT – FYI Only.**

10. ***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-23-08; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.**

- ii. R-23-10; FY 2022-2023 DFA 2ND QUARTERLY REPORT – ROBERTA GONZALES.
- iii. R-23-11; G22SN0017A REGION VI DRUG TASK FORCE ADMIN GRANT MODIFICATION #1 BUDGET ADJUSTMENT – WM. ROBERT SULLIVAN.
- iv. R-23-12; G22SN0017A REGION VI DRUG TASK FORCE ADMIN GRANT MODIFICATION #2 BUDGET ADJUSTMENT – WM. ROBERT SULLIVAN.

b. AGREEMENTS:

- i. A-23-11; EQUIPMENT SERVICE AGREEMENT WITH SPARKS – RHONDA HATCH.
- ii. A-23-12; HVAC SERVICES BETWEEN ADVANTAGE HEATING AND COOLING AND EDDY COUNTY IN REGARDS TO RFP 22-12 HVAC SERVICES – ANISIA CERNA.
- iii. A-23-13; HVAC SERVICES BETWEEN DONNER PLUMBING AND HEATING AND EDDY COUNTY IN REGARDS TO RFP 22-12 HVAC SERVICES – ANISIA CERNA.
- iv. A-23-14; GENERAL CONSTRUCTION SERVICES BETWEEN WAIDE CONSTRUCTION CO. AND EDDY COUNTY IN REGARDS TO RFP 22-13 GENERAL CONSTRUCTION SERVICES – ANISIA CERNA.
- v. A-23-15; GENERAL CONSTRUCTION SERVICES BETWEEN HOLLOWAY CONSTRUCTION COMPANY AND EDDY COUNTY IN REGARDS TO RFP 22-13 GENERAL CONSTRUCTION SERVICES – ANISIA CERNA.
- vi. A-23-16; GENERAL CONSTRUCTION SERVICES BETWEEN GREER CONSTRUCTION COMPANY AND EDDY COUNTY IN REGARDS TO RFP 22-13 GENERAL CONSTRUCTION SERVICES – ANISIA CERNA.
- vii. A-23-17; GENERAL CONSTRUCTION SERVICES BETWEEN C.D. GENERAL CONTRACTORS AND EDDY COUNTY IN REGARDS TO RFP 22-13 GENERAL CONSTRUCTION SERVICES – ANISIA CERNA.
- viii. A-23-18; ON-CALL ELECTRICIAN MAINTENANCE AND SERVICES BETWEEN J&G ELECTRIC AND EDDY COUNTY IN REGARDS TO RFP 22-14 ON-CALL ELECTRICIAN MAINTENANCE AND SERVICES – ANISIA CERNA.
- ix. A-23-19; ON-CALL ELECTRICIAN MAINTENANCE AND SERVICES BETWEEN BNX ELECTRIC AND

EDDY COUNTY IN REGARDS TO RFP 22-14 ON-CALL ELECTRICIAN MAINTENANCE AND SERVICES – ANISIA CERNA.

- x. **A-23-20; ON-CALL ELECTRICIAN MAINTENANCE AND SERVICES BETWEEN ALPHA ENERGY SOLUTIONS AND EDDY COUNTY IN REGARDS TO RFP 22-14 ON-CALL ELECTRICIAN MAINTENANCE AND SERVICES – ANISIA CERNA.**
- xi. **A-23-21; DETENTION CENTER NURSING SERVICES BETWEEN QUICK RESPONSE STAFFING INC. AND EDDY COUNTY IN REGARDS TO RFP 22-11 DETENTION CENTER NURSING SERVICES – ANISIA CERNA.**
- xii. **A-23-22; TERRALOGIC SERVICE AGREEMENT (FORMER PDS) – ROXANN BRANNON.**
- xiii. **A-23-23; SPARKS SERVICE AGREEMENT – ROXANN BRANNON.**
- xiv. **A-23-24; HVAC SERVICES BETWEEN TRANE AND EDDY COUNTY IN REGARDS TO RFP 22-12 HVAC SERVICES – ANISIA CERNA.**
- xv. **A-23-25; 2023 HIDTA SUBAWARD RECIPIENT AGREEMENT WITH THE COUNTY OF LEA – PECOS VALLEY DRUG TASK FORCE – WM. ROBERT SULLIVAN.**
- xvi. **A-23-26; 2023 HIDTA GRANT SUBAWARD RECIPIENT AGREEMENT WITH THE COUNTY OF LEA - ADMINISTRATION – WM. ROBERT SULLIVAN.**

Cordova moved, seconded by Bowen, to approve the Resolution and Agreement Consent Agenda. Voting yes: Carlson, Cordova, Henry, Bowen and Beard. Passed 5-0. R-23-08, R-23-10 – R-23-12 were recorded as Exhibits 10.a.i. – 10.a.iv., respectively. A-23-11 – A-23-26 were recorded as Exhibits 10.b.i. – 10.b.xvi., respectively.

11. ELECTED OFFICIAL/DEPARTMENT UPDATES. Hooper updated on the new route connecting 62/180 and 285 on the south end. Meetings updating the Commissioners on the options would conclude today and a Stakeholder Public Meeting would be scheduled updating all parties and accepting comments that would be brought back to the Commission. A route would then be selected to enable the study to proceed and project to progress. The meetings in Zoom would be provided. Tabor added that a notice to the public would be presented and no decisions would be made at those informational meetings, allowing the Commission to listen to the public input. Burns updated on the North Canal project. It would be completed soon and opened by the end of next week after paving Cherry Lane to the Bypass was

completed. He updated the tie-in to the West Loop at Lea Street. He noted NM524 and Lea Street would be completely closed on the 20th for 40 days, closing the curve on the Happy Valley Bypass at about the sports complex up to about Jones Street and NM524. A PSA with a traffic control plan would go out today with message boards being set out. Residential access will be maintained. Gonzales presented a handout with 2nd Quarter Highlights. She thanked the Finance Team, the Treasurers, HR and Department Heads for their efforts and help with audit.

12. **LEGISLATIVE UPDATES.** Davis read highlights of a synopsis presented by the S360 team reporting on actions taken at the current Legislative Session.

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:

a. **ERIC MORAN, TYLER KNIGHT, JAMES LARA, BRYAN GORE TO ATTEND TRAFFIC CRASH RECONSTRUCTION IN STILLWATER, OK ON FEBRUARY 26, 2023 THROUGH MARCH 10, 2023.**

b. **RICK BURKS TO ATTEND THE 2023 FDIC CONFERENCE IN INDIANAPOLIS, IN FROM APRIL 21, 2023 THROUGH MAY 1, 2023.**

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

14. **EMERGENCY BUSINESS.** None.

15. **LEGISLATORS/ELECTED OFFICIALS' COMMENTS, ANNOUNCEMENTS, UPDATES.** None.

16. **COUNTY MANAGER'S COMMENTS, ANNOUNCEMENTS & UPDATES.** Davis read aloud a letter received from Andrew Brininstool, Lecturer at Texas Christian University praising and

supporting the County's DWI department's program and Director Cindy Sharif. His students had related to him the impact the DWI signs in the County had had on them when traveling through the area. Davis noted the DWI Program has been recognized as one of the best in the entire state and he praised Sharif and the program. Davis noted the budget process was starting. With regard to the Arrowhead study, several positive comments had been made from legislators during the recent visit to the Legislative Session. He added the need for diversification of revenue in the State had been spoken of and was not a bad idea, but the existing sources of revenue should not be demonized.

17. COUNTY COMMISSIONERS' COMMENTS, ANNOUNCEMENTS & UPDATES.

Cordova thanked Missi Currier and S360 for managing the Commissioner's visit to Santa Fe. She thanked Cathryn Brown and felt it an honor to be recognized on the Floor. She thanked Hooper for his work on the bypass and working with the Stakeholders. She recognized the Finance and Treasurer's Departments for their hard work on the audit. Henry was proud of Eddy County for its competitiveness and always exceeding at any challenge presented. He was proud of County workers and the companies working in the County. He appreciated the oil and gas industry allowing his heater to work during the cold weather. He compared the revenue made by the pot industry in the state after six months equaled the revenue made in one month by the oil and gas industry. He felt the revenue from the oil and gas industry was not replaceable. Bowen found the Santa Fe process interesting to witness and found it very educational. He felt a lot of legislators were aware of where the monies came from because they were spending it and were aware that SE New Mexico was the powerhouse generating revenue for the State. However, he felt it would be beneficial getting the Arrowhead information to the legislators' voters and educating the voters so the legislators could support us without the political ramifications they would receive. He appreciated Hooper, Burns, Davis and the Sheriff's Department for their answers so he might address the concerns of those who contacted him on the Canal and Cherry Lane project. He announced Little Cavemen Wrestling signups at the high school Monday, Wednesday and Thursday, 6:00 – 7:15, for kids aged four through seventh grade. Beard had experienced apprehension about going to Santa Fe but had a good time, met people and was impressed with S360. He wanted the budget excess to be spent on the SO Department in order to send a message to the drug traffic coming up from the border that Eddy County is to be avoided. Carlson agreed with all that was said about Santa Fe. He felt all five Commissioners had a voice, joined by the City of Carlsbad. When speaking of diversification in revenues, he felt there was no viable alternative answer presented to the problem. He felt the funds would be better

spent going towards the premier labs in New Mexico and coming up with a cost-effective way to help improve the oil and gas industry and environment rather than to spend monies setting up committees to replace oil and gas. He noted an article in the local newspaper referenced the Arrowhead Study without any mention of conversations had with Commissioners as to the purpose of the study and how it has been used. Referencing all the revenues from Eddy County that were being distributed to and used by the whole state, he noted that Eddy County was picking up all the cost of generating that revenue. He felt the cost of producing those revenues should be shared by the rest of the State.

18. 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), 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.**
 - i. **OPIOID LITIGATION – CAS TABOR.**

At 10:18 a.m., Beard moved, seconded by Cordova, to go into closed session to discuss the items listed and to reconvene at 10:58 a.m. Voting yes: Carlson, Cordova, Henry, Bowen and Beard. Passed 5-0.

19. RE-OPEN MEETING. At 10:58 a.m., Bowen moved, seconded by Cordova, to end the Executive Session. Voting yes: Carlson, Beard, Bowen, Cordova and Henry. Passed 5-0.

Bowen moved, seconded by Cordova, to re-open the meeting and certify that the only items discussed were Limited Personnel Matters and Threatened or Pending Litigation. Voting yes: Carlson, Cordova, Henry, Bowen and Beard. Passed 5-0.

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

- a. ***LIMITED PERSONNEL MATTERS**
 - i. **CONTRACT PERSONNEL – ALLEN DAVIS.** No action taken.
- b. ***THREATENED OR PENDING LITIGATION.**
 - i. **OPIOID LITIGATION – CAS TABOR.** Tabor explained the State had settled cases with Albertson's, CVS, Kroger and Wal-Mart. The County had the opportunity to participate in that settlement along with the Cities of

Carlsbad and Artesia, receiving \$2,163,911.99 to be used in accordance with the guidelines set to fight the opioid scourge. Previously, the County authorized Davis or Tabor to sign the participation agreements in order to receive the funds held in the Attorney General's trust account. Henry moved, seconded by Beard, to approve participating in the settlement. Voting yes: Carlson, Cordova, Henry, Bowen and Beard. Passed 5-0.

Meeting closed at 11:01 a.m.

~Asterisks denote vote is required~

EDDY COUNTY BOARD OF COMMISSIONERS
EDDY COUNTY, NEW MEXICO


Ernie Carlson, Commission Chairman

Date: February 21, 2023

ATTEST:


Cara Cooke, County Clerk

