

**EDDY COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A REGULAR MEETING  
MAY 18, 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 18, 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. Hennington 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
MARK CAGE	SHERIFF
KIM BALLARD	SHERIFF ADMIN ASSISTANT
LAURIE PRUITT	COUNTY TREASURER
GAY WEST	EXECUTIVE ADMIN ASSISTANT
BILLY MASSINGILL	DETENTION WARDEN
JASON BURNS	PUBLIC WORKS DIRECTOR
ROBERTA SMITH	FINANCE DIRECTOR
JESSICA STYGAR	ASSISTANT 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
MICHELLE ARDOIN	FIRE SERVICES ADMIN ASSISTANT
BETSY BRADSHAW	FIRE SERVICES ADMIN ASSISTANT
STEVE MCCROSKEY	COUNTY PLANNER
JERI STRONG	PIO/O&G LIAISON
STEVE MCCROSKEY	COUNTY PLANNER
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):** Debbie Brazas, Artesia Fire Department, informed the commission on the upcoming 911 Memorial Tunnel to Towers exhibit that would be on display in Artesia from June 11 to June 14 at the Veterans' Wall in Baish Park. This year was the 20<sup>th</sup> anniversary of the 911 disaster. An age-appropriate book and curriculum educating children on the issue would be distributed to the schools in hopes that history would not repeat itself. Ashley Key, Carlsbad MainStreet, invited the Commission to the Courthouse on Thursday evening at 5:30 pm for a presentation of the gazebo to Eddy County from Carlsbad MainStreet. The Farmers and Makers Market would begin on Thursdays and on the third Thursday of the month food vendors and live music would be on site.
  
2. **SERVICE AWARDS:**
  - a. **JUAN ZAMARRON, SHERIFF'S DEPT. – 15 YEARS:** Absent
  - b. **MICHAEL MELTON, DETENTION – 10 YEARS:** Absent
  - c. **DAVID HARKNESS, FIRE AND RESCUE – 5 YEARS.**

McCutcheon presented service awards to the employee in attendance.

## **SHORT BREAK FOR PICTURES.**

## **TRAILING AGENDA:**

1. **APPROVE:**
  - a. **\*COMMISSION MEETING MINUTES FOR MAY 4, 2021:** Henry moved, seconded by Cordova, to approve the Commission Meeting Minutes for May 4, 2021. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.
  
  - b. **\*EXPENSE APPROVAL REPORT FOR APRIL 2021:** Beard moved, seconded by Carlson, to approve the Expense Report for April 2021. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0. The April 2021 Expense Report was recorded as Exhibit 1.b.
  
  - c. **\*PURCHASE CARD APPROVAL LIST FOR APRIL 2021:** Cordova moved, seconded by Henry, to approve the Purchase Card List for April 2021. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0. The Purchase Card List for April 2021 was recorded as Exhibit 1.c.

2. **\*APRIL 2021 REVENUE REPORT – ROBERTA SMITH:** Smith stated \$1.7M in GRT had been collected along with \$2.9M in O&G revenues. Carlson moved, seconded by Beard, to approve the April 2021 Revenue Report. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0. The April 2021 Revenue Report was recorded as Exhibit 2.
  
3. **\*BUDGET VS ACTUAL – APRIL REVENUE AND EXPENSES – ROBERTA SMITH:** Smith stated 96% of total revenue had been collected with expenses being at 61%. The General Fund was over 100% collected and would continue to grow as PILT monies were distributed in June. General Fund expenses were not quite 82% even with \$40M in transfers out, for an actual figure of \$67%, really low for the year. The Road Department was at 92% collected leaving collections from Lea County for Red Campbell Road forthcoming. Road Department Expenses were 69% but would increase by the end of the fiscal year as projects were completed. Henry moved, seconded by Cordova, to approve the Budget vs. Actual April Revenue and Expenses. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0. The Budget vs. Actual April Revenue and Expenses Report was recorded as Exhibit 3.
  
4. **\*FIRE EXCISE FUND APPLICATION TO PURCHASE A 5-YEAR SUBSCRIPTION FOR WEBEOC SOFTWARE – JOSHUA MACK:** Carlson moved, seconded Henry, to approve the Fire Excise 60% fund application to purchase a 5-year subscription for WebEOC Software with the appropriate changes to be made to the agreement. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.
  
5. **\*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-21-52; FTI CONSULTING’S MONTHLY REPORT FOR MARCH 2021 – ALLEN DAVIS.**
    - ii. **R-21-53; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.**
    - iii. **R-21-56; NEW FUND CREATION - AMERICAN RESCUE PLAN ACT FUND – FUND 2105 – ROBERTA SMITH.**
  
  - b. **AGREEMENTS:**

- i. A-21-41; AMENDING AGREEMENT A-20-130 BETWEEN EDDY COUNTY AND THE CITY OF CARLSBAD DONATING CHERRY LANE PARK TO THE CITY OF CARLSBAD – WESLEY HOOPER.
- ii. A-21-50; WEBEOC SUBSCRIPTION AGREEMENT FOR FIRE SERVICE – JOSHUA MACK.
- iii. A-21-52; EQUIPMENT SERVICE CONTRACT FOR COPIER IN ASSESSOR CARLSBAD OFFICE – GEMMA FERGUSON.
- iv. A-21-53; MEMORANDUM OF UNDERSTANDING FOR EXTENSION SERVICES IN EDDY COUNTY – ALLEN DAVIS.
- v. A-21-54; FEDERAL ADVOCACY SERVICES AGREEMENT WITH 535 GROUP, LLC – ALLEN DAVIS.
- vi. A-21-55; ADVOCACY SERVICES AGREEMENT WITH ARTESIA CHAMBER OF COMMERCE – ALLEN DAVIS.
- vii. A-21-56; SERVICE AGREEMENT WITH CARLSBAD HONOR GUARD – ALLEN DAVIS.
- viii. A-21-57; SERVICE AGREEMENT WITH NEW MEXICO STATE MOBILE LIBRARY – ALLEN DAVIS.
- ix. A-21-58; SERVICE AGREEMENT WITH CITY OF CARLSBAD – ALLEN DAVIS.
- x. A-21-59; SERVICE AGREEMENT WITH CITY OF ARTESIA – ALLEN DAVIS.
- xi. A-21-60; SERVICE AGREEMENT WITH VILLAGE OF HOPE – ALLEN DAVIS.
- xii. A-21-62; PROFESSIONAL SERVICES AGREEMENT WITH THE EDDY COUNTY FAIR BOARD – ALLEN DAVIS.
- xiii. A-21-63; SERVICE AGREEMENT WITH CARLSBAD CHAMBER OF COMMERCE – ALLEN DAVIS.
- xiv. A-21-64; SERVICE AGREEMENT WITH GRAMMY’S HOUSE ARTESIA DOMESTIC VIOLENCE SHELTER INC. – ALLEN DAVIS.
- xv. A-21-65; PROFESSIONAL SERVICES AGREEMENT WITH CAVERN CITY CHILD ADVOCACY CENTER – ALLEN DAVIS.
- xvi. A-21-66; MEMORANDUM OF UNDERSTANDING WITH EDDY COUNTY SHERIFF’S POSSE – ALLEN DAVIS.
- xvii. A-21-67; SERVICE AGREEMENT WITH CARLSBAD MAINSTREET – ALLEN DAVIS.
- xviii. A-21-68; SERVICE AGREEMENT WITH ARTESIA MAINSTREET – ALLEN DAVIS.
- xix. A-21-69; PROFESSIONAL SERVICES AGREEMENT WITH PAWS AND CLAWS HUMANE SOCIETY, INC. – ALLEN DAVIS.
- xx. A-21-70; PROFESSIONAL SERVICES AGREEMENT WITH NOAH’S ARK ANIMAL REFUGE, INC. – ALLEN DAVIS.

- xxi. **A-21-71; PROFESSIONAL SERVICES AGREEMENT WITH CARLSBAD COMMUNITY ANTI-DRUG & GANG COALITION – TEEN COURT – ALLEN DAVIS.**
- xxii. **A-21-72; PROFESSIONAL SERVICES AGREEMENT WITH CHANGING LIVES COALITION, INC. – 7024U OUTREACH CENTER PROGRAM SERVICES – ALLEN DAVIS.**

A-21-50 was pulled for adjustment, to be presented for approval at a future meeting. Beard requested A-21-41 be pulled for discussion. Carlson moved, seconded by Cordova, to approve the Resolution/Agreement Consent Agenda as presented, pulling A-21-41 and A-21-50. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0. R-21-52, R-21-53 and R-21-56 were recorded as Exhibits 5.a.i. through 5.a.iii., respectively. A-21-52 through A-21-60 and A-21-62 through A-21-72 were recorded as Exhibits 5.b.iii. through 5.b.xi, and 5.b.xii through xxii, respectively.

After discussion regarding the name of the park Beard moved, seconded by Henry to approve A-21-41. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0. A-21-41 was recorded as Exhibit 5.b.i.

Pending changes to the agreement Carlson moved, seconded by Henry to table A-21-50. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.

6. **DEPARTMENT UPDATES:** Hooper stated the SE Loop project had had traffic control complaints that he felt would be worked out as new signs would be placed directing traffic. The fence at the Sheriff Posse Arena had been cut and would need repairing; barricades would then be placed. He had visited with the residents of the area giving instructions on access. Hooper thanked the SO for their help controlling the area and making it safe. He stated the contractors had asked for extensions on the project due to a gas and water line needing to be relocated. He would apprise the Commission of the completion date in the future.

Mack had invited Brandon Harvey to update the Commission on the Fire Investigation Task Force. Harvey stated the team had 21 call-outs this year, with the majority of them being accidental. Since 2019, they had had 132 callouts. The team had 20 members with training on-line that would be changing over to in-person quarterly hands-on training. He stated the national determination success rate was around 30% while his team was sitting at 94%. He stated the team now had two ATF members. Three cases required ATF to verify the team's findings. The team's equipment allowed 360-degree scene documentation and a two-scale sketch on all investigations. Cordova stated the team should be proud of their successes. Beard inquired if the

County ISO ratings would reflect the successes and Mack confirmed it would. Davis stated it would pay dividends going forward. Mack stated Saturday from 10:00 am – 2:00 pm, Loving would have a “Meet the Officer Day” at the Memorial Park. First Responders would also attend. The Permian Basin Road Safety Coalition would host an event June 10 at the Fire Service Facility. The Coalition would donate to additional equipment to Fire Services for use on emergency scenes. He stated Fire Services would assist the Artesia Fire Department with purchasing the 911 educational materials for the K-5 schools as part of the Fire Prevention activities. He urged the community to be careful with fireworks, be safe, make sure your area was clear, to remember your neighbors and to enjoy yourselves. Malaga’s and Otis’ tankers would be available to pick up in Florida in June.

Burns updated on Road projects that were in progress and finishing up. Old Cavern, Twin Wells, Illinois Camp Road all were in the works, making progress. Traffic was beginning to be a challenge in construction areas. The West Loop was near kick-off; Hidalgo and the West Loop would be at the starting point in a few weeks. The City would partner on the project. The roads previously degraded by trucks had been taken back to their original width and grade. Davis noted speed was now an issue on the improved roads and he asked the citizens to drive sensibly using the posted speed limits. Burns stated safety to the workers and drivers was the first concern. He announced that the first Welcome to Eddy County sign had been placed on 62/180 at the County line. The Commissioners were invited for a photo at the sign.

7. **LEGISLATIVE UPDATES:** Fanning stated the LFC would be meeting in various cities where taxes were being spent. Friday’s meeting would address the CARES Act with a \$432M spending plan tied to it. He had attended a meeting with NM Cattle Growers Association for a presentation by the American Stewards of Liberty on the 30-30 Movement Program, “Tackling the Climate Crisis at Home and Abroad”. The movement touted permanently conserving 30% of US public lands, water and oceans by the year 2030 to help in the climate change issue. He felt it could impact the tax base, food production land, could drive up food costs and fuel costs. He gave an update on the endangered species issue of the Mexican Wolf and the revision of the 10-J Rule affecting the “take” of the wolf. The supplemental environmental impact statement would be addressed in the process before adjusting the rule. The Oil Conservation Division presented the new methane rule effective May 25. The operators would be required to fill out the forms and the impact on small operators would be great, a bookkeeping nightmare. Fanning questioned the rule’s cost/benefit. Davis stated the original version proposed was different from the final version, taking out the stripper well exemptions. He felt the Environment Department’s emissions methane rule would be more onerous on the industry to get things accomplished in the timeframe established. Beard inquired if this could cause an increase in orphan wells;

Fanning stated there was a potential to do so. Fanning would be meeting with the Fair Board concerning the Fairgrounds in Artesia.

8. **\*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:** None.

**FUTURE:**

- a. **KIMBERLY BALLARD TO ATTEND NATIONAL SHERIFF'S CONFERENCE IN PHOENIX, AZ FROM JUNE 21 THRU JUNE 25, 2021.**

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

9. **EMERGENCY BUSINESS:** None.

10. **LEGISLATORS AND ELECTED OFFICIALS' COMMENTS/ANNOUNCEMENTS/UPDATES:** Sheriff Cage stated his department had been spread thin with traffic enforcement. He would set a date to invite the Commission to observe the new technology demonstration at the SO. He stated DPS secretary and PD Chiefs had met to peruse the issue of submitting a bipartisan bill on police reform, use of force issues, etc. The SO was awaiting vehicles that had been approved and ordered but had not yet gone into production.

County Clerk Rosprim informed all that the upcoming Congressional District 1 election to be held June 1 was not an Eddy County election. It was to elect the replacement of Deb Haaland in the Albuquerque area. Eddy County would have an election in November.

11. **COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES:** Davis had recently met with a group concerning the brine well issue. The draft agreement from the Secretary from EMNRD would be presented to the Commission at the next meeting for consideration and approval. It would commit the local governments to their share of \$3M each from Eddy County and the City of Carlsbad, with the State contributing \$18M from multiple funding sources. He noted Secretary Sandoval had agreed to extend the

excise tax another year diverting \$10M towards the brine well. He felt this “should be it forever” for the County’s contributions. The American Rescue Plan Act had \$65B earmarked for direct payments to registered counties. McCutcheon would be the authorizing individual for Eddy County. The population-based first payment should come by the first of July with the second payment coming a year later. A group would be formed to consider how best to apply the funds, bringing a list of considerations to the Commission for approval. Davis appreciated all the departments’ efforts. The interim budget had been submitted to DFA. Eddy County citizens were able to access County services throughout the previous trying year. He expressed appreciation to the Clerk’s Office for the transition made and the upcoming redistricting issues.

**12. COUNTY COMMISSIONERS’ COMMENTS/ANNOUNCEMENTS/UPDATES:**

Cordova stated Kids Inc. would be opening under a new name and owner offering child care services. She expressed her gratitude to the County for being diligent during the difficult year and continuing to work when other counties had not done so. Henry congratulated the high school graduates, and encouraged all to pray for them, hoping they would come back home with their educations. He was pleased with the virus numbers and encouraged all to be diligent. Carlson stated all persons 16 years and older were now able to get vaccinated. Davis stated next Monday, a clinic would be held for children 12 and older that had consent or were registered to receive the vaccine. A separate clinic was being considered for the high school. Beard thanked the Governor for the new mask ordinances that were similar to Texas’ mask ordinance. He noted Christians were no longer being targeted in limiting attendance numbers. McCutcheon invited all to attend the School Board meeting this evening where the issue of extended school days would be addressed. He appreciated the department heads for coming through a difficult year.

**13. \*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:

At 9:51 a.m. Carlson moved, seconded by Beard, to go into closed session returning at 10:25 a.m. following a break. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.

**a. THREATENED OR PENDING LITIGATION.**

- i. EDDY COUNTY FUNDS AND TRD LITIGATION.**
- ii. EDDY COUNTY DETENTION CENTER.**

**RE-OPEN MEETING:** At 11:03 a.m., Cordova moved, seconded by Beard, to re-open the meeting and certified the only things discussed were threatened



or pending litigation. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.

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

**a. THREATENED OR PENDING LITIGATION.**

**i. EDDY COUNTY FUNDS AND TRD LITIGATION.**

**ii. EDDY COUNTY DETENTION CENTER.**

No action taken.

**\*ADJOURN:** At 11:04 a.m. Carlson moved, seconded by Henry, to adjourn the meeting. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.

*~Asterisk denotes vote is required~*

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**COMMISSION CHAIR, STEVEN MCCUTCHEON**

**ATTEST:**

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**COUNTY CLERK, DARLENE ROSPRIM**

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**DATE**