

**EDDY COUNTY COMMISSION MEETING
MINUTES OF A REGULAR MEETING
March 16, 2021**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on March 16, 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. Carlson gave the invocation.

PRESENT:

STEVE MCCUTCHEON	CHAIR, DIST 4
FRED BEARD	VICE-CHAIR, DIST 3
ERNEST CARLSON	COMMISSIONER, DIST 1
SARAH CORDOVA	COMMISSIONER, DIST 5
ALLEN DAVIS	COUNTY MANAGER
WESLEY HOOPER	COMMUNITY/ADMIN SERVICES DIR
CAS TABOR	COUNTY ATTORNEY
DARLENE ROSPRIM	CHIEF DEPUTY CLERK
GEMMA FERGUSON	COUNTY ASSESSOR
MARK CAGE	SHERIFF
GAY WEST	EXEC ADMINISTRATIVE ASST
ROBERTA SMITH	FINANCE DIRECTOR
BILLY MASSINGILL	WARDEN
ROXANN BRANNON	HUMAN RESOURCES DIRECTOR
JERI STRONG	PIO/O&G LIAISON
CAROL HENNINGTON	INFO SYSTEMS DIRECTOR
KEN KEMP	INFO SYSTEMS
BRIAN STEPHENS	M&O SUPERVISOR
JERRY FANNING	PUBLIC & GOVT AFFAIRS DIRECTOR
JASON BURNS	PUBLIC WORKS DIRECTOR
JOSHUA MACK	FIRE SERVICES DIR/MARSHAL
STEPHANIE YBABEN	RED ROCKET MEDIA

ABSENT:

JON HENRY	COMMISSIONER, DIST 2
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TIMED AGENDA

8:30 A.M.:

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

2. SERVICE AWARDS.

- a. **JOEL PARRAZ, PUBLIC WORKS DISTRICT 1 – 5 YEARS.**
- b. **REBECCA VAN CUREN, PUBLIC WORKS LANDFILL – 5 YEARS.**
- c. **DIANA YOUNG, ASSESSOR'S OFFICE – 5 YEARS.**

Service awards were acknowledged by the Commission.

3. *PRESENTATION AND FORMAL MURAL REQUEST BY KATHLEEN DAVIS, EXECUTIVE DIRECTOR OF PEARL OF THE PECOS ARTS & CULTURAL DISTRICT – JERI STRONG.

Kathleen Davis gave a presentation on the request to use County property for a mural depicting Carlsbad and Eddy County landmarks, attractions and points of public interest. Carlsbad's mural was proposed for the privacy wall at the Eddy County Courthouse. The project would begin as soon as funding had been secured. The Lodgers' Tax would be pulsed as a source of funding. Manager Davis suggested the County building in Artesia could also be considered as a mural site. McCutcheon suggested dressing up the County Administration Building. Cordova moved, seconded by Beard, to approve the site for the mural. Voting yes: McCutcheon, Beard, Carlson and Cordova. Passed 4-0. See attached exhibit.

4. IFB/RFP/BID AWARDS:

- a. ***IFB 21-01 ANNUAL CONSTRUCTION MATERIALS AND SERVICES – ROBERTA SMITH.** Smith stated 23 bids were received. Award recommendations were for multiple vendors. The contracts would renew annually for a total of three years. Davis noted clarification was obtained concerning the FOB Derrick Road location clause. In awards where the project location would be closer to the source vendor than to the FOB Derrick Road delivery location, the County would pay the full FOB rate. Projects farther than the FOB delivery location, the County would pay the mileage on a per ton basis. Davis stated the vendors were contacted and were made aware of that clarification. Burns stated all affected vendors acknowledged, understood and agreed with the clarification. Burns noted the County was proficient at doing maintenance and road work and this allowed a tool to have a price agreement to improve operations and not utilize state contracts. Burns stated the bid had language allowing other municipalities or school boards to utilize this deal. Carlson noted that it was no small task to put this bid together. McCutcheon disclosed that his company did business with the County and that he had bid on and was awarded items on the IFB. Beard moved, seconded by Cordova, to award IFB 21-01 Annual Construction Materials and Services as recommended. Voting yes: Beard, Carlson and Cordova. Abstained: McCutcheon. Passed 3-0. IFB 21-01 was recorded as Timed Agenda Exhibit 4.a.
- b. ***RFP 21-03 ECONOMIC DEVELOPMENT SERVICES – ROBERTA SMITH.** Smith stated the recommendation was for the RFP to be

awarded to the two vendors, Carlsbad Department of Development and Artesia Chamber of Commerce. Carlson moved, seconded by Cordova, to award RFP 21-03 Economic Development Services as recommended. Voting yes: McCutcheon, Beard, Carlson and Cordova. Passed 4-0. RFP 21-03 was recorded as Timed Agenda Exhibit 4.b.

TRAILING AGENDA:

1. APPROVE:

- a. ***COMMISSION MEETING MINUTES FOR MARCH 2, 2021.** Cordova moved, seconded by Beard, to approve the Commission Meeting Minutes for March 2, 2021. Voting yes: McCutcheon, Beard, Carlson and Cordova. Passed 4-0.
 - b. ***EXPENSE APPROVAL REPORT FOR FEBRUARY 2021.** Beard moved, seconded by Cordova, to approve the Expense Approval Report for February 2021. Voting yes: McCutcheon, Beard, Carlson and Cordova. Passed 4-0. The Expense Approval Report for February 2021 was recorded as Exhibit 1.b.
- 2. *OVER-HIRE COMPLIANCE ADMINISTRATOR POSITION FOR ECDC – WARDEN BILLY MASSINGILL.** Massingill stated a lieutenant would soon be retiring and this position would allow the replacement to train alongside the current employee before retirement. Carlson moved, seconded by Cordova, to approve the Over-Hire Compliance Administrator Position for ECDC. Voting yes: McCutcheon, Beard, Carlson and Cordova. Passed 4-0.
- 3. *APPROVE SAFETY NET CARE POOL CERTIFICATION OF PUBLIC FUNDS FOR FY 2020/2021 – 3RD QUARTER – WESLEY HOOPER.** Carlson moved, seconded by Beard, to approve the Safety Net Care Pool Certification of Public Funds for FY 2020/2021 – 3rd Quarter. Voting yes: McCutcheon, Beard, Carlson and Cordova. Passed 4-0. The Safety Net Care Pool Certification of Public Funds for FY 2020/2021 – 3rd Quarter letter was recorded as Exhibit 3.
- 4. *BUDGET RE-ALLOCATION FOR PUBLIC WORKS ROAD EQUIPMENT – JASON C. BURNS.** Burns explained utility trailers, two message boards and a skid steer would be purchased with savings realized from equipment previously purchased. Carlson moved, seconded by Beard, to approve the Budget Re-Allocation for Public Works Road Equipment. Voting yes: McCutcheon, Beard, Carlson and Cordova. Passed 4-0.
- 5. *BUDGET ADJUSTMENT FOR PUBLIC WORKS LANDFILL EQUIPMENT – JASON C. BURNS.** The Landfill Cat Scraper lease had expired and the reallocation would allow the purchase of an articulating dump truck. He noted it would improve the landfill operation and be beneficial financially to purchase some of the equipment, as opposed to leasing it. Carlson moved, seconded

by Cordova, to approve the Budget Adjustment for Public Works Landfill Equipment. Voting yes: McCutcheon, Beard, Carlson and Cordova. Passed 4-0.

6. ***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-21-32; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.**
- ii. **R-21-33; REMOVAL OF ROAD MAINTENANCE AND REPAIRS FROM THE FEMA CONSTRUCTION IN PROGRESS LISTING – JESSICA STYGAR.**

b. **AGREEMENTS:**

- i. **A-21-25; CONTRACT FOR CARLSBAD DEPARTMENT OF DEVELOPMENT IN REGARDS TO RFP 21-03 ECONOMIC DEVELOPMENT SERVICES – ROBERTA SMITH.**
- ii. **A-21-26; CONTRACT FOR ARTESIA CHAMBER OF COMMERCE IN REGARDS TO RFP 21-03 ECONOMIC DEVELOPMENT SERVICES – ROBERTA SMITH.**
- iii. **A-21-27; QUADIENT POSTAGE FUNDING AGREEMENT – ALLEN DAVIS.**

Cordova moved, seconded by Beard, to approve the Resolution and Agreement Consent Agenda. Voting yes: McCutcheon, Beard, Carlson and Cordova. Passed 4-0. R-21-32 – R-21-33 were recorded as Exhibits 6.a.i. through 6.a.ii. A-21-25 - A-21-27 were recorded as Exhibits 8.b.i. through 8.b.iii.

7. **DEPARTMENT UPDATES.** Stephens updated the Commission on progress made assessing damage from the Road Department building roof that was blown off in recent winds and landed on a new County vehicle. It was determined by a structural engineer that the building was structurally sound to occupy with damage only to the roof. He was awaiting NMC adjusters to view the damage and make assessment. He believed the deductible would be \$10K. The debris would be removed when NMC was finished. Mack updated that the State Fire Marshal would arrive at the end of the month to inspect stations, apparatus and records. He expressed thanks to the SO and volunteers for help during the busy fire season. Davis mentioned that a plan

was in the process for fire and emergency services that would improve services to the community. Mack stated the Artesia FD was down 10 positions. Hooper stated he and Carlson had presented the Arrowhead Study to Luna County recently and were scheduled to do the same in Deming, and again to Grant County next week. Davis related that the public was appreciative of the information being shared. Beard felt the information was having an impact.

8. LEGISLATIVE UPDATES. Fanning updated the Commission on progress of bills being presented at the Legislature. He noted the session would be over on Saturday. He felt some of the transportation bills that could benefit Eddy County had been moving in the right direction. The College Bill was on the calendar and it had had a favorable response. He noted budget bills had been moving. He spoke to HB4, the Civil Rights Bill; of which many counties had signed resolutions in opposition. The potential financial impact to counties and municipalities had not been reviewed by Senate Finance. He felt a lot of the legislation was for personal involvement or gain of those legislators introducing the bills. Seven senators would be needed for referral on the bill. Some oil and gas bills seemed to be stuck and not moving. Consistently introducing oil and gas bills each session is a detriment to potential industry moving to the state.

9. TRAVEL REQUEST CONSENT AGENDA. None.

10. EMERGENCY BUSINESS. None.

11. LEGISLATORS AND ELECTED OFFICIALS' COMMENTS/ANNOUNCEMENTS/UPDATES. Cage reported of progress on SB 220 concerning law enforcement body cameras. Potential changes would have prohibitive cost consequences to law enforcement entities. He explained additional bills before the legislature affecting law enforcement entities and counties.

12. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES. Davis stated it had been an active couple of weeks with Zoom meetings. He noted the Governor had sent a letter to President Biden asking for consideration in changing the orders affecting oil and gas. He expressed thanks to the Governor for the letter. The rig counts in NM had dropped since those orders were placed, having a direct affect on Eddy County. He had sent letters to the Finance Committees in regards to the Brine Well project which in turn prompted conversation on the subject. Funding had been earmarked in previous sessions. A one-year extension would be asked for the Excise Tax funding for the Brine Well, leaving a deficit of \$3M on the project that would be left to local municipalities to fulfill. He appreciated Secretary Sandoval for his support and cooperation on the issue. Vaccine clinics had continued each Monday. There was a disparity with the number of individuals registered on

the NMDOH site and with the number of public getting appointments; 2K residents had been registered and were eligible for vaccinations with only 68 appointments confirmed on Sunday. He encouraged all residents to use the State database to register for the vaccine and complete the appointment process.

13. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES.

Corodova appreciated Armendariz and all who contributed to the vaccine efforts. She updated on the Life House purchase of the former Landsun Health Service Center. It would be the in-patient rehab and hopefully used for detox capabilities for drug abuse in the future. Golden Services Counseling Services had also been acquired. Forty-five jobs were acquired from the Villa Rehab and Golden Services and 15 new jobs would be created; a total of 123 jobs would be brought forth over the next year. Carlson noted the Arrowhead Study would be presented in Deming. Beard thanked all department heads and felt the County was progressing, getting a lot done. McCutcheon thanked Davis for his contribution to inform the community at the meetings.

14. EXECUTIVE SESSION. None.

15. *ADJOURN. At 10:06 a.m., Beard moved, seconded by Cordova, to adjourn. Voting yes: McCutcheon, Beard, Carlson and Cordova. Passed 4-0.

~Asterisk denotes vote is required~

COMMISSION CHAIR, STEVEN MCCUTCHEON

ATTEST:

COUNTY CLERK, ROBIN VAN NATTA

DATE