

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
MAY 21, 2019**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on May 21, 2019 at 8:30 a.m. Henry called the meeting to order and led the Pledge of Allegiance and the salute to the New Mexico State flag. Wood gave the invocation.

PRESENT:

JON HENRY	CHAIR, DISTRICT 2
ERNEST CARLSON	VICE-CHAIR, DISTRICT 1
LARRY WOOD	COMMISSIONER, DISTRICT 3
STEVE MCCUTCHEON	COMMISSIONER, DISTRICT 4
SUSAN CROCKETT	COMMISSIONER, DISTRICT 5
CAS TABOR	COUNTY ATTORNEY
ROBIN VAN NATTA	COUNTY CLERK
DARLENE ROSPRIM	CHIEF DEPUTY CLERK
ANITA JONES	DEPUTY CLERK
MARK CAGE	SHERIFF
KIM BALLARD	ADMINISTRATIVE ASSISTANT, SHERIFF
GEMMA FERGUSON	ASSESSOR
MELISSA WASHBURN	CHIEF DEPUTY ASSESSOR
RHONDA HATCH	SUPERVISOR ASSESSOR
LAURIE PRUITT	TREASURER
CAROLYN STROBLE	CHIEF DEPUTY TREASURER
BILLY MASSINGILL	DETENTION WARDEN
GAY WEST	EXECUTIVE ADMINISTRATIVE ASSISTANT
ROBERTA SMITH	FINANCE DIR/ CO-COUNTY MANAGER
JESSICA STYGAR	ASSISTANT FINANCE DIRECTOR
ROXANN BRANNON	HR DIRECTOR
ANNA VASQUEZ	ASSISTANT HR DIRECTOR
CAROL HENNINGTON	IT DIRECTOR
SHARON DODSON	ASSISTANT IT DIRECTOR
ROSIE MUNOZ	IT DEPARTMENT
JERI STRONG	PIO/O&G LIAISON
STEVE MCCROSKEY	COUNTY PLANNER
CHRISTINE MCCROSKEY	PUBLIC WORKS FINANCE OFFICER
BRIAN STEPHENS	FACILITIES DIRECTOR
JOSHUA MACK	FIRE SERVICE DIRECTOR/FIRE MARSHALL
VERONICA PARRAS	HEALTH CARE ADMINISTRATOR
JENNIFER ARMENDARIZ	EMERGENCY MANAGER
FABIAN GOMEZ	LANDFILL SUPERVISOR
MIKE SMITH	CARLSBAD CURRENT ARGUS
DYLAN BARRERA	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):*** Luke Legate with Exxon Mobile Pipeline discussed a new project called Delaware Connector, which was a 65 mile pipeline moving crude and condensate. It would be producing 430K barrels daily.

Smith requested to move Item 10 to the 1st Item in the Trailing Agenda. Crockett moved to move Item 10 to the 1st item in the Trailing Agenda, seconded by Wood. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.

2. **SERVICE AWARDS:**

- a. **CAROL HENNINGTON, I.T. – 40 YEARS:** Wood presented Hennington with her award.
- b. **MIGUEL GARCIA, S.O. – 20 YEARS:** Wood and Cage presented Garcia with his award.
- c. **MICHAEL MOLINA, DETENTION – 15 YEARS:** Wood and Cage presented Molina with his award.
- d. **CLAYTON BALLARD, DETENTION – 5 YEARS:** Wood and Massingill presented Ballard with his award.
- e. **EDGAR MARTINEZ VASQUEZ, DETENTION – 5 YEARS:** Not present.
- f. **ALFREDO GUEVARA, S.O. – 5 YEARS:** Wood and Cage presented Guevara with his award.

TRAILING AGENDA:

10. **CONTRIBUTION FROM PETTIGREW & ASSOCIATES – WES HOOPER:** Debra Hicks, owner of Pettigrew and Associates stated the company was founded in 1965 by her father and she now owned the company. She stated they were an engineering and surveying firm and had completed over 1500 hours of community service. She presented the Commissioners with a check in the amount of \$27,7744 as a donation to assist the York and Main Sewer Project. She stated this money was needed to complete the project for the curbing and gutter finishing.

1. **APPROVE:**

- a. **PURCHASE CARD REPORT FOR APRIL 2019:** Crockett moved to approve the Purchase Card Report for April 2019, seconded by McCutcheon. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0. The purchase card report for April 2019 was recorded as Exhibit 1.a.

2. **TREASURERS' REPORT FOR APRIL 2019 – LAURIE PRUITT:** This was an FYI item. The Treasurer's Report for April 2019 was recorded as Exhibit 2.
3. **APRIL 2019 REVENUE REPORT – ROBERTA SMITH:** Smith stated the monthly gross receipts tax received was \$1.3 million. The oil and gas revenue collected was \$1.9 million. As of the month of April, the total oil and gas revenue collected was \$23.7 million. Carlson moved to approve the April 2019 Revenue Report, seconded by Crockett. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0. The April 2019 Revenue Report was recorded as Exhibit 3.
4. **BUDGET VS. ACTUAL – APRIL REVENUE AND EXPENSES – ROBERTA SMITH:** Smith stated county-wide, they had collected 92% overall revenue, out of \$121 million. The County had expensed about \$117 million, which was 71% of total expenses. The General Fund had collected \$56 million. The General Fund Expenses should be at 83% and were currently at 78%. The Road Department Fund was 93% collected for overall revenue. The majority of the shortfall there was the monies owed from the City that had not been paid for their part of the Standpipe project. The Road Department expenses were a little over at 88%. Carlson moved to approve the Budget vs. Actual-April Revenue and Expenses, seconded by McCutcheon. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0. The Budget vs. Actual-April Revenue and Expenses was recorded as Exhibit 4.
5. **R-19-50; FY 2019-2020 INTERIM BUDGET APPROVAL – ROBERTA SMITH:** Smith presented a summary recap of the interim budget. Carlson moved to approve R-19-50; FY 2019-2020 Interim Budget, seconded by Crockett. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0. R-19-50; FY 2019-2020 Interim Budget was recorded as Exhibit 5.
6. **DISCUSSION OF EDDY COUNTY HUMAN RESOURCES HIRING PROCESS – ROXANN BRANNON:** Brannon stated they made a few changes in the hiring practice with the Sheriff's Department and believed the Sheriff was happy with those changes. She also stated the five-day window allowing applicants to get additional paperwork in to Human Resources was in the policy and procedure book. If the commissioners wished to change that, they would have to revise the personnel policy. Crockett stated she felt it should be left alone. Brannon stated they were also looking into other companies for employment verification and would be looking further into the cost and time frame for completion. They would bring this back to the Commission at a later date with additional information.
7. **DISCUSSION AND DIRECTION REGARDING SCOPE OF WORK IN THE PSA FOR THE CITY OF ARTESIA AND THE CITY OF CARLSBAD FY 19-20 – ROBERTA SMITH AND WES HOOPER:** Smith provided an explanation of how the cities of Artesia and Carlsbad allotted the money received from the County in their PSA. McCutcheon stated that Artesia's was more concise and he liked that one better. Henry agreed with McCutcheon, stating Artesia's was very specific. West stated that the

wording came from each of the cities. Henry stated that maybe that could be worked on in the future.

8. **DONATION FROM BRANTLEY FARMS AND MCDONALD FARMS, LLC FOR PURCHASE OF TACTICAL EQUIPMENT – SHERIFF MARK CAGE:** Cage stated the SWAT Tactical Team was in need of additional equipment that was not in the budget. Cage stated he strived to partner with the community asking for support. Brantley Farms donated \$10K and McDonald Farms donated \$5K. Cage stated that any time he received donations, he sent a letter on letterhead thanking the individuals and/or companies along with a certificate. McCutcheon moved to approve using the donations from Brantley Farms and McDonald Farms, LLC for the purchase of tactical equipment, seconded by Carlson. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.
 9. **CHIP SEAL HERMOSA – WES HOOPER:** Smith stated the project was a CAP project and budgeted at \$257K. \$981,8611.98 had been spent so far. She believed there had been a miscommunication in the request. McCutcheon asked how \$700K could be missed. Carlson stated he felt the project needed to be finished. Henry asked how that could be missed and stated it was unfair to the city. He stated miscommunications needed to stop and could not continue to happen, but the project needed to be finished. Wood asked if the County had the monies to complete the project. Smith stated it was not budgeted, but could be done. Carlson moved to approve the chip seal on Hermosa, seconded by Wood. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.
 11. **PURCHASE OF FOUR 40 YARD ROLL-OFF CONTAINERS – WILL TYSON:** Gomez stated they were replacing old containers and there was money in the budget. He would take the old containers and use them at the land fill. Smith stated they were short on containers and needed them. Crockett agreed. Crockett moved to approve the purchase of four 40 yard roll-off containers, seconded by Wood. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.
 12. **DONATION OF SCBAS TO FRIBERG-COOPER VOLUNTEER FIRE DEPARTMENT – TRAVIS OLBERT:** Mack stated the SCBA packs wouldn't work with what they had, so they wanted to donate them. Crockett moved to approve the donation of SCBAS to Friberg-Cooper Volunteer Fire Department, seconded by Wood. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.
- Smith requested to remove Items 13, 14 and 15 from the agenda and stated they would be placed back on the agenda at a later date. McCutcheon moved to remove Items 14, 15 and 16 from the agenda, seconded by Crockett. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.
13. **ECFS TRAINING COMPLEX CLASSROOM CONFIRMATION – TRAVIS OLBERT:** Removed.
 14. **ECFS TRAINING GROUNDS CONFIRMATION – TRAVIS OLBERT:** Removed.

15. **ECFS K9 TRAINING GROUNDS WAIVER – JOSH MACK: -Removed.**
16. **ATOKA VFD DURATRACKS – JOSH MACK:** Zuniga stated adding Duratracks would help the stability of the ATV and was safer for the unit. It would also assist in search and rescue and EMS. He added there was money in the budget. Crockett moved to approve the purchase of the Duratrack tires using the fire excise funds, seconded by Carlson. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.
17. **DECOMMISSION OTIS GYM – BRIAN STEPHENS:** Stephens stated the evaporative units in the gym were in poor shape. He suggested closing the building until it was decided whether to renovate or repair the problems. Carlson stated he was not on board to close that facility because people were still renting it and this was in his District. Wood moved to approve the decommissioning of the Otis Gym, seconded by McCutcheon Voting yes: Wood, Crockett, McCutcheon and Henry. Voting no: Carlson. Passed 4-1.
18. **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-19-46; EDDY COUNTY FIXED ASSET POLICY – JESSICA STYGAR:**
 - ii. **R-19-47; DISPOSAL, REMOVAL, OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR:**
 - iii. **R-19-48; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS:**
 - iv. **R-19-49; AMENDING, RESTATING AND REPLACING EDDY COUNTY OPEN MEETINGS ACT, RESOLUTIONS R-18-99 AND R-19-21 – ROBERTA SMITH/WES HOOPER:**
 - v. **R-19-51; ADJUSTMENT OF PRECINCT BOUNDARIES & CREATING NEW PRECINCTS IN EDDY COUNTY – ROBIN VAN NATTA:**
 - vi. **R-19-52; REVISING R-19-39; CORRECTION TO 3RD & 4TH QUARTER BUDGET ADJUSTMENTS – ROBERTA SMITH:**
- b. **AGREEMENTS:**
- i. **A-19-43; 2019 HIDTA GRANT SUB-AWARD RECIPIENT AGREEMENT WITH THE COUNTY OF LEA – WM. ROBERT SULLIVAN:**

ii. A-19-44; 2019 HIDTA GRANT SUB-AWARD RECIPIENT AGREEMENT WITH THE COUNTY OF LEA – WM. ROBERT SULLIVAN:

Smith wanted to pull R-19-49 for further discussion. McCutcheon moved to approve the Resolution and Agreement Consent Agenda as presented, pulling R-19-49, seconded by Crockett. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0. R-19-46 through R-19-48 were recorded as Exhibits 18.a.i-iii. R-19-51 and R-19-52 were recorded as Exhibits 15.a.v-vi. A-19-43 and A-19-44 were recorded as Exhibits 18.b.i-ii.

iv. R-19-49; AMENDING, RESTATING AND REPLACING EDDY COUNTY OPEN MEETINGS ACT, RESOLUTIONS R-18-99 AND R-19-21 – ROBERTA SMITH/WES HOOPER: Tabor stated that in light of the statute regarding the Open Meetings Act, if the Commission held meetings in Artesia, they would have to limit the topics and discussions only to matters pertaining to Artesia. It was also suggested a revision adding any Commissioner may appear by telephone in emergency situations only. Carlson asked if there could be problems regarding items approved outside of the County Seat. Tabor said there could potentially be problems if someone brought it up. Wood moved to approve R-19-49; Amending, Restating and Replacing Eddy County Open Meetings Act, Resolutions R-18-99 and R-19-21, seconded by Carlson. Voting yes: Crockett, McCutcheon, Henry, Carlson and Wood. Passed 5-0. R-19-49 was recorded as Exhibit 18.a.iv.

19. **PROJECT UPDATES:** None. Carlson asked when they would start getting updates again. Smith stated she would check on that and let them know.
20. **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. **DEPUTY ALEXANDER N. DUCHENE ATTENDED FIELD TRAINING OFFICER (FTO) TRAINING IN CLOVIS, NM FROM FEBRUARY 19 THRU FEBRUARY 22, 2019:**
- b. **AMBER DUGAS ATTENDED CHILD SEXUAL ASSAULT TRAINING IN RIO RANCHO, NM FROM MARCH 11 THRU MARCH 14, 2019:**
- c. **BRANDON GUTIERREZ ATTENDED NATIONAL REGISTRY EXAM FOR ADVANCED INTERMEDIATE EMT LICENSE ON APRIL 19, 2019 IN RUIDOSO, NM:**
- d. **JAMES T. LARA JR. ATTENDED NM VIN INVESTIGATOR COURSE FROM APRIL 21 THRU APRIL 24, 2019 IN ALBUQUERQUE, NM:**

- e. MICHAEL SHOTT ATTENDED V.I.N. INSPECTION/ADVANCE AUTO THEFT FROM APRIL 21 THRU APRIL 24, 2019 IN ALBUQUERQUE, NM:
- f. JESUS VAZQUEZ ATTENDED VIN RECERTIFICATION TRAINING APRIL 24 THRU APRIL 25, 2019 IN ALBUQUERQUE, NM:
- g. MICHELLE BOUDRIE AND DANNY SMITH ATTENDED ANIMAL CRUELTY INVESTIGATION TRAINING FROM APRIL 28 THRU MAY 3, 2019 IN ALBUQUERQUE, NM:
- h. TODD KARTCHNER ATTENDED IVES TRAINING AND COMPLIANCE FROM MAY 5 THRU MAY 10, 2019 IN CHESTER, VA:
- i. AMY LAWER ATTENDED ESCAPE CONFERENCE FROM MAY 16 THRU MAY 19, 2019 IN SOCORRO, NM:

FUTURE:

- j. RHONDA HATCH TO ATTEND ASSESSOR INFORMATION EXCHANGE FROM MAY 23 THRU MAY 24, 2019 IN SANTA FE, NM:
- k. RYAN ZUNIGA TO ATTEND SAFE CON 2019 FROM JUNE 2 THRU JUNE 8, 2019 IN PUEBLO, CO:
- l. VICE-CHAIRMAN ERNIE CARLSON TO ATTEND 2019 NACO ANNUAL CONFERENCE FROM JULY 11 THRU JULY 16, 2019 IN LAS VEGAS, NV:
- m. RIKKA YTURRALDE TO ATTEND EMERGENCY REPORTING SYSTEM TRAINING FROM JULY 15 THRU JULY 19, 2019 IN SAN ANTONIO, TX:

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

- 21. **EMERGENCY BUSINESS:** None.
- 22. **LEGISLATIVE UPDATE:** None.
- 23. **LEGISLATORS, ELECTED OFFICIALS AND COUNTY DEPARTMENT HEADS COMMENTS/ANNOUNCEMENTS/UPDATES:** Stephens stated they had replaced two air conditioner units in the detention center and that all units were running at the courthouse. He also stated roofs on all buildings were being inspected. He said he would like everyone to remember Lyman Graham, who worked for the school cafeterias and had done a lot for the community and recently passed away. Cage stated they held the annual Steve Ackerman Law Enforcement Memorial the week prior during police week. They raised \$2K from a steak fry and golf tournament. All proceeds go to the family of Steve Ackerman.
- 24. **INTERIM CO-COUNTY MANAGER'S COMMENTS / ANNOUNCEMENTS / UPDATES:** Smith stated Hooper was in Washington, DC meeting with the Federal Highway Administration to try and get some funding. Smith stated she and Stygar would be doing annual inventory the first week of June, so she would not be at the next meeting.

25. **COUNTY COMMISSIONERS' COMMENTS / ANNOUNCEMENTS /**

UPDATES: Crockett stated it had been a busy last few weeks and met with the Exxon President and the Governor as well. Crockett thanked Stephens and his team for the updates and phone calls keeping the Board informed and for all the late nights early morning and weekends they worked. She also thanked the Clerks and the Assessors for the outstanding customer service provided to her Secretary. McCutcheon stated the trip to North Dakota was really good. Their county resembled ours, but their state supported the county. He felt the trip was beneficial and they had learned a lot and hoped to implement some of their ideas here in Eddy County. They had addressed the housing situation with limited permits to man camps and building apartment complexes. Carlson wanted to recognize the Loving Girls Softball who took State the weekend before. He echoed McCutcheon in that the trip to North Dakota went really well. Carlson stated he wanted to work with NMSU to map out money going to the state and form a coalition with other counties, as North Dakota had done. He met with Chevron and that representative was familiar with those types of coalitions. They discussed putting a plan together to take to the Legislature. There was also a problem with the dumping of tires on rural roads from the oil and gas industry. The County charged to dump tires and there was state environmental paperwork that people were required to complete, but sometimes did not understand how. Illegal dumping then became a problem when we had to send our crews to pick up the discarded tires and other items to take to the dump. The process needed to be streamlined. Wood stated he had been in Albuquerque all week, where the Artesia track team came in second at State, the baseball team came in second and the softball team took State which gave them two consecutive Championships. Henry stated with Loving and Artesia softball teams winning State and Carlsbad who took second all teams played well. His daughter ran her personal best at the State Track meet. He stated there was nothing more American than watching his daughter run track and all of these young men and women compete. The most patriotic moment he had ever experienced was when the blue angels flew over the meet.

26. **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. **RIGHT TO WORK ORDINANCE – CAS TABOR.**

At 10:22 a.m., Carlson moved to go into Executive Session and to return at 10:40 a.m., seconded by McCutcheon. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.

27. **RE-OPEN MEETING:** At 10:42 a.m., McCutcheon moved to reopen the meeting and certified the only items discussed were:

a. **THREATENED OR PENDING LITIGATION:**

i. **RIGHT TO WORK ORDINANCE – CAS TABOR.**

seconded by Carlson. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry. Passed 5-0.

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

a. THREATENED OR PENDING LITIGATION:

i. RIGHT TO WORK ORDINANCE – CAS TABOR.

None taken.

29. **ADJOURN:** At 10:43 a.m., Wood moved to adjourn the meeting, seconded by McCutcheon. Voting yes: Carlson, Wood, Crockett, McCutcheon and Henry.
Passed 5-0.

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIR: _____

ATTEST: _____

DATE: _____