

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
February 15, 2022**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on February 15, 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. Cordova 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
DARLENE ROSPRIM	EDDY COUNTY CLERK
CARA COOKE	CHIEF DEPUTY CLERK
GEMMA FERGUSON	EDDY COUNTY ASSESSOR
MELISSA WASHBURN	CHIEF DEPUTY ASSESSOR
CAS TABOR	COUNTY ATTORNEY
MARK CAGE	SHERIFF
KIM BALLARD	SO ADMNISTRATIVE ASST
ROBERTA SMITH	FINANCE DIRECTOR
JESSICA STYGAR	ASSISTANT FINANCE DIRECTOR
ANISIA CERNA	PROCUREMENT MANAGER
BILLY MASSINGILL	DETENTION WARDEN
TERRA DOUGAN	EXEC ADMIN ASSISTANT
ROXANN BRANNON	HR DIRECTOR
CAROL HENNINGTON	INFO SYSTEMS SUPERVISOR
KEN KEMP	INFO SYSTEMS
JERI STRONG	PUBLIC INFO COORDINATOR
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
CYNTHIA SHARIF	DWI COORDINATOR
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. **RICHARD BANNISTER, DETENTION – 20 YEARS.**
 - b. **TIM SATTERFIELD, SHERIFF’S OFFICE – 5 YEARS.** Not present.
 - c. **SHERRI KURIMSKI, DETENTION – 5 YEARS.** Not present.

Years of service and retirement award was presented to Richard Todd Bannister.

SHORT BREAK FOR PICTURES.

3. ***PRESENTATION BY ALAN BOWERS FROM CARR RIGGS & INGRAM, LLC, AND APPROVING R-22-17; APPROVING AND ACCEPTING THE FY 2020-2021 ANNUAL AUDIT – ROBERTA SMITH:** Bowers presented to the Commission the annual audit with required communications and highlights performed by Carr Riggs and Ingram LLC. The audit had been finalized January 25 with an “Unmodified Opinion”. The Commissioners expressed thanks to the Treasurers and the Finance Departments for their diligent contributions and hard work keeping the County in compliance. Carlson moved, seconded by Cordova, to approve R-22-17. Voting yes: Beard, Carlson, Cordova, Henry and McCutcheon. Passed 5-0. R-22-17 was recorded as Timed Agenda Exhibit 3.
4. **ANNUAL REPORT ON COUNTY EXTENSION SERVICES BY WAYNE SHOCKEY – ALLEN DAVIS:** Shockey presented a summary of activities and involvement in the County for the past year. He introduced two new employees, Sandy Taylor and Ivan Tellez, who also summarized their plans for future involvement in the communities of Eddy County. The Annual Report was recorded as Timed Exhibit 4.
5. **PRESENTATION FROM THE EDDY COUNTY FAIR BOARD ASSOCIATION – ALLEN DAVIS:** Jon Putman and Dylan Pinson presented the future plans that the Fair Board had for the expansion of the Eddy County Fairgrounds. An architect had been engaged. Previous and possible future funding from the County was discussed. The Eddy County Fair Board Association presentation was recorded as Timed Agenda Exhibit 5.

TRAILING AGENDA:

1. **APPROVE:**
 - a. ***COMMISSION MEETING MINUTES FOR FEBRUARY 1, 2022:**
Cordova moved, seconded by Beard, to approve the Commission Meeting Minutes for February 1, 2022. Voting yes: Beard, Carlson, Cordova, Henry and McCutcheon. Passed 5-0.
 - b. ***EXPENSE APPROVAL REPORT JANUARY 2022:** Henry moved, seconded by Cordova, to approve the January 2022 Expense Report. Voting yes: Beard, Carlson, Cordova, Henry and McCutcheon. Passed 5-0. The January 2022 Expense Report was recorded as Exhibit 1.b.
2. ***RECLASSIFICATION OF A RECEPTIONIST/DATA ENTRY CLERK TO A DWI PREVENTION COMPLIANCE POSITION – CYNTHIA SHARIF:**
Carlson moved, seconded by Cordova, to approve reclassification of a receptionist/data entry clerk to a DWI Prevention Compliance position. Voting yes: Beard, Carlson, Cordova, Henry and McCutcheon. Passed 5-0.
3. ***SET MEETING TO APPROVE CANVASS OF ARTESIA MUNICIPAL ELECTION – DARLENE ROSPRIM:** Cordova moved, seconded by Beard, to set the meeting to approve the canvass of the Artesia Municipal Election for March 8, 2022 at 8:30 a.m. Voting yes: Beard, Carlson, Cordova, Henry and McCutcheon. Passed 5-0.
4. ***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-22-19; RESOLUTION RATIFYING AND APPROVING THE LAND TRANSFER/EXCHANGE BETWEEN EDDY COUNTY AND PETE DEGROOT/DEGROOT DAIRY PREVIOUSLY APPROVED IN DECEMBER 2013 BY THE EDDY COUNTY COMMISSION, AGREEMENT A-13-132, AND DIRECTING SAME TO THE LGD OF NM TAX AND REVENUE FOR REVIEW AND APPROVAL, ALONG WITH THE COUNTY’S PROPOSED QUITCLAIM DEED – ALLEN DAVIS.**
 - ii. **R-22-20; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT - VERONICA PARRAS.**
 - iii. **R-22-22; SUPPORTING NEW MEXICO HOUSE OF REPRESENTATIVES JOINT MEMORIAL 2 REGARDING LOCAL CONTROL FOR SCHOOL BOARDS – ALLEN DAVIS.**

- iv. R-22-23; SUPPORTING NEW MEXICO HOUSE OF REPRESENTATIVES JOINT RESOLUTION 13 ESTABLISHING A STATE SCHOOL BOARD – ALLEN DAVIS

b. AGREEMENTS:

- i. A-22-15; MEMORANDUM OF UNDERSTANDING (MOU) BY AND BETWEEN EDDY COUNTY SHOOTING RANGE ASSOCIATION AND THE COUNTY OF EDDY FOR THE MANAGEMENT AND USE OF EDDY COUNTY PROPERTY - ALLEN DAVIS.
- ii. A-22-16; DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT SUB-GRANT AGREEMENT FEMA-4199-44V3 A02 - ROBERTA SMITH.
- iii. A-22-17; DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT SUB-GRANT AGREEMENT FEMA-4199-59 – ROBERTA SMITH.
- iv. A-22-18; EQUIPMENT SERVICE CONTRACT WITH SPARKS FOR THE OFFICE OF EMERGENCY MANAGEMENT – JENNIFER ARMENDARIZ.
- v. A-22-19; LICENSE AGREEMENT AUTHORIZING EDDY COUNTY TO REPAIR AND MAINTAIN A DWI PREVENTION PROGRAM BILLBOARD ON PRIVATE PROPERTY AT 7285 ROSWELL HIGHWAY – CYNTHIA SHARIF.
- vi. A-22-20; LICENSE AGREEMENT AUTHORIZING EDDY COUNTY TO REPAIR AND MAINTAIN A DWI PREVENTION PROGRAM BILLBOARD ON PRIVATE PROPERTY AT 6310 SEVEN RIVERS HIGHWAY – CYNTHIA SHARIF.
- vii. A-22-21; LICENSE AGREEMENT AUTHORIZING EDDY COUNTY TO REPAIR AND MAINTAIN A DWI PREVENTION PROGRAM BILLBOARD ON PRIVATE PROPERTY AT 5813 W. MAIN ST (HOPE HIGHWAY) – CYNTHIA SHARIF.
- viii. A-22-22; LICENSE AGREEMENT AUTHORIZING EDDY COUNTY TO REPAIR AND MAINTAIN A DWI PREVENTION PROGRAM BILLBOARD ON PRIVATE PROPERTY AT 11030 LOVINGTON HIGHWAY – CYNTHIA SHARIF.
- ix. A-22-23; EXECUTE LEASE AGREEMENT FOR SANDPOINT LANDFILL COMPACTOR – JASON BURNS.

Henry moved, seconded by Beard, to approve the Resolution/Agreement Consent Agenda, as presented, pulling for discussion Items R-22-22 and R-22-23. Voting yes: Beard, Carlson, Cordova, Henry and McCutcheon. Passed 5-0. R-22-19 and R-22-20 were recorded as Exhibits 4.a.i. and 4.a.ii., respectively. A-22-15 through A-22-23 were recorded as Exhibits 4.b.i. through 4.b.ix., respectively.

Following discussion, Carlson moved, seconded by Beard, to approve R-22-22 and R-22-23. Voting yes: R-22-22 and R-22-23 were recorded as Exhibits 4.a.iii. and 4.a.iv., respectively.

****At 9:53 a.m., Cordova moved, seconded by Henry, to adjust the agenda order, moving forward the Executive Session to be in front of Elected Official/Department Updates. Voting yes: Beard, Carlson, Cordova, Henry and McCutcheon. Passed 5-0. See Item 12.**

5. **ELECTED OFFICIAL/DEPARTMENT UPDATES:** Armendariz stated over 10K vaccinations had been given since March, 2021 in the County clinics. She noted vaccinations had slowed recently at the Monday clinic and the scheduled times may be reduced to 9:00 – 11:00 A.M. in the future. She added the clinic for Monday, February 21 would take place from 9:00 a.m. – 1:00 p.m. even though the County was closed for Holiday. Additional test kits had been received and would be distributed to citizens Loving, Carlsbad and Artesia in the future. She stated 7,400 kits had been distributed in the past. Mack stated the ERS System was live allowing detailed stats on responders. The Loving fire truck was in service. Davis noted the Loving EMT in residence had been an asset and several lives had been saved since that resource had been available.
6. **LEGISLATIVE UPDATES:** Davis read aloud the Legislative Report/Statement updating the Commission on the status of legislation presented in the Legislative Session. He noted that S360 was on top of things and keeping the County informed.
7. ***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. **ERIC THRELKELD ATTENDING FBI ACADEMY IN QUANTICO, VA FROM JANUARY 7 THRU APRIL 1, 2022.**

FUTURE: None.

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

8. **EMERGENCY BUSINESS:** None.

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

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

Davis updated the Commission on issues he had been following that were of interest and concern for Eddy County. A shooting range in north Eddy County was under consideration by the BLM with possible collaboration from the public and business entities. He presented a map of proposed acreage for withdrawal of public lands for designation as wilderness lands. He explained the comment period had closed for changing definitions and scope presented by Waters of the US, awaiting ruling by the SCOTUS. Chaves County had a resolution opposing US SB 2980, a land take concerning existing leases. Henry suggested supporting and working with Chaves County on the BLM Master Resource Management Plan.

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

Carlson had received numerous calls speaking positively about and thanking the Commission for the illegal dumping ordinance. He had been informed that used oil drums had been dumped in Dark Canyon and were being used as target practice. Cordova thanked the County and those assisting for the 10K vaccinations given in local clinics. She was pleased with the conversation she had recently had with the Governor during the Governor's visit to Carlsbad. Henry congratulated Carlsbad Schools on hiring the new coach, Oliver Souka, and noted he would be a great football coach. He appreciated the leadership in the County. Beard felt the upcoming issues with WOTUS were about government control, having been a fourth generation rancher in Eddy County. He was grateful for the cooperative BLM officials in this area.

12. ***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. **ATTORNEY GENERAL OF NEW MEXICO OPIOID SUIT – CAS TABOR.**

ii. **PENDING HRD CLAIM – ALLEN DAVIS.**

At 9:54 a.m., Beard moved, seconded by Henry, to go into executive Session, returning at 10:30 a.m. Voting yes: Beard, Carlson, Cordova, Henry and McCutcheon. Passed 5-0.

13.***RE-OPEN MEETING.** At 10:50 a.m., Carlson moved, seconded by Beard, to come out of Executive Session and certified the only items discussed were Threatened or Pending Litigation and Limited Personnel Matters. McCutcheon was excused for the remainder of the meeting. Voting yes. Beard, Carlson, Cordova and Henry. Passed 4-0.

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

a. * **LIMITED PERSONNEL MATTERS.**

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

b. ***THREATENED OR PENDING LITIGATION.**

i. **ATTORNEY GENERAL OF NEW MEXICO OPIOID SUIT – CAS TABOR.**

ii. **PENDING HRD CLAIM – ALLEN DAVIS.**

No action taken.

15.***ADJOURN:** At 11:24 a.m., Carlson moved, seconded by Cordova, to adjourn the meeting. Voting yes: Beard, Carlson, Cordova and Henry. Passed 4-0.

~Asterisk denotes vote is required~

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIR

ATTEST: _____

DATE: _____