

**EDDY COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A SPECIAL MEETING  
APRIL 22, 2020**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on April 22, 2020 at 4:30 p.m. Davis called the meeting to order and led the Pledge of Allegiance and the Salute to the New Mexico State flag. Davis gave the invocation.

**PRESENT:**

ERNEST CARLSON-REMOTE	CHAIR, DISTRICT 1
STEVE MCCUTCHEON- REMOTE	VICE-CHAIR, DISTRICT 4
JON HENRY - REMOTE	CHAIR, DISTRICT 2
SUSAN CROCKETT – REMOTE	COMMISSIONER, DISTRICT 5
ALLEN DAVIS	COUNTY MANAGER
CAS TABOR – REMOTE	COUNTY ATTORNEY
ROBIN VAN NATTA	COUNTY CLERK
CAROL HENNINGTON	IT DIRECTOR
STEPHANIE YBABEN	RED ROCKET MEDIA

**ABSENT:**

LARRY WOOD	COMMISSIONER, DISTRICT 3
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**TIMED AGENDA**

**4:30 P.M.:**

- 1. OPEN SPECIAL COMMISSION MEETING AND VERIFICATION OF ATTENDANCE – COMMISSION CHAIRMAN ERNIE CARLSON:** Carlson verified attendance of those participating in the meeting via phone call and those physically present at the meeting.
- 2. PUBLIC COMMENTS/ANNOUNCEMENTS. (ONLY EMAILED OR MAILED PUBLIC COMMENTS WILL BE READ.)** Davis read aloud the public comments received. Henry read aloud one public comment. See attached comments as Exhibit 2.
- 3. \*R-20-36; RESOLUTION REQUESTING THE GOVERNOR TO RE-OPEN BUSINESSES CLOSED BY EXECUTIVE AND PUBLIC HEALTH ORDERS – ALLEN DAVIS:** Davis noted that the Resolution developed by Eddy County was leveraged from what was drawn up in Lea County, and noted that Lea County would

consider the same Resolution in their meeting tomorrow. The deadline for public notice of the Resolution had been missed for the April 21 meeting, thus this special session was held today. Carlson asked for Commissioners' comments. Crockett clarified that once the Resolution was approved, it did not mean that businesses could open their doors tomorrow in Eddy County. The Resolution was to request the Governor to be fair and equal, to allow small businesses to open doing the same social distancing that the big box stores followed. She had no other comments or questions. McCutcheon apologized for the background noise on his call, stating he was attending the meeting from Carlsbad Lowe's, along with 242 other people even though the Commission Chambers could only have five people present. He stated the government had the right and obligation to protect its citizens, adding that was why it was illegal for people to dump sewage on their land because it damaged their neighbor's well. He felt what we had here was the overreach of the government, and they were actually damaging the citizens of New Mexico. He added when small businesses were told they could not be open, then we had truly picked winners and losers, and the losers were the homegrown New Mexicans; that was a real problem with him. He believed that, the State Police were good men and they were just following orders. McCutcheon cautioned people to be careful about blindly following orders. Looking at history, at the Revolutionists, the Loyalists, and the most heinous portion of history would be the Nazis. Those were good men, as well, and they were just doing what they were told. Citizens were given incentives to turn their neighbor in or were threatened if you didn't and they were Jewish; there were strict punishments for that. He noted a more current time in American history, when a police state was created after the bombing of Pearl Harbor when Japanese Americans were turned in, just because they were Japanese. He needed to say in pretty clear words that people who were turning in local businesses and preventing them from making a living had a fundamental difference of values from his. He believed that people were good overall and when given guidelines to follow in order to keep their families and others safe, they would follow the guidelines. So, he would ask the governor, "Please give us reasonable guidelines that are the same for every business and let the people govern themselves." He was in support of the Resolution and would be voting in all the affirmatives there. Henry stated what was important to him was that all small businesses had the same opportunities that the big box stores had. He was taking this call sitting at the carwash that was shut down on Sunday. He had watched that small business owner do proper social distancing; every other parking spot was marked off so no one could be close to each other. There had been no contact with anyone at the establishment, they had walked through and sanitized the whole thing, the buttons, etc. Henry stated small businesses were very capable of opening under the same guidelines that the big boxes were, and making sure that Eddy County residents were safe. He wanted to make it clear that the citizens of Eddy County participated and tried. He had closed his business down for those two weeks to do his part even though it was deemed essential. He had opened back up since and felt all business owners should have the same opportunity. All small businesses were essential because he knew his business was essential to him, his family, his family's well-being. He agreed with one of the public comments that said if someone needed a pair of shoes right now, where could they go to get a pair; and those were fairly essential. He added just

because his daughter was not in school and track had been cancelled did not mean that she was still not working out for next season. So, he needed to get her some new running shoes for something like that. There was no way to do that. He added that people could say to just wait, but for how long. He continued that at some point we had to say, "Let's open up and open up intelligently." He explained that this resolution was not saying re-open immediately, he thought a lot of people might be confused on that, saying, "Let's go back to normal tomorrow." He stated that all that was being said was, "Let's reopen responsibly. Open up the state like all the other states in our surrounding area are opening." He thought we were one of the only states around in our little area that was not going to do the Phase 1 Opening. He thought the businesses needed to have a chance and that they were ready to open and that they were responsible business owners and he would like to give them that opportunity. Carlson invited comments from any elected officials attending the meeting; there were none. Davis inquired if the Resolution should be read aloud for clarity about what was contained therein. Carlson agreed. Davis proceeded to read aloud the Resolution. Carlson stated this Resolution was not a resolution to lift the restriction step for social distancing and other safeguards. He added it was basically a resolution to tell the Governor how the majority of the people in Eddy County and SE New Mexico felt about the difference between designating a business as essential and nonessential. Further, that as the Resolution was considered for the Governor to reopen businesses, he felt it was important to remember that we were a government of the people, elected by the people to be the voice for the people. He added that when the majority of people were not listened to in what they were saying, we would not and should not be elected to represent their interests. He felt the mass majority of the people that he had been in contact with and had called and sent emails were ready for Eddy County to be open for business. It did not make sense to him that two businesses were selling the same merchandise or service and one was considered essential and the other, nonessential. He stated that when that happened, the government was picking and choosing which businesses and industries survived—that was not right. He added that as a son of a small businessman, he knew for a fact that his family struggled from one week to the next to make payroll and cover the bills; sometimes there was not enough money and they had to work harder. He continued that when the opportunity was taken away from those small businesses to make that money, they would not survive; it was not like the big box companies. He felt people needed to be put back to work, open businesses classed as nonessential subject to the same restrictions that businesses designated as essential were operating under. He thought the State needed to do a better job of monitoring the restrictions that were currently in place because from what he had seen, they were not being adhered to. He noted he had driven by several Allsup's and saw that you could not stick another car around that Allsup's and that it looked like a bunch of ants inside it; there was no way they were practicing social distancing. He did not think that was the only business. Some of the big boxes having curbside deliveries were great but he felt it was like Commissioner McCutcheon had said, once they were inside, he thought the social distancing and safeguards went out the window. His vote was a vote to say Eddy County was open for business. Henry moved, seconded by McCutcheon to approve R-20-36 Requesting the Governor to Re-Open Businesses Closed by Executive and

Public Health Orders. Voting yes: Crockett, McCutcheon, Carlson and Henry. Passed 4-0. R-20-36 was recorded as Exhibit 3.

4. **\*ADJOURN:** At 5:08 p.m., McCutcheon moved, seconded by Henry to adjourn the meeting. Voting yes: Crockett, McCutcheon, Carlson and Henry. Passed 4-0.

*~\*Asterisk denotes vote is required by roll call~*

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**COMMISSION CHAIR, ERNEST CARLSON**

**ATTEST:**

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**COUNTY CLERK, ROBIN VAN NATTA**

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**DATE**