

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
APRIL 6, 2021**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on April 6, 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. Pruitt 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
DARLENE ROSPRIM	CHIEF DEPUTY CLERK
RONDA NELSON	DEPUTY CLERK – REMOTE
MARK CAGE	SHERIFF
KIM BALLARD	SHERIFF ASSISTANT
GEMMA FERGUSON	ASSESSOR
MELISSA WASHBURN	CHIEF DEPUTY ASSESSOR
LAURIE PRUITT	TREASURER
WESLEY HOOPER	COMMUNITY ADMIN SRVCS DIR
TERRA DOUGAN	ADMINISTRATIVE ASSISTANT
JASON BURNS	PUBLIC WORKS DIRECTOR
ROBERTA SMITH	FINANCE DIRECTOR
JESSICA STYGAR	ASSISTANT FINANCE DIRECTOR
BILLY MASSINGILL	DETENTION WARDEN
JERRY FANNING	PUBLIC GOVT AFFAIRS DIRECTOR
CAROL HENNINGTON	INFO SYSTEMS DIR
ANDREW MEDRANO	INFO SYSTEMS
KEN KEMP	INFO SYSTEMS
ROXANN BRANNON	HR DIRECTOR
JERI STRONG	PIO/O&G LIAISON
STEVE MCCROSKEY	COUNTY PLANNER
BRIAN STEPHENS	M&O SUPERVISOR
SONIA SOTO	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. **RETIREMENT PRESENTATIONS:**
 - a. **JUDY G. PRESSETT, ASSESSOR'S OFFICE – 31 YEARS 2 MONTHS**
 - b. **SAL REY SALCIDO, DETENTION – 20 YEARS 10 MONTHS**
 - c. **JAMES B. PARKER, SHERIFF'S DEPARTMENT – 23 YEARS 8 MONTHS**
 - d. **DANIEL D. VILLESICAS, DETENTION – 5 YEARS 10 MONTHS**

Awards and congratulations were presented to the retiring employees, excepting Pressett who was not present.

3. **ANNUAL REPORT TO COMMISSION – GEMMA FERGUSON. FYI ONLY:**

Ferguson gave her annual report of activity within the County. The report was attached as Timed Agenda Exhibit 3. Davis commented that the statistics showed the great effort that the County Assessors', Clerks' and Treasurers' departments made this past year. The County offices had remained open and services had always been available; the statistics represented the open-for-business approach. He commended Ferguson for the work her team had done for the improvements in the tax values.

TRAILING AGENDA:

1. **APPROVE:**
 - a. ***COMMISSION MEETING MINUTES FOR MARCH 16, 2021:** Carlson moved, seconded by Beard, to approve the Commission Meeting Minutes for March 16, 2021. Voting yes: Beard, Carlson, Cordova and McCutcheon. Abstained: Henry. Passed 4-0.
 - b. ***EXPENSE APPROVAL REPORT FOR MARCH 2021:** Cordova moved, seconded by Henry, to approve the Expense Report for March 2021. Voting yes: Beard, Carlson, Cordova, Henry and McCutcheon. Passed 5-0. The Expense Report for March 2021 was recorded as Exhibit 1.b.
 - c. ***PURCHASE CARD APPROVAL REPORT FOR FEBRUARY 2021:** Beard moved, seconded by Carlson, to approve the Purchase Card Report for February 2021. Voting yes: Beard, Carlson, Cordova, Henry and McCutcheon. Passed 5-0. The Purchase Card Report for February 2021 was recorded as Exhibit 1.c.

2. **TREASURER'S REPORT FOR FEBRUARY 2021 – LAURIE PRUITT FYI ONLY:** The Treasurer's report was for information only. The February 2021 Treasurer's Report was recorded as Exhibit 2.
3. ***FEBRUARY 2021 REVENUE REPORT – ROBERTA SMITH:** Smith stated \$1.2M in Gross Receipts Tax had been received, the highest amount since the beginning of the fiscal year. She felt there would not be a high surplus as had been in the past year. She stated the County had \$70M in taxable gross receipts, increased from the prior month due to mining, wholesale and retail manufacturing. Oil and Gas collected had been \$2.2M, which had been November's business activity. That figure was expected to rise for the remainder of the fiscal year due to continued increasing oil and gas prices. The County had been at about 105% of O&G revenue, with a finish around \$25M-\$26M for oil & gas overall. Beard moved, seconded by Carlson, to approve the February 2021 Revenue Report. Voting yes: Beard, Carlson, Cordova, Henry and McCutcheon. Passed 5-0. The February 2021 Revenue Report was recorded as Exhibit 3.
4. ***BUDGET VS. ACTUAL – FEBRUARY REVENUE AND EXPENSES – ROBERTA SMITH:** Smith stated the percentage of overall revenue collected for the County had been high. She stated there had been over \$54M in transfers for the year. Removing the transfers from the equation, the County was sitting at about 31% and 55%, still well under budget on expenses and over-collected on revenue. The General Fund had collected about 86% of total revenue and most departments were expensed under 67%. Cordova moved, seconded by Henry, to approve the Budget vs. Actual February Revenue & Expenses. Voting yes: Beard, Carlson, Cordova, Henry and McCutcheon. Passed 5-0. The Budget vs. Actual – February Revenue & Expenses Report was recorded as Exhibit 4.
5. ***VACCINE PROJECT RECOVERY GRANT APPLICATION – JENNIFER ARMENDARIZ:** Davis stated the grant would help recover expenses associated with the vaccine efforts in the County. Carlson moved, seconded by Beard, to approve the grant application. Voting yes: Beard, Carlson, Cordova, Henry and McCutcheon. Passed 5-0.
6. ***FARO 3D SCANNER – CAPTAIN MATT HUTCHINSON:** Sheriff Cage stated the scanner would be able to scan a room and create a 3-D image of a crime scene. Funds that were not used for training or travel were available to be transferred to make the purchase. Carlson moved, seconded by Beard, to purchase the FARO 3D Scanner. Voting yes: Beard, Carlson, Cordova, Henry and McCutcheon. Passed 5-0.
7. ***G21SN0017A GRANT AWARD REGION VI DRUG TASK FORCE ADMINISTRATION AND PECOS VALLEY DRUG TASK FORCE – WM. ROBERT SULLIVAN:** Cage stated this was the County's portion of the

yearly grant submitted for approval. Henry moved, seconded by Cordova, to approve the G21SN0017A Grant Award for Region VI Drug Task Force Administration and Pecos Valley Drug Task Force. Voting yes: Beard, Carlson, Cordova, Henry and McCutcheon. Passed 5-0. The G21SN0017A Grant Award for Region VI Drug Task Force Administration and Pecos Valley Drug Task Force was recorded as Exhibit 7.

8. ***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-21-31; DISPOSAL, REMOVAL, OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR.**
- ii. **R-21-34; RECOGNIZING THE 2021 NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK – BAMBI KERN.**
- iii. **R-21-37; FTI CONSULTING’S MONTHLY REPORT FOR FEBRUARY 2021 – ALLEN DAVIS.**
- iv. **R-21-38; FY 2020-2021 3RD QUARTER BUDGET ADJUSTMENTS – ROBERTA SMITH.**
- v. **R-21-39; DISPOSAL, REMOVAL, OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR.**
- vi. **R-21-40; CERTIFICATION OF THE 2021 ANNUAL COUNTY MAINTAINED MILEAGE REPORT – JASON BURNS.**
- vii. **R-21-42; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.**

b. **AGREEMENTS:**

- i. **A-21-28; ELECTRONIC RECORDING AGREEMENT – DARLENE ROSPRIM.**
- ii. **A-21-29; 2021 HIDTA GRANT SUB-AWARD RECIPIENT AGREEMENT WITH THE COUNTY OF LEA – WM. ROBERT SULLIVAN.**
- iii. **A-21-30; 2021 HIDTA GRANT SUB-AWARD RECIPIENT AGREEMENT WITH THE COUNTY OF LEA – WM. ROBERT SULLIVAN.**
- iv. **A-21-31; EDDY COUNTY DONATION OF LAND PARCELS 4-QCD-1, 4-QCD-2, 4-QCD-3, AND 4-QCD-4 TO NMDOT – JASON BURNS.**
- v. **A-21-32; EDDY COUNTY DONATION OF LAND PARCELS 5-QCD-1, 5-QCD-2, 5-QCD-3, AND 5-QCD-4 TO NMDOT – JASON BURNS.**

- vi. **A-21-33; EDDY COUNTY DONATION OF LAND PARCELS 6-QCD-1, 6-QCD-2, AND 6-QCD-3 TO NMDOT – JASON BURNS.**
- vii. **A-21-34; HUMAN RESOURCES SHARP COPIER 5071 SERVICE AGREEMENT – ROXANN BRANNON.**

Beard moved, seconded by Carlson, to approve the Resolution and Agreement Consent Agenda as presented. Voting yes: Beard, Carlson, Cordova, Henry and McCutcheon. Passed 5-0. R-21-31, R-21-34, R-21-37 – R-21-40 and R-21-42 were recorded as Exhibits 8.a.i. through 8.a.vii., respectively. A-21-28 through A-21-34 were recorded as 8.b.i through 8.b.vii., respectively.

9. DEPARTMENT UPDATES: Smith introduced Anisia Cerna as the new Procurement Manager. Brannon presented the RAP award received for the fourth year in a row for the County decreasing Workman’s Comp and Law Enforcement claims. Training in CPR, First Aid and Defensive Driving was ongoing. She encouraged department heads to send their employees to attend the training. Davis noted that Mack and the Fire Departments were having a busy fire season and were currently participating in ISO audits.

10. LEGISLATIVE UPDATES: Fanning updated the Commission on the recently concluded Legislative and Special Legislative Sessions. He stated over 900 pieces of legislation had been introduced, noting that 158 bills were sent to the Governor’s desk for her signature with 68 of the bills having been signed thus far. Senate Bill 32 banning trapping on public lands was signed along with several education bills providing federal funds to school districts on tribal lands and those serving low-income families. The \$7.4M budget had passed and was awaiting her signature. He noted a lot of bills were passed that formed committees. The Governor had until Friday to sign or veto any bill on her desk. Senate Bill 34, the design-and-build road project had been signed, changing procurement code permitting DOT to use design-and-build for projects without federal money. He thanked Wes Hooper for his great relationship with DOT. He noted that County legislators fought hard trying to amend bad bills. The Civil Rights Bill, HB 4, had been sent to the Governor for signature. The Carlsbad College bill was also on the Governor’s desk. The Governor had until April 30 to sign bills presented at the Special Session. The Feed Bill provided \$6.9M to fund the cannabis transition, which had passed. HB2 allowed anyone over the age of 21 to grow and use cannabis. Retail sales of cannabis were to begin by April 1, 2022, bringing an estimated \$73,627,900 in revenues to the State as a three-year cumulative amount. He compared that estimate with the New York state figures of \$355M, New York having substantially more population than NM. He pointed out that the three-year administrative cost for the State allotted in bill was \$60,136,500 to administer the \$73M in revenue. He noted the oil and gas bills, along with the Holtec bill, had not been signed. Redistricting would be coming in the future

with the Governor having the final say on the issue. Henry expressed concern and anger that the penalty for anyone under 21 caught smoking pot would be four hours of community service and attending a four-hour class. He inquired if a school could expel a student who possessed marijuana in class; there was no incentive to not try marijuana for youth. It was noted that truancy and hospital visits had gone up in Colorado following marijuana use. New Mexico was now number one in DUI deaths. Fanning noted there had been no amendment passed to allow counties or municipalities to opt out of the marijuana bill but there was an option for opting out of drilling and fracking.

11. *TRAVEL REQUEST CONSENT AGENDA: None.

12. EMERGENCY BUSINESS: None.

13. LEGISLATORS AND ELECTED OFFICIALS' COMMENTS/ANNOUNCEMENTS/UPDATES: Sheriff Cage updated the Commission on bills that pertained to law enforcement. He felt the bottom line on the cannabis was that it was still a federally-illegal Schedule 1 narcotic. The SO was down to three openings.

14. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES: Davis addressed the brine well completion funding issue, reminding that there was a funding shortage of \$18M in the state budget. He stated there was already \$50M in the project. With the extension of the apportionment of excise tax funding for an additional year, the deficit reduced to shortage to \$3M. Davis stated he would bring the match portion to the Commission and the City of Carlsbad with each funding the match of \$1.5M. The finalized draft of the balanced budget for FY21/22 would be presented in a few weeks. He extended sympathies to Frank Kezar's family and coworkers. He reminded all to use the great benefits the County provided and to take care of ourselves and our health. He appreciated all the departments having remained open during the past trying year, and appreciated all that the Road Department had accomplished and what would be completed in this fiscal year. He recently had a meeting with the three district judges. The State had notified them that Eddy County was eligible for a fourth district judge due to the number of filings in the County. They needed assurance from the County that space could be provided for a fourth judge. The floor plans would be reviewed with rearranging and shifting perhaps being necessary in the future. The resolution plan would be presented to the Commission for approval.

15. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES. Cordova extended her condolences to the County on the passing of the employees stating it was a very difficult time for all. She noted although the County may have been hindered a bit in seeking preventive health care needs, she encouraged all to get back on schedule with that, taking care of yourself. Henry agreed with what everyone had said stating it had been a

tough couple of weeks and expressed condolences, adding, "We are with you." Carlson felt the County was doing a fine job getting the word out about the oil and gas contribution to the State. Beard offered condolences to the families of our lost employees. He thanked Davis for the Arrowhead Study and those who presented it. He felt it was making a difference. He inquired which state out of the 17 states that had already passed marijuana bills could stand up and say how much money had been made, how it had been good for the economy and state. McCutcheon informed the Commission of SB 347, the poultry bill, which said all poultry products must be cage-free in all stores, including restaurants; he added it had not passed. He noted the same people were supporting the anti-trapping bill, adding that chickens were in cages due to their vulnerability. Passing the anti-trapping bill, one could not have your chicken and eat it too because you would not have chickens. He felt that was really inconsistent, as was with the marijuana bills. He reminded that we should do our research on our elected officials and that it was important to vote for people who had experience, adding the more we disconnected from practical life experience, the more the poultry and trapping bills we would have, and the more marijuana bills we would have by people who were pandering for votes. He felt Eddy County had a great varied Commission and County Manager with extensive experience. He stated during the interview for County Manager, Davis stated that his career had been completed and he just wanted to give back. He felt the County had no one trying to make a name for themselves or be popular but instead were willing to serve.

16. 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), which authorizes the Board of County Commissioners to go into Executive Session to discuss:

a. LIMITED PERSONNEL MATTERS.

i. VACANCY IN THE OFFICE OF EDDY COUNTY CLERK DISCUSSIONS – ALLEN DAVIS

At 10:09 a.m., Carlson moved, seconded by Cordova, to go into executive session. Voting yes: Beard, Carlson, Cordova, Henry and McCutcheon. Passed 5-0.

17. *RE-OPEN MEETING: At 10:23 a.m., Beard moved, seconded by Carlson, to re-open the meeting and certify that the only matter discussed was limited personnel matters. Voting yes: Beard, Carlson, Cordova, Henry and McCutcheon. Passed 5-0.

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

a. *LIMITED PERSONNEL MATTERS.

i. DISCUSSION AND POTENTIAL ACTION TO FILL THE VACANCY IN THE OFFICE OF THE EDDY COUNTY CLERK – ALLEN DAVIS.

Davis stated the action coming out of the Executive Session was in accordance with State Statutes to fill an appointment of a County Office in the event of a resignation or death. The Commission discussed the issue and made the recommendation to fill that appointment with Darlene Rosprim in the position of County Clerk. McCutcheon moved, seconded by Carlson to appoint Darlene Rosprim as County Clerk. Voting yes: Beard, Carlson, Cordova, Henry and McCutcheon. Passed 5-0.

Judge Jay Francis swore-in Darlene Rosprim to the position of County Clerk.

19.*ADJOURN: At 10:27 a.m., Henry moved, seconded by Beard, to adjourn the meeting. Voting yes: Beard, Carlson, Cordova, Henry and McCutcheon. Passed 5-0.

~Asterisks denote vote is required~

COMMISSION CHAIR, ERNEST CARLSON

ATTEST:

COUNTY CLERK

DATE