

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
MARCH 21, 2023**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on March 21, 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. Henry gave the invocation.

PRESENT:

ERNEST CARLSON
FRED BEARD
JON HENRY
JAMES (BO) BOWEN
SARAH CORDOVA
ALLEN DAVIS
CAS TABOR
CARA COOKE
TAMI WHITE
LAURIE PRUITT
RHONDA HATCH
MELISSA WASHBURN
MARK CAGE
MATTHEW HUTCHINSON
ADRIENNE JONES
TEANNA ROMERO
ROBERTA GONZALES
JESSICA STYGAR
WESLEY HOOPER
STEVE MCCROSKEY
JASON BURNS
ROXANN BRANNON
BILLY MASSENGILL
JOSHUA MACK
CAROL HENNINGTON
JASON FLOREZ
KEN KEMP
ANDREW MEDRANO
TRENT MOORE
STEPHANIE YBABEN

CHAIRMAN
VICE-CHAIR
COMMISSIONER, DISTRICT 2
COMMISSIONER, DISTRICT 4
COMMISSIONER, DISTRICT 5
COUNTY MANAGER
COUNTY ATTORNEY
COUNTY CLERK
CHIEF DEPUTY COUNTY CLERK
COUNTY TREASURER
COUNTY ASSESSOR
CHIEF DEPUTY COUNTY ASSESSOR
SHERIFF
CHIEF DEPUTY SHERIFF
EXEC ADMIN ASSISTANT
RECEPTIONIST
FINANCE DIRECTOR
ASSISTANT FINANCE DIRECTOR
COMMUNITY/ADMIN SVC DIRECTOR
COUNTY PLANNER
PUBLIC WORKS DIRECTOR
HR DIRECTOR
DETENTION WARDEN
FIRE CHIEF
INFORMATION SYSTEMS DIRECTOR
ASSISTANT IT DIRECTOR
IT SPECIALIST III
IT SPECIALIST I
M&O SUPERVISOR
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).** Ken Harrington, Happy Valley resident, requested some clean up and minor routine maintenance on the Happy Valley Park. He requested the trash be dumped and lids replace on the dumpsters to prevent trash blowing. He also requested a dead tree be removed. Michelle Robertson, Keep Carlsbad Beautiful, thanked Eddy County for participating in the recent River Blitz clean-up event. She was especially grateful for the County sending trucks to help with the extensive clearing of the lake bed.

2. **SERVICE AWARDS:**
 - a. **MICHELLE ARDOIN, FIRE AND RESCUE – 20 YEARS**
 - b. **KENNETH KEMP, I.T. – 10 YEARS**
 - c. **JAMES LARA, SHERIFF'S OFFICE – 5 YEARS**
 - d. **RIKKA YTURRALDE, FIRE AND RESCUE – 5 YEARS**

Service awards were presented to employees for their years of service to Eddy County.

3. **RETIREMENT PRESENTATION:**

COUNTY MANAGER ALLEN DAVIS – 3 YEARS, 7 MONTHS
County Manager Allen Davis expressed appreciation for all the support he had received from the Commissioners, Elected Officials and employees of Eddy County and stated it had been a privilege to work with everyone. He was presented an award upon his retirement from Eddy County.

Short break for pictures.

TRAILING AGENDA:

1. **APPROVE:**
 - a. ***COMMISSION MEETING MINUTES FOR MARCH 7, 2023.** Henry moved, seconded by Beard, to approve the Commission Meeting Minutes for March 7, 2023. Voting yes: Cordova, Henry, Carlson, Beard and Bowen. Passed 5-0.
 - b. ***PURCHASE CARD APPROVAL REPORT FOR FEBRUARY 2023.** Cordova moved, seconded by Bowen, to approve the Purchase Card Approval List for February, 2023. Voting yes: Cordova, Henry, Carlson, Beard and Bowen. Passed 5-0. The Purchase Card Approval Report for February 2023 was recorded as Exhibit 1.b.

2. ***FY 2023-2024 PRELIMINARY BUDGET REVIEW, DISCUSSION AND DIRECTION WORKSHOP #1 – ROBERTA GONZALES.** Gonzales presented to the Commission the 2023-2024 Preliminary Budget for review and discussion. A balanced budget was being presented, noting an increase in the General Fund of around \$26M reflecting the adjustment of revenue sources. Items included for approval were a five-percent COLA for all personnel, step increases for 73 employees, 24 new positions, longevity pay, pay period adjustment and other miscellaneous changes. She added the Preliminary Budget was for information and discussion and would be brought back to the Commission for review and approval in April.
3. ***FY 2022-2023 ROAD HEAVY EQUIPMENT BUDGET ADJUSTMENT REQUEST – JASON BURNS.** Burns requested previously-approved funds be moved to allow for the purchase of the equipment for the North Road Department. Beard moved, seconded by Henry, to approve the FY 2022-2023 Road Heavy Equipment Budget Adjustment Request in the amount of \$85,000 for a 2023 Power Broom. Voting yes: Cordova, Henry, Carlson, Beard and Bowen. Passed 5-0. The 2022-2023 Road Heavy Equipment Budget Adjustment Request was recorded as Exhibit 3.
4. ***CAT 140 GRADER LEASE AGREEMENT – BUYOUT – JASON BURNS.** Burns explained the previously approved lease buyout offer details and the negotiation process involved as it related to the current lease buyout offer. He stated the current offer would extend the lease 11 months and the buyout cost amount would be \$12K less than the previously approved buyout. Bowen moved, seconded by Cordova, to approve the CAT 140 Grader Lease Agreement Buyout. Voting yes: Cordova, Henry, Carlson, Beard and Bowen. Passed 5-0. The CAT 140 Grader Lease Agreement Buyout was recorded as Exhibit 4.
5. ***SET A SPECIAL COMMISSION MEETING TO OPEN AND CLOSE CANVASS FOR THE CARLSBAD SCHOOL TAX QUESTION HELD ON MARCH 28, 2023 – CARA COOKE.** Cooke explained the Canvass was required within three days after the election to certify the results. Cordova moved, seconded Beard, to set a Special Commission Meeting on Wednesday, March 29 at 8:30 a.m. to Open and Close Canvass for the Carlsbad School Tax Question held on March 28, 2023. Voting yes: Cordova, Henry, Carlson, Beard and Bowen. Passed 5-0.
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-23-20; FY 2022-2023 3RD QUARTER BUDGET ADJUSTMENTS – ROBERTA GONZALES.
- ii. R-23-21; DISPOSAL, REMOVAL, OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR.
- iii. R-23-22; NEW FUND CREATION – LAW ENFORCEMENT RETENTION FUND – ROBERTA GONZALES.

b. AGREEMENTS:

- i. A-23-33; ANNUAL FUNDING AGREEMENT BETWEEN EDDY COUNTY SHERIFF'S OFFICE AND NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION – SHERIFF MARK CAGE.

Henry moved, seconded by Bowen, to approve the Resolution and Agreement Consent Agenda. Voting yes: Cordova, Henry, Carlson, Beard and Bowen. Passed 5-0. R-23-20, R-23-21 and R-23-22 were recorded as Exhibits 6.a.i, 6.a.ii., and 6.a.iii., respectively. A-23-33 was recorded as Exhibit 6.b.i.

7. **ELECTED OFFICIAL/DEPARTMENT UPDATES.** Burns updated the Commission on progress made on upgrading the parks. The Malaga Park work is now complete and work on the London Street Cemetery Park had begun. Work on the Happy Valley Park will begin soon with trees to be planted and irrigation installed. Burns noted the County could now hook on the Happy Valley water district and pay for water. Burns stated he would look into the cost/benefits of drilling a water well at the park. He noted that the office of the State Engineer would be moved to 14 E Derrick Road (Road Barn) April 1. Their office hours would be Mondays from 9:00 a.m. to 12:00 p.m.

Hooper stated that Phase II of the SE Loop would be completed by the first of April. Phase III received \$2M from NMDOT to extend the route 1.5 miles. Savings had been realized through lower bids and savings on compaction. The intersection of NM200/62-180/SE Loop would begin the first of May.

Mack stated an offer had been made to fill the Battalion Chief position. He reiterated information on the recent fires and suggested stepping up code enforcement to protect surrounding properties. He praised the crews and volunteers on the Queen-area fire for keeping up with the fire. Discussion ensued as to the effectiveness of the current code enforcement ordinance and previous issues with prosecution. Other counties would be contacted to see how their issues were mediated and how the current ordinance might be refreshed. It was also suggested NMC be consulted for help when crafting ordinances.

Cage stated the second IPRA coordinator had been hired. IPRA aides could be possibly taken care of by reclassification of positions. The SO had seven openings with three in the Academy. He summarized the legislative bills relating to law enforcement.

8. **LEGISLATIVE UPDATES.** Dr. Missi Currier, S360, shared her observations, thoughts and the results of the 60-day Legislative Session. She felt the new House leadership had provided a different environment from previous years. She complimented Javier Martinez, House Speaker, for keeping his word by having an open-door policy and being willing to have conversations. She felt Martinez and Minority Floor Leader, Ryan Lane, had worked well together in the House. Summarizing some of the legislation passed, she spoke of Tax Package, HB547, being one of the most contentious bills. Southeastern New Mexico had sent a lot of funds to the State to spend so the tax package was changed and was awaiting the Governor's signature. One of the Governor's requirements was the bill was to keep \$100M over the next 10 years for tax rebates. Capital gains taxes, a 20% increase in alcohol taxes, and economic diversification tax liability were all effected by bills. There will be a GRT decrease of 0.125% over the next four years, possibly reducing County revenue. House Bill 2 passed with a record of \$9.57B for the budget. Senate Bill 1 would affect water resiliency. The anti-Holtec bill, SB53 passed and was signed by the Governor. Capital Outlay Bill, HB505, allowed small amounts of funding for Eddy County parks, bypass roads and Fire and Law Enforcement Departments. Rural Health Care Delivery Fund, SB7, would provide help trying to find and keep rural health care providers. Other bills passing affected IPRA issues, and County Clerks will see changes in election procedures. She summarized various bills that did not pass, noting they would not have been fiscally feasible. House Bill 121, Water Rights Lease Affective Date Bill, would have been difficult for road construction, oil and gas and renewables to continue their business efficiently. She noted other bills that did not pass, SB 418, Changes to the Oil and Gas Act, which would have been extremely detrimental to the oil and gas industry. She thanked Hooper for getting testimony for that bill and for getting bi-partisan support to kill the bill. She noted SGR6, the Green Amendment, was killed. It would have affected agriculture, renewables, oil and gas businesses and others. She felt NMC was great to work with. She was thankful for the opportunity to represent the County and stated how much she will miss Mr. Davis. Cordova appreciated all her hard work.

9. ***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. **SCOTT FINDLE AND KC CARPENTER TO ATTEND EMERGENCY VEHICLE TECHNICIAN (EVT) TRAINING & CERTIFICATION IN OCALA, FL FROM MARCH 27, 2023 THROUGH APRIL 1, 2023.**

Bowen moved, seconded by Beard, to approve the Travel Request Consent Agenda. Voting yes: Cordova, Henry, Carlson, Beard and Bowen. Passed 5-0. The Travel Request Consent Agenda was recorded as Exhibit 9.

10. EMERGENCY BUSINESS. None.

11. LEGISLATORS' AND ELECTED OFFICIALS' COMMENTS, ANNOUNCEMENTS & UPDATES. Cage appreciated Joy with NM Counties and felt she was taking the leadership to a new level. He suggested thanking her. Pruitt thanked Davis for his service to the County and felt his heart was a big as his stature.

12. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES. Davis had been working with surrounding counties with regards to the Lincoln National Forest wilderness designation. He stated a meeting with the US Forest Service will be held April 10 in the Chaves County Administration. He would notify all of the details. He spoke of the many recent fire events and gave kudos to the many area responders, County Fire and law enforcement teams who did an outstanding job and were able to readily address these issues. He handed out a matrix spreadsheet he had assembled representing research he had done for several years addressing wells, rigs and oil and gas production in the area. He appreciated the opportunity to work in Eddy County and being a part of this organization. He felt amazing things had been accomplished and that Eddy County was in a correct place currently. He stated public safety had always been the primary focus of the Commission. He added that Eddy County had a lot of positive things going on and had a lot of opportunity to influence the future. He thanked the Commission, Elected Officials, department heads and directors for all their support. He looked forward to the continued positive performance of Eddy County.

13. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES. Cordova thanked Davis and felt the County was safer under his watchful eye. She felt he was the smartest man around and was grateful for his time and contributions. She wished him a wonderful retirement. Henry could not thank Davis enough and appreciated all his help leading the BOCC. He felt all should look to Eddy County and Davis to see how government should really run and

get things accomplished. Davis' confident, transparent leadership helped him have the confidence to do his job. Bowen appreciated all Davis had done for Eddy County and the advice he had given. He commended him for being stern and compassion when he needed to be, and for his ability to navigate difficult situations with finesse. He was grateful for the time they have had together and wished him enjoyment in this next chapter of his life. Beard felt he could not add much to all that had been said. He thanked Davis and noted things that had been wrong in Eddy County which had encouraged him to run for office had been fixed by Davis and the BOCC before he had gotten into the position. Carlson echoed all that had been said and felt Davis had done a great job. He stated his friendship has meant a lot to him and wished him the best in the future.

14. 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.
 - i. OPIOID SUIT – CAS TABOR.
- c. REAL PROPERTY.
 - i. ECDC – ALLEN DAVIS.
 - ii. POTENTIAL ACQUISITION – ALLEN DAVIS.

At 10:01 a.m., Henry moved, seconded by Bowen, to close the Regular Session and go into Executive Session, returning to the Regular Session at 10:30 a.m. Voting yes: Cordova, Henry, Carlson, Beard and Bowen. Passed 5-0.

15. RE-OPEN MEETING: At 11:12 a.m., Beard moved, seconded by Bowen, to close the Executive Session and re-open the Regular Session. Voting yes: Cordova, Henry, Carlson, Beard and Bowen. Passed 5-0.

16. 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. OPIOID SUIT – CAS TABOR.
- c. * REAL PROPERTY.
 - i. ECDC – ALLEN DAVIS.
 - ii. POTENTIAL ACQUISITION – ALLEN DAVIS.

No was action taken on 16.a. On 16.b, the action taken was to give the County Manager the authority to do what was in the best interest of the County and to sign for the best interest of the County. On 16.c. Carlson stated the Commission approved the purchase of 9 +/- acres for \$1.4M at the Industrial Park for Eddy County, and to authorize the County Manager and County Attorney to proceed with that matter through closing. Cordova moved, seconded by Henry, to approve the actions. Voting yes: Cordova, Henry, Carlson, Beard and Bowen. Passed 5-0.

MEETING CLOSED AT 11:13 A.M.

~Asterisk denotes vote is required~



Commission Chairman, ERNEST CARLSON

ATTEST: 

County Clerk, CARA COOKE

DATE: April 4, 2023

