

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
MAY 2, 2023**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on May 2, 2023 at 8:30 a.m. Beard called the meeting to order and led the Pledge of Allegiance and the Salute to the New Mexico State flag. Bowen gave the invocation.

PRESENT:

FRED BEARD
JON HENRY
JAMES (BO) BOWEN
SARAH CORDOVA
ROBERTA GONZALES
CAS TABOR
CARA COOKE
TAMI WHITE
LAURIE PRUITT
RHONDA HATCH
MARK CAGE
KIM BALLARD
ADRIENNE JONES
JESSICA STYGAR
STEVE MCCROSKEY
JASON BURNS
ANISIA CERNA
JENNIFER ARMENDAREZ
BILLY MASSENGILL
JOSHUA MACK
KEVIN WILLARD
CAROL HENNINGTON
KEN KEMP
TRENT MOORE
CHALIE POWELL
LALA STROHMAN
STEPHANIE YBABEN

VICE-CHAIR
COMMISSIONER, DISTRICT 2
COMMISSIONER, DISTRICT 4
COMMISSIONER, DISTRICT 5
INTERIM COUNTY MANAGER
COUNTY ATTORNEY
COUNTY CLERK
CHIEF DEPUTY COUNTY CLERK
TREASURER
COUNTY ASSESSOR
SHERIFF
SHERIFF ADMIN ASSISTANT
EXEC ADMIN ASSISTANT
ACTING INTERIM FINANCE DIR
ACTING INTERIM COMMUNITY DIR
PUBLIC WORKS DIRECTOR
PROCUREMENT
EMERGENCY MANAGER
DETENTION WARDEN
FIRE CHIEF
DIVISION CHIEF OF ADMIN
INFORMATION SYSTEMS DIRECTOR
SYSTEMS ADMINISTRATOR
M&O SUPERVISOR
SAFETY MANAGER
MVD OFFICE MANAGER
RED ROCKET MEDIA

ABSENT:

ERNEST CARLSON

CHAIRMAN

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) Terrence Rose and Jennifer Thomas, US Forest Service Rangers, introduced themselves to the Commissioners and stated they would be working in the area.
2. IFB/RFP/BID AWARDS:
 - a. *IFB 23-01; PARIS STREET ROADWAY AND SEWER IMPROVEMENT – ANISIA CERNA. Cerna stated that staff recommended IFB 23-01 be awarded to J&H Construction. Henry moved, seconded by Bowen, to approve IFB 23-01 Paris Street Roadway and Sewer Improvement. Voting yes: Bowen, Cordova, Henry and Beard. Passed 4-0. IFB 23-01 was recorded as Timed Agenda Exhibit 2.a.

TRAILING AGENDA:

1. APPROVE:
 - a. *COMMISSION MEETING MINUTES FOR APRIL 18, 2023. Cordova moved, seconded by Henry, to approve Commission Meeting Minutes for April 18, 2023. Voting yes: Bowen, Cordova, Henry and Beard. Passed 4-0.
 - b. *PURCHASE CARD APPROVAL REPORT FOR MARCH 2023. Bowen moved, seconded by Henry, to approve the Purchase Card Approval Report for March, 2023. Voting yes: Bowen, Cordova, Henry and Beard. Passed 4-0.
2. TREASURER'S REPORT FOR MARCH 2023 – LAURIE PRUITT – FYI ONLY.
3. *MARCH 2023 REVENUE REPORT – JESSICA STYGAR. Stygar stated \$4.5M in Gross Receipts had been collected in March bringing the YTD amount to \$41M. Oil and Gas Revenue collected was \$8M, totaling \$92M YTD. These amounts were from December's business activity. Henry moved, seconded by Bowen, to approve Revenue Report for March 2023. Voting yes: Bowen, Cordova, Henry and Beard. Passed 4-0. The March 2023 Revenue Report was recorded as Exhibit 3.
4. *BUDGET VS. ACTUALS – MARCH REVENUE AND EXPENSES – JESSICA STYGAR. In March, the County had collected \$325M and expensed \$213M resulting in the amounts of 158% collected and 48% expensed. General Fund stood at 169% collected and expensed 85.7% with transfers included. Henry inquired of the amount of revenues the County sent to the State and how much the State returned to the County. Gonzales stated Eddy County had

consistently received around 1% back and Lea County received 3% of total Oil and Gas monies sent to the State. Those figures could be reported regularly to the Commission. Bowen moved, seconded by Cordova, to approve March Revenue and Expenses Budget vs. Actuals. Voting yes: Bowen, Cordova, Henry, Carlson and Beard. Passed 5-0. The Budget vs. Actuals March Revenue and Expenses Report was recorded as Exhibit 4.

5. ***FY 2022-2023 3RD QUARTER LODGER'S TAX REPORT – JESSICA STYGAR.** Stygar stated the Lodger's Tax account ending balance was \$224K and the 3rd Quarter was just over \$150K. Thus far, \$18K had been received for the quarter and the YTD amount was \$66,825. Expenses were \$78K and YTD was \$140,262, with \$55K in already-approved outstanding expenses. Henry moved, seconded by Bowen, to approve FY 2022-2023 3rd Quarter Lodger's Tax Report. Voting yes: Bowen, Cordova, Henry and Beard. Passed 4-0. The FY 2022-2023 3rd Quarter Lodger's Tax Report was recorded as Exhibit 5.
6. ***REQUEST FOR SPECIAL COMMISSION MEETING – JESSICA STYGAR.** Stygar stated the special meeting would be for year-end budget adjustments, 4th quarterly report, the final budget and any other year-end miscellaneous items. Cordova moved, seconded by Bowen, to approve the Request for Special Commission Meeting to be held on Wednesday, July 26 at 8:30 a.m. Voting yes: Bowen, Cordova, Henry and Beard. Passed 4-0.
7. ***ARTESIA MVD BUDGET ADJUSTMENT – STEVE MCCROSKEY.** McCroskey stated the MVDs contract with the State of New Mexico now required documents to be scanned, reviewed, approved, and then destroyed. Any documents kept prior to February 2020 must also follow this requirement. The adjusted funds would allow the MVD to comply with the requirement. Henry moved, seconded by Cordova, to approve Artesia MVD Budget Adjustment. Voting yes: Bowen, Cordova, Henry and Beard. Passed 4-0.
8. ***REALLOCATION OF 2 DIVISION CHIEF POSITIONS TO 1-BATTALION CHIEF/TRAINING, 1-CAPTAIN/TRAINING, AND 1-FIREFIGHTER/EMT – JOSHUA MACK.** Mack explained the changes would allow the Department to keep up with training and have healthy oversight. He added the previously-approved two over-hire positions would not be necessary if this reallocation were approved, and the Department would be getting three positions instead of two. Cordova moved, seconded by Bowen, to approve the Reallocation of 2 Division Chief Positions to 1-Batallion Chief/Training, 1-Captain/Training/EMT. Voting yes: Bowen, Cordova, Henry and Beard. Passed 4-0.
9. ***POSITION RECLASSIFICATION – SHERIFF MARK CAGE.** Cage stated four shifts each had a sergeant. The position reclassification would allow four corporals to be assigned, one each to a sergeant per shift, saving funds overall. He felt it was the best move allowing strong supervision. Unspent FY22-23 funds would be used to fund the FY22-23 costs of \$11,584.30. Bowen moved, seconded by Henry, to approve the Position Reclassification. Voting yes: Bowen, Cordova, Henry and Beard. Passed 4-0.

10. ***SEEKING COMMISSION APPROVAL TO INITIATE THE POTENTIAL SALE OF REAL PROPERTY OWNED BY EDDY COUNTY, INCLUDING THE PROPERTY LOCATED AT 513 CENTER AVENUE – ROBERTA GONZALES.** A resident had approached the County about buying the lot and building located at 513 Center. The property previously had been used for miscellaneous storage by several County departments. If approved, sale of other properties could also be initiated following NM State requirements and County best practices prior to any sale. Bowen moved, seconded by Cordova, to approve initiating the Potential Sale of Real Property Owned by Eddy County, Including the Property Located at 513 Center Avenue. Voting yes: Bowen, Cordova, Henry and Beard. Passed 4-0.

11. ***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-23-36; RESOLUTION IMPOSING AN ANNUAL, NON-PROHIBITIVE LICENSE TAX UPON THE PRIVILEGES OF PERSONS HOLDING STATE LICENSES UNDER THE NEW MEXICO CONTROL ACT – CARA COOKE.**
- ii. **R-23-37; G23SN0017A GRANT AWARD REGION VI DRUG TASK FORCE ADMIN & PECOS VALLEY DTF – WM. ROBERT SULLIVAN.**
- iii. **R-23-38; FY 2022-2023 DFA 3RD QUARTERLY REPORT – JESSICA STYGAR.**
- iv. **R-23-39; APPROVE FY 2023-2024 BUDGET PREPARATION METHODOLOGY PROCESS – JESSICA STYGAR.**
- v. **R-23-40; INDIGENT MEDICAL/HOSPITAL CLAIMS – VERONICA PARRAS.**

b. **AGREEMENTS:**

- i. **A-23-73; FY 2022-2023 ANNUAL SERVICES WITH CARR, RIGGS & INGRAM, LLC – JESSICA STYGAR.**
- ii. **A-23-76; CLEARCO. TALENT PLATFORM APPLICANT TRACKING SOFTWARE – ROXANN BRANNON.**
- iii. **A-23-77; AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF EDDY AND THE VILLAGE OF LOVING FOR FIRE PROTECTION AND EMS SERVICES MODIFYING AND REPLACING EDDY COUNTY**

AGREEMENT A-21-91 AND LOVING AGREEMENT R-2021-05 – JOSHUA MACK.

- iv. **A-23-78; IHEARTMEDIA AGREEMENT – ROXANN BRANNON.**
- v. **A-23-80; CAT 140 GRADER LEASE AGREEMENT – BUYOUT – JASON BURNS.**

Cordova moved, seconded by Henry, to approve the Resolution and Agreement Consent Agenda. Voting yes: Bowen, Cordova, Henry and Beard. Passed 4-0. R-23-36 through R-23-40 were recorded as Exhibits 11.a.i. through 11.a.v., respectively. A-23-73, A-23-76 through A-23-78 and A-23-80 were recorded as Exhibits 11.b.i. through 11.b.v., respectively.

12. ELECTED OFFICIAL/DEPARTMENT UPDATES. Mack and Willard gave an overview of the recent technical rescue of hikers that transpired Saturday and Sunday on El Capitan, Guadalupe Mountains National Park. Guadalupe Peak has a limestone peak with 1K foot dirt walls. Two hikers attempted to free-climb with no equipment. At approximately 500', one of the climbers fell while one was able to hold onto a 1' by six inch ledge. US Army Black Hawks with hoist capabilities were called in but could not reach the hikers due to only having 290' of usable cable. Black Hawks inserted three rescue personnel, one VCFR and two Carlsbad Rope Rescue Team members, to the top, to affect the entire rescue. From there, recovery of the hiker on the side of the face took place, along with recovering the deceased fallen climber. Willard narrated the slides presented, showing the actual overview of the rescues. See attached presentation.

13. LEGISLATIVE UPDATES. None.

14. *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. **SHERIFF MARK CAGE ATTENDED THE WESTERN STATE'S SHERIFF'S ASSOCIATION CONFERENCE IN RENO, NV FROM MARCH 5, 2023 THROUGH MARCH 10, 2023.**

FUTURE

- b. **JESSICA STYGAR, PATRICIA CARRASCO, AND TINA KARTCHNER TO ATTEND THE TYLER CONNECT 2023**

**CONFERENCE IN SAN ANTONIO, TX FROM MAY 6, 2023
THROUGH MAY 10, 2023.**

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

15. EMERGENCY BUSINESS. None.

16. LEGISLATORS AND ELECTED OFFICIALS' COMMENTS/ANNOUNCEMENTS/UPDATES. None.

17. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES.

Gonzales related two positive calls she had recently received. A doctor from NMSU had had their best experience at the Artesia MVD and gave kudos to Angela Granger. They stated that the MVD experience had been the best they had had in their whole life at any MVD. She also received a call from Norbert Rios of Malaga and stated what a great job Jason Burns was doing.

18. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES.

Cordova congratulated the Fire & Rescue Department on the amazing rescues. She noted that graduation was upcoming and congratulated those graduating. She thanked all for the jobs they are doing. Henry felt the more we got rid of things that were not being used, the better. He encouraged us to watch money spending. Everything felt good and was going great currently but we had to be ready for the future and do what made sense for the future. He updated on current sports events in the County. Bowen felt the Fire and Rescue did an excellent job; they overcame circumstances that had not been planned. The strong team makes the residents feel safe. He wished the ball teams luck as they were going to State. He encouraged all to be safe, pay attention and watch out for all the end-of-school and graduation travel. Beard felt the County was running very well. He felt the Fire and Rescue did quite a job.

19. 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.**

b. **THREATENED OR PENDING LITIGATION.**

i. **POTENTIAL LITIGATION REGARDING FEDERAL PREEMPTION OF STATE LAW.**

At 9:28 a.m., Bowen moved, seconded by Henry, to go into closed session to discuss the items listed, and to reconvene at 10:00 a.m. Voting yes: Bowen, Cordova, Henry and Beard. Passed 4-0

20. RE-OPEN MEETING. At 11:02 a.m., Bowen moved, seconded by Henry, to end the Executive Session and reconvene the Regular Meeting, and to certify that only the items discussed were Limited Personnel Matters and Threatening or Pending Litigation. Voting yes: Bowen, Cordova, Henry and Beard. Passed 4-0.

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

a. * LIMITED PERSONNEL MATTERS.

i. CONTRACT PERSONNEL.

1. A-23-79 EDDY COUNTY PUBLIC WORKS & PROJECTS DIRECTOR EMPLOYMENT CONTRACT – CAS TABOR

b. * THREATENED OR PENDING LITIGATION.

i. POTENTIAL LITIGATION REGARDING FEDERAL PREEMPTION OF STATE LAW.

Tabor stated the Commission had been requested to join as a Plaintiff in the potential lawsuit by Holtec against the State of New Mexico for the passage of legislation that would prevent Holtec from getting licensure in Eddy/Lea County facility. He stated the Commission did not want to take a position and did not want to join in the litigation. He added there was also discussion of the Eddy/Lea Alliance joining in the litigation and the County wanted their Alliance representatives to decline and vote against ELEA joining. He stated it was a contest between the government and private industry. He stated the County's motion would be for the County to decline joining as a Party Plaintiff and to also instruct the ELEA representative to not vote in favor of ELEA joining as a Party Plaintiff in that litigation. Henry moved, seconded by Cordova, to the statement articulated by Tabor. Voting yes: Bowen, Cordova, Henry and Beard. Passed 4-0.

Bowen moved, seconded by Henry, to approve the new title for Jason Burns' contract position of Public Works and Projects Director, along with \$155K salary, 120-day severance package, 120 days accrued vacation prorated per pay period, along with a vehicle, which he already had. A-23-79 was recorded as Exhibit 21.a.i.1. Voting yes: Bowen, Cordova, Henry and Beard. Passed 4-0.

Meeting adjourned at 11:05 a.m.

~Asterisks denote vote is required~

EDDY COUNTY BOARD OF COMMISSIONERS
EDDY COUNTY, NEW MEXICO



Ernie Carlson, Commission Chairman

Date: May 16, 2023

ATTEST:



Cara Cooke, County Clerk

