

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
MAY 17, 2022**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on May 17, 2022 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. Carlson 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
WES HOOPER	COMMUNITY/ADMIN SRVCS DIR
CAS TABOR	COUNTY ATTORNEY
MARK CAGE	SHERIFF
KIMBERLY BALLARD	ADMIN ASSISTANT SHERIFF
ROBERTA SMITH	FINANCE DIRECTOR
ANISIA CERNA	PROCUREMENT MANAGER
BILLY MASSINGILL	DETENTION WARDEN
TERRA DOUGAN	EXEC ADMIN ASSISTANT
ADRIENNE JONES	EXEC ADMIN ASSISTANT
TEANNA ROMERO	ADMINISTRATIVE ASSISTANT
ROXANN BRANNON	HR DIRECTOR
CAROL HENNINGTON	IT DIRECTOR
KEN KEMP	SYSTEMS ADMINISTRATOR
JERI STRONG	PUBLIC INFO COORDINATOR
JASON BURNS	PUBLIC WORKS DIRECTOR
STEVE MCCROSKEY	COUNTY PLANNER
JOSHUA MACK	FIRE SERVICE DIRECTOR/MARSHAL
JAROD ZUNIGA	DEPUTY FIRE MARSHAL/FIRE SV DIR
JENNIFER ARMENDARIZ	EMERGENCY MANAGER
CYNTHIA SHARIF	DWI COORDINATOR
STEPHANIE YBABEN	RED ROCKET MEDIA
MIKE SMITH	CARLSBAD CURRENT ARGUS

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)** Sandy Wilke spoke to the upcoming IPF related to the Hackberry Watershed District, noting the District had not approved the West Loop Crossing of Diversion #2. The NRCS State Engineer had recommended two points be addressed: An MOA between the County and Hackberry before it crossed diversion 2 stating the County would be responsible for maintenance and repair of the Diversion, keeping it free of noxious weeds and debris, and that the County would fix any reduction of integrity of the structure that the road caused. There was also an issue of overflow of the culverts, either not being large enough or there not being enough of them. She stated that Hackberry could not approve the construction until this was addressed. The diversion was part of a system that protected about 500 homes and businesses.
2. **SERVICE AWARDS.**
 - a. **WESLEY YERBY, DETENTION - 10 YEARS.**
 - b. **MARK TRUJILLO, IT – 5 YEARS.**
 - c. **EDMUNDO HERNANDEZ, LANDFILL – 5 YEARS.**
 - d. **SHERRILL MCDUGLE, HUMAN RESOURCES – 5 YEARS.**

Service awards were presented to the above listed employees for their years of service.

SHORT BREAK FOR PICTURES.

3. **IFB/RFP/BID AWARDS:**
 - a. ***IFB 22-02; EDDY COUNTY WEST LOOP ROAD, FLOOD WATER DRAINAGE (FWD) - 2 DIVERSION FACILITY CROSSING – ANISIA CERNA.** Staff recommended Constructors, Inc. be awarded the IFB. Burns stated it was recommended that the IFB be approved. He noted professional engineers had prepared the drawings and the County would meet all the necessary obligations. Beard asked for a history on the drawings noting they had been re-stamped and poured over in 2017. Burns elaborated, stating the drawings were first designed in 2003/2004. The Commission reallocated funds for the project and FEMA projects following the flood of 2014. Two engineering firms were currently working on the Loop from both sides and Smith Engineering was working on this area again. Smith Engineering prepared a topographic survey of the area confirming no changes. He felt the design was over-adequate to handle a flood. Updated appraisals had been procured for all right-of-way land owners with any improved valuation of the lands being paid for the increases and contracts being extended. The need for the West Loop project was the reason for getting this connected after 18 years of talking about it. McCutcheon stated he refused to let this put children at risk one day further. Beard moved, seconded by Cordova, to award IFB 22-02 to Constructors Inc. Voting yes: Carlson, Cordova, Henry,

McCutcheon and Beard. Passed 5-0. IFB 22-02 was recorded as Timed Agenda Exhibit 3.a.

TRAILING AGENDA:

1. APPROVE:

a. ***COMMISSION MEETING MINUTES FOR MAY 3, 2022.** Henry moved, seconded by Carlson, to approve the May 3, 2022 Commission Meeting Minutes. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0.

b. ***EXPENSE APPROVAL REPORT FOR APRIL 2022.** Cordova moved, seconded Henry, to approve the April 2022 Expense Approval Report. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0. The April 2022 Expense Report was recorded as Exhibit 1.b.

2. *RECLASSIFICATION OF SAFETY ASSISTANT TO SAFETY ADMINISTRATIVE ASSISTANT – ROXANN BRANNON. Brannon stated the position change would allow for a broader application pool. Beard moved, seconded by Cordova, to approve the Reclassification of Safety Assistant to Safety Administrative Assistant. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0. The Reclassification of Safety Assistant to Safety Administrative Assistant was recorded as Exhibit 2.

3. CURRENT BURN RESTRICTIONS PER ENMRD STATE FORESTRY – JOSHUA MACK – FYI ONLY. Mack and Zuniga related the State fire restrictions. If a County fireworks restriction were to be put in place, it would have to be enacted before June. They discussed issues with controlled burns and noted the burn schedule was posted weekly and could change due to weather conditions, etc.

4. *REDISTRICTING RECOMMENDATION AND NEW ORGANIZATIONAL STRUCTURE – JOSHUA MACK. Mack stated they had met with the State Fire Office and ISO who were in favor of the redistricting to create a North, a South and retain the Queen District. Each new district would have three battalion chiefs and two captains each. Davis added the State had supported the redistricting and had recognized recent improvements. Zuniga stated they were already operating on this model and this would standardize training, response time and facilities. Carlson moved, seconded by Beard, to approve the Redistricting Recommendation and New Organizational Structure. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0. The Redistricting Recommendation and New Organizational Structure was recorded as Exhibit 4.

5. *ECFR HEALTH AND WELLNESS 60% APPLICATION – JOSHUA MACK. Mack stated two firefighters had passed in the line of duty due to heart attacks. This program would allow firefighters to undergo fitness

assessments, health screenings and annual physicals for preventive health maintenance. Counseling services would also be included. The Cities of Carlsbad and Artesia utilized this same screening program. Carlson moved, seconded by Beard, to approve the ECFR Health and Wellness 60% Application. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0. ECFR Health & Wellness 60% Application was recorded as Exhibit 5.

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-22-32; RESOLUTION IMPOSING AN ANNUAL, NON-PROHIBITIVE LICENSE TAX UPON THE PRIVILEGES OF PERSON HOLDING STATE LICENSES UNDER THE NEW MEXICO CONTROL ACT – DARLENE ROSPRIM.**
- ii. **R-22-42; AUTHORIZING THE SUBMISSION OF A (MPGD) RURAL SURFACE TRANSPORTATION GRANT PROGRAM APPLICATION TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION – WESLEY HOOPER.**
- iii. **R-22-43; EDDY COUNTY AUTOMATED CLEARING HOUSE (ACH)/ELECTRONIC FUNDS TRANSFER (EFT) POLICIES AND PROCEDURES – JESSICA STYGAR.**
- iv. **R-22-44; DONATION OF A 2006 INTERNATIONAL AMBULANCE TO THE VILLAGE OF CHAMA – CHAMA FIRE DEPARTMENT – JOSH MACK.**
- v. **R-22-45; DISPOSAL, REMOVAL, OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR.**

b. **AGREEMENTS:**

- i. **A-22-38; BETWEEN EDDY COUNTY AND THE EDDY COUNTY FAIR BOARD – ALLEN DAVIS.**
- ii. **A-22-49; MUTUAL AID AGREEMENT BETWEEN EDDY COUNTY AND REEVES COUNTY EMERGENCY SERVICES DISTRICT'S 1 AND 2 FOR EMERGENCY SERVICES – JOSHUA MACK.**
- iii. **A-22-52; MEMORANDUM OF AGREEMENT BETWEEN EDDY COUNTY DWI AND EDDY COUNTY SHERIFF'S OFFICE**

- REGARDING ALLOCATION OF CDWI FUNDS – CYNTHIA SHARIF.**
- iv. **A-22-53; APPLICATION FOR CDWI FUNDS – CYNTHIA SHARIF.**
 - v. **A-22-54; MEMORANDUM OF UNDERSTANDING FOR EXTENSION SERVICES IN EDDY COUNTY – ALLEN DAVIS.**
 - vi. **A-22-55; SERVICE AGREEMENT WITH CARLSBAD HONOR GUARD – ALLEN DAVIS.**
 - vii. **A-22-56; SERVICE AGREEMENT WITH ARTESIA MAINSTREET – ALLEN DAVIS.**
 - viii. **A-22-57; PROFESSIONAL SERVICES AGREEMENT WITH PAWS AND CLAWS HUMANE SOCIETY, INC. – ALLEN DAVIS.**
 - ix. **A-22-58; PROFESSIONAL SERVICES AGREEMENT WITH NOAH’S ARK ANIMAL REFUGE, INC. – ALLEN DAVIS.**
 - x. **A-22-59; PROFESSIONAL SERVICES AGREEMENT WITH CARLSBAD COMMUNITY ANTI-DRUG & GANG COALITION – ALLEN DAVIS.**
 - xi. **A-22-60; PROFESSIONAL SERVICES AGREEMENT WITH CHANGING LIVES COALITION, INC. FOR 7024U OUTREACH CENTER PROGRAM SERVICES – ALLEN DAVIS.**
 - xii. **A-22-61; SERVICE AGREEMENT WITH NEW MEXICO STATE MOBILE LIBRARY – ALLEN DAVIS.**
 - xiii. **A-22-62; SERVICE AGREEMENT WITH VILLAGE OF HOPE – ALLEN DAVIS.**
 - xiv. **A-22-63; SERVICE AGREEMENT WITH VILLAGE OF LOVING – ALLEN DAVIS.**
 - xv. **A-22-64; FEDERAL LOBBYING SERVICES – ALLEN DAVIS.**
 - xvi. **A-22-66; BETWEEN EDDY COUNTY AND THE CARLSBAD DEPARTMENT OF DEVELOPMENT FOR ECONOMIC DEVELOPMENT SERVICES – ALLEN DAVIS.**
 - xvii. **A-22-67; SERVICE AGREEMENT WITH CARLSBAD CHAMBER OF COMMERCE – ALLEN DAVIS.**
 - xviii. **A-22-68; SERVICE AGREEMENT WITH GRAMMY’S HOUSE ARTESIA DOMESTIC VIOLENCE SHELTER INC. – ALLEN DAVIS**
 - xix. **A-22-69; PROFESSIONAL SERVICES AGREEMENT WITH CAVERN CITY CHILD ADVOCACY CENTER – ALLEN DAVIS.**
 - xx. **A-22-70; MEMORANDUM OF UNDERSTANDING WITH EDDY COUNTY’S SHERIFF’S POSSE – ALLEN DAVIS.**
 - xxi. **A-22-71; SERVICE AGREEMENT WITH CARLSBAD MAINSTREET – ALLEN DAVIS.**
 - xxii. **A-22-72; EQUIPMENT SERVICE CONTRACT WITH SPARKS OFFICE SOLUTIONS FOR COPIER IN COMMISSIONERS’ OFFICE – ALLEN DAVIS.**

- xxiii. A-22-73; ADVOCACY SERVICES AGREEMENT WITH ARTESIA CHAMBER OF COMMERCE – ALLEN DAVIS.
- xxiv. A-22-74; WEATHERFLOW -TEMPEST SOFTWARE LICENSE AGREEMENT – JOSHUA MACK.
- xxv. A-22-76; SERVICE AGREEMENT WITH CITY OF CARLSBAD – ALLEN DAVIS.
- xxvi. A-22-77; BETWEEN EDDY COUNTY AND THE ARTESIA CHAMBER OF COMMERCE FOR ECONOMIC DEVELOPMENT SERVICES – ALLEN DAVIS.
- xxvii. A-22-78; ALS/BLS SOFTWARE SOLUTIONS MASTER APPLICATION SERVICE PROVIDER AGREEMENT – JOSHUA MACK.
- xxviii. A-22-80; MEMORANDUM OF UNDERSTANDING BETWEEN THE OFFICE OF THE NEW MEXICO SECRETARY OF STATE AND EDDY COUNTY FOR 2022 PRIMARY ELECTION – DARLENE ROSPRIM.

Carlson moved, seconded by Cordova, to approve the Resolution and Agreement Consent Agenda. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0. R-22-32, R-22-42 thru R-22-45 were recorded as Exhibits 6.a.i through v, respectively. A-22-38, A-22-49, A-22-52 thru A-22-64, A-22-66 through A-22-74, A-22-76 thru A-22-78 and A-22-80 were recorded as Exhibits 6.b.i through 6.b.xxviii.

- 7. *A-22-75; SERVICE AGREEMENT WITH CITY OF ARTESIA – ALLEN DAVIS. Beard moved, seconded by Carlson, to approve A-22-75. Voting yes: Carlson, Cordova, McCutcheon and Beard. Abstaining: Henry. Passed 4-0. A-22-75 was recorded as Exhibit 7.
- 8. *A-22-79; AMENDING A-22-45; AGREEMENT FOR MODIFICATION OF JPA A-11-02 CITY OF ARTESIA-EDDY COUNTY JOINT POWERS AGREEMENT GOVERNING THE REGIONAL EMERGENCY DISPATCH AUTHORITY (REDA) – ALLEN DAVIS. Carlson moved, seconded by Cordova, to approve A-22-79. Voting yes: Carlson, Cordova, McCutcheon and Beard. Abstaining: Henry. Passed 4-0. A-22-79 was recorded as Exhibit 8.
- 9. ELECTED OFFICIAL/DEPARTMENT UPDATES. Cage updated on the SENM College progress. He invited all to honor fallen Law Enforcement Officers at the Dedication of the Memorial on May 23 at 3:00 p.m. in front of the Janell Whitlock Building.
- 10. LEGISLATIVE UPDATES. Davis stated he would attend the NMLFC meeting to be held in Roswell and Artesia on May 18.
- 11. TRAVEL REQUEST CONSENT AGENDA. None.

12. **EMERGENCY BUSINESS.** None.
13. **LEGISLATORS AND ELECTED OFFICIALS' COMMENTS ANNOUNCEMENTS UPDATES.** Davis stated he had recently visited with local legislators and elected officials while attending the STEM Lab events at six local elementary schools.
14. **COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES.** Davis noted last Saturday, ECF&R graduated 23 cadets from Fire School and Training. The class included two high school students and a husband/wife couple. Purchase of property for the SO was in the works. DFA was requiring additional conditions concerning counties that accepted credit cards for payment, requiring policies and procedures to be submitted for approval with the budget.
15. **COUNTY COMMISSIONERS' COMMENTS ANNOUNCEMENTS UPDATES.** Cordova had attended the STEM Lab opening. She sent congratulations to the ECF&R graduates noting her grandfather was a State Police Officer. She thanked the nurses and teachers and added the Carlsbad Nursing Program was ranked #1 in the State. Henry stated one of the ECF&R graduates was Jarod Zuniga's son and congratulated Zuniga on his son's achievement as a sophomore. He congratulated the boys and girls sports teams in Carlsbad and Loving for winning State. Carlson congratulated Carlsbad Cavemen and Cavegirls on their State Championship wins. He thanked ECF&R for responding to his house fire. Beard congratulated Wyatt Cline on his graduation from the ECF&R training. McCutcheon stated Carlson was dedicated to his district and service to Eddy County Board of Commissioners.
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 (7), WHICH AUTHORIZES THE BOARD OF COUNTY COMMISSIONERS TO GO INTO EXECUTIVE SESSION TO DISCUSS:**
- a. **THREATENED OR PENDING LITIGATION.**
 - i. **STATUS UPDATE ON COUNTY'S PENDING PETITION TO INTERVENE ON CONGRESSIONAL DISTRICTING LAWSUIT – ALLEN DAVIS.**

At 9:50 a.m., Carlson moved, seconded by Cordova, to close the meeting and open the Executive Session returning at 10:00 a.m. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0.

17. **RE-OPEN MEETING.** At 10:05 a.m., Carlson moved, seconded by Cordova, to re-open the Executive Session. Voting yes: Carlson, Henry, Cordova, McCutcheon and Beard. Passed 5-0.

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

a. ***THREATENED OR PENDING LITIGATION.**

i. **STATUS UPDATE ON COUNTY'S PENDING PETITION TO INTERVENE ON CONGRESSIONAL DISTRICTING LAWSUIT – ALLEN DAVIS.**

No action taken.

MEETING CLOSED AT 10:06 A.M.

~Asterisk denotes vote is required~

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIR

ATTEST: _____

DATE: _____