

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
MAY 4, 2021**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on May 4, 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. Stephens 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	COUNTY CLERK
CARA COOKE	CHIEF DEPUTY CLERK
RONDA NELSON	DEPUTY CLERK – REMOTE
ALAN GRIFFITH	CHIEF DEPUTY SHERIFF
KIM BALLARD	SHERIFF ADMIN ASSISTANT
TERRA DOUGAN	ADMINISTRATIVE ASSISTANT
JASON BURNS	PUBLIC WORKS DIRECTOR
ROBERTA SMITH	FINANCE DIRECTOR
JERRY FANNING	PUBLIC GOVT AFFAIRS DIRECTOR
CAROL HENNINGTON	INFO SYSTEMS DIR
ANDREW MEDRANO	INFO SYSTEMS
KEN KEMP	INFO SYSTEMS
ROXANN BRANNON	HR DIRECTOR
JOSHUA MACK	FIRE SERVICE DIRECTOR
BETSY BRADSHAW	ADMIN ASST FIRE SERVICES
JERI STRONG	PIO/O&G LIAISON
STEVE MCCROSKEY	COUNTY PLANNER
BRIAN STEPHENS	M&O SUPERVISOR
STEPHANIE YBABEN	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.

TRAILING AGENDA:

1. **APPROVE:**

- a. ***COMMISSION MEETING MINUTES APRIL 20, 2021:** Carlson moved, seconded by Beard, to approve the Commission Meeting Minutes for April 20, 2021. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed 5-0.
 - b. ***PURCHASE CARD APPROVAL REPORT FOR MARCH 2021:** Cordova moved, seconded by Henry, to approve the Purchase Card Approval Report for March, 2021. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed 5-0. The Purchase Card Report for March 2021 was recorded as Exhibit 1.b.
2. ***US HIGHWAY 82 OVERTIME PATROLS IN CONSTRUCTION AREAS – SHERIFF CAGE.** This grant from Fisher Construction would cover direction of traffic within the construction area of Navajo Refinery. Carlson moved, seconded by Beard, to approve the US Highway 82 Overtime Patrols in construction areas. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed 5-0.
 3. ***CONOCOPHILLIPS GRANT/DONATION TO SHERIFF’S OFFICE – SHERIFF CAGE.** The grant from ConocoPhillips was for \$50K and would go toward equipping body cameras for the SO. Beard moved, seconded by Carlson, to approve the ConocoPhillips Grant/Donation to the Sheriff’s Office. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed 5-0.
 4. ***CONOCOPHILLIPS GRANT/DONATION TO FIRE SERVICE – JOSH MACK.** The ConocoPhillips grant for \$10K would be used for training equipment for fire services. Cordova moved, seconded by Beard, to approve the ConocoPhillips Grant/Donation to Fire Services. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed 5-0.
 5. ***FIRE EXCISE FUND APPLICATION TO PURCHASE A PORTABLE X-RAY SYSTEM FOR FIRE INVESTIGATIONS – JOSH MACK.** Mack stated this was for the next fiscal year’s budget. Henry moved, seconded by Cordova, to approve the Fire Excise Fund Application to Purchase a Portable X-Ray System for Fire Investigations. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed 5-0.
 6. ***FIRE EXCISE FUND APPLICATION TO PURCHASE A ROSENBAUER HEAVY RESCUE UNIT TO BE USED BY ATOKA VOLUNTEER FIRE DEPARTMENT – JOSH MACK.** Mack stated the item was for the next fiscal

year's budget. He stated the current unit was 26 years old and needed to be replaced. The unit would also be beneficial to areas in North Eddy County. Henry moved, seconded by Beard, to approve the Fire Excise Fund Application to Purchase a Rosenbauer Heavy Rescue Unit to be used by Atoka Volunteer Fire Department. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed 5-0.

7. ***RECLASSIFICATION OF ELECTION ADMINISTRATOR TO DEPUTY CLERK – DARLENE ROSPRIM.** Rosprim stated Cooke had accepted the Chief Deputy Clerk position, leaving the Election Administrator position vacant with no qualified candidates available to fill that position. Cordova moved, seconded by Henry, to approve the Reclassification of Election Administrator to Deputy Clerk. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed 5-0.

8. ***PRIOR FISCAL YEAR INVOICES FOR HOUSEHOLD HAZARDOUS WASTE COLLECTIONS – JASON BURNS.** The outstanding items were from the City of Carlsbad hazardous waste collections of 2018 and 2019. Beard moved, seconded by Henry, to approve the payment of the prior fiscal years' invoices for Household Hazardous Waste Collections. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed 5-0.

9. ***DISCUSSION, DIRECTION, AND RECOMMENDATION TO SET PUBLIC MEETING DATES FOR O-21-101; LODGER'S TAX ORDINANCE – DRAFT – STEVE MCCROSKEY.** The existing ordinance would be changed to incorporate the changes put forth by the Legislature allowing the opportunity to recoup receipts beyond the first 30 days of temporary occupancy. The draft ordinance would be presented for public comments. The City of Carlsbad had previously enacted a similar change on the Lodgers' Tax. McCroskey had suggested holding public meetings in Carlsbad and Artesia both in the morning and evening. Davis stated it was not a new process. The change was the County's attempt to balance the payment for services provided that had heretofore been borne by the current tax payers. Following discussion, Davis summarized the Commissioners' requests for information, those being, how the process worked in terms of determining resident or temporary, the process for reporting and collecting the taxes, and then an estimate of what that revenue stream could look like based on what the City of Carlsbad was currently experiencing. Carlson added an information request of a definition of where the money would be spent. McCroskey stated in the past, P&D members had attended the public meetings. McCroskey stated he had not received any public input on the issue neither by emails nor in person. Carlson moved, seconded by Cordova, approving the recommendation to set public hearing meeting dates giving Community Services latitude to pick and set dates and to advertise for public comment hearings on O-21-101. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed 5-0.

10. *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-21-43; DISPOSAL, REMOVAL, OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR.
- ii. R-21-49; EDDY COUNTY AUTOMATED CLEARING HOUSE (ACH)/ ELECTRONIC FUNDS TRANSFER (EFT) POLICIES AND PROCEDURES – JESSICA STYGAR.
- iii. R-21-51; EDDY COUNTY’S PARTICIPATION IN NMDOT TRANSPORTATION PROJECT FUND PROGRAM – STEVE MCCROSKEY.

b. AGREEMENTS:

- i. A-21-37; AMENDING A-21-25 WITH CARLSBAD DEPARTMENT OF DEVELOPMENT, REDUCING ANNUAL CONTRACT AMOUNT TO \$85,000.00 – ROBERTA SMITH.
- ii. A-21-38; AMENDING A-21-26 WITH ARTESIA DEPARTMENT OF DEVELOPMENT, REDUCING ANNUAL CONTRACT AMOUNT TO \$55,000.00.
- iii. A-21-39; APPROVE/DISAPPROVE AGREEMENT WITH NEW MEXICO MORTUARY/RIVERSIDE FUNERAL HOME FOR CREMATION SERVICES – VERONICA PARRAS.
- iv. A-21-40; PROFESSIONAL SERVICES AGREEMENT WITH PRESBYTERIAN MEDICAL SERVICE FOR INDIGENT HEALTHCARE SERVICES – VERONICA PARRAS.
- v. A-21-44; MOU BETWEEN ADMINISTRATIVE OFFICE OF THE COURTS (AOC) AND THE COUNTY OF EDDY FOR ASU DRUG TESTING – WARDEN MASSINGILL.
- vi. A-21-45; DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT SUB-GRANT AGREEMENT FEMA-4199-55- ROBERTA SMITH.
- vii. A-21-46; DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT SUB-GRANT AGREEMENT FEMA-4199-56 – ROBERTA SMITH.
- viii. A-21-47; HP SERVICE MAINTENANCE CONTRACT WITH ISM TECHNOLOGIES FOR GIS MAPPING PRINTER – STEVEN MCCROSKEY.

ix. **A-21-51; BETWEEN EDDY COUNTY, THE CITY OF CARLSBAD, AND STRATEGIES 360 (S360) TO CONDUCT A SURVEY TO DEVELOP A COMMUNICATION CAMPAIGN FOR EDDY COUNTY AND THE CITY OF CARLSBAD – ALLEN DAVIS.**

Henry moved, seconded by Carlson, to approve the Resolution and Agreement Consent Agenda as presented. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed 5-0. R-21-43, R-21-49 and R-21-51 were recorded as Exhibits 10.a.i. through 10.a.iii., respectively. A-21-37 through A-21-40, A-21-44 through A-21-47 and A-21-51 were recorded as 10.b.i through 10.b.ix., respectively.

11. DEPARTMENT UPDATES. None.

12. LEGISLATIVE UPDATES. Fanning updated the Commission on recent Legislative action by committees. Tax and Revenue had had a hearing on the GRT rules with attendees being unhappy; the burden was being put on businesses outside of the city. The LFC met noting \$19.1B had been brought into the State in the past year through the federal funding associated with the Corona Virus. He stated New Mexico rated 48th based on the business environment, economy growth and employment levels in the US. He stated the average household income in NM for 2019 was \$71K with Arizona being \$84K and the national average was \$91K. New Mexico now had more people living in poverty than in the history of the state. The LFC numbers predicted NM would see a decline in population over the next 10 years. The budget status was good due to federal stimulus money. Challenges had been placed on how to spend the monies that had been budgeted due to the Governor's vetoes. He noted the redistricting process would start soon; a citizens' group would collect information around the state. A special session to determine redistricting lines could be held in December. Henry wondered if O&G salaries and Federal Government salaries were taken out of the equation, what the average NM income would be. Fanning suggesting looking at the color-coded LFC maps. He stated Federal Stimulus monies helped get the state over the hump of low oil and gas prices. Beard felt the June 1 election would play a big part in redistricting. Fanning added there had been positive input from both sides of the aisle saying gerrymandering should be done away with. Cordova requested Fanning send a link for the LFC information.

13. *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. **BRAD RODRIGUEZ ATTENDED LESS LETHAL ICP INSTRUCTOR TRAINING IN ST. GEORGE, UTAH FROM APRIL 19 THRU APRIL 24, 2021.**

FUTURE:

- b. **AARON GEAR TO ATTEND DRE TRAINING IN SACRAMENTO, CA FROM MAY 13 THRU MAY 19, 2021.**
- c. **JERI STRONG TO ATTEND CITY-COUNTY COMMUNICATIONS ASSOCIATION ANNUAL CONFERENCE IN ST. LOUIS, MO FROM SEPTEMBER 6 THRU SEPTEMBER 10, 2021.**

Beard moved, seconded by Henry, to approve the Travel Request Consent Agenda. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed 5-0.

14. EMERGENCY BUSINESS. None.

15. LEGISLATORS AND ELECTED OFFICIALS' COMMENTS/ANNOUNCEMENTS/UPDATES. Rosprim stated she would have a preliminary meeting with Michael Sharp of Research and Polling concerning the upcoming redistricting. She noted due to growth, 10 to 15 new precincts would be added to the current 41 precincts; current district boundaries would be reorganized. Davis noted the County was awaiting the census numbers broken down by county. Rosprim added the process took place every 10 years.

16. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES. Davis noted the letter received from the Secretary of State with directions for the upcoming redistricting. Referencing the Governor's recent virus map color changes, he noted the criteria had been adjusted to include the percentage of vaccinations in the calculations. He felt there was still an issue with the data; it was not complete and livelihoods depended on it. Any vaccine given had to be registered in the data base, but providers could only access the system to see the number of vaccines they had administered, not a total number for the county. He noted that Artesia General Hospital had administered well over 12K vaccines, or 6K full doses, with the NMDOH portal showing a figure noticeably lower of 12K for the County, noting other providers in the county had also administered vaccines. He cited a possible data flow issue. Overall, the rates of positive cases had declined. Oil and gas production activity had been holding flat with a rig count of around 70 for the last few weeks. Prices had been in the \$60s and felt the outlook for the upcoming fiscal year was reasonable. He felt each department was moving

in the right direction. He appreciated all that the directors and managers were doing. Carlson felt most of the oil and gas growth had moved across state lines in Texas.

17. COUNTY COMMISSIONERS' COMMENTS, ANNOUNCEMENTS,

UPDATES: Cordova thanked all the County departments for their planning efforts on the budget. She noted the LifeHouse had opened in the last week in the old Landsun Health Service Center, expanding service hours to 25 residents for a 28-day rehabilitation program. The Avalon Rehab facility would be opened this month for women residents and their children, noting there was a waiting list to attend the program. She noted that the multifaceted problem of poverty and substance abuse went hand in hand. She felt those programs must be kept afloat in our area, teaching basic life skills and sobriety.

Henry felt the Governor had been very smart, intelligently manipulating the system to get what she wanted, now tying vaccines to our livelihoods. He felt if you did not want a vaccine, you should not be forced to have one to open up businesses; you should have the freedom to make choices. He stated it was sad to see Carlsbad student athletes eliminated from the State tournament due to a positive virus test. He encouraged support for Artesia playing Silver City in the State Basketball tournament.

Davis updated on the Monday vaccine clinic. NMDOH had staffed and operated a full day from 9:00 am to 4:00 pm, having 100+ appointments and possibly giving a couple hundred doses of the vaccine. The previous week, 219 doses had been given. He noted a mobile unit was being considered for those homebound or unable to get out for the vaccine.

Carlson noted the royalty revenue for the State of NM was \$109M. Multiplying that amount by 12 and divided by 12.5% equaled almost \$11.5B of oil and gas royalty revenue going into our economy in a year's time. He did not know how you could diversify from that.

Beard thanked Cordova for her work with LifeHouse and Avalon.

McCutcheon referred to the recent text concerning extended school days and the funding tied to the extension of the year. He was opposed to year-round school, feeling summer jobs were very important for kids. He did not support adding extra days to the school year.

18. *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. PUBLIC AND GOVERNMENTAL AFFAIRS DIRECTOR MOU AGREEMENT – ALLEN DAVIS.

At 9:57 a.m., Carlson moved, seconded by Beard, to go into executive session, reopening at 10:20 a.m. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed 5-0.

19. *RE-OPEN MEETING. At 11:00 a.m., Carlson moved, seconded by Beard, to re-open the meeting and certify that the only matter discussed was Public and Governmental Affairs Director MOU Agreement. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed 5-0.

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

a. *LIMITED PERSONNEL MATTERS.

i. PUBLIC AND GOVERNMENTAL AFFAIRS DIRECTOR MOU AGREEMENT – ALLEN DAVIS. No action taken.

21. FY 2021-2022 PRELIMINARY BUDGET REVIEW, DISCUSSION AND DIRECTION WORKSHOP #1 – ROBERTA SMITH.

Smith stated this was the first workshop on the 2021-2022 budget. The process began in February with departments inputting requests and needs into the County financial system. She had met with the manager to discuss any changes or direction and then reconvened with the departments in which changes were occurring. She felt department heads and elected officials were on board with the direction of the new budget. Davis stated after discussion with the Elected Officials and department heads, the information had been shared with Commissioners. He stated the budget was balanced with a surplus coming in. Revenue outlook had been conservative on GRT and production revenue streams. Property tax forecast had been incorporated up to the limit the State allowed. He felt the County had a good budget that would allow the work and effort to continue from the last fiscal year. He felt the original objective of the road survey study would be accomplished in the next fiscal year. Monies for needed facilities work was apportioned. Davis felt they were being good stewards of the monies received from the citizens and production streams.

At 11:05 a.m., Cordova moved, seconded by McCutcheon, to open the meeting for public comment on the preliminary budget review. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed 5-0. No public comments were received.

At 11:06 a.m., Carlson moved, seconded by Henry, to close the public comment period. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed 5-0.

22.*R-21-48; FY 2021-2022 INTERIM BUDGET APPROVAL – ROBERTA SMITH. Smith stated the approved interim budget was due to the State Department of Finance Administration by June 1. The final budget would be brought for approval at the end of July. Carlson moved, seconded by Beard, to approve R-21-48, FY 2021-2022 Interim Budget. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed 5-0. R-21-48 was attached as Exhibit 22.

23.*ADJOURN. At 11:07 a.m., Beard moved, seconded by Carlson, to adjourn the meeting. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed 5-0.

~Asterisks denote vote is required~

COMMISSION CHAIR, STEVEN MCCUTCHEON

ATTEST:

COUNTY CLERK, DARLENE ROSPRIM

DATE