

EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
June 25, 2019

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on June 25, 2019 at 6:00 p.m. Smith called the meeting to order and led the Pledge of Allegiance and the Salute to the New Mexico State flag. Henry 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	CLERK
DARLENE ROSPRIM	CHIEF DEPUTY CLERK
RONDA NELSON	DEPUTY CLERK
GEMMA FERGUSON	ASSESSOR
ALAN GRIFFITH	CHIEF DEPUTY SHERIFF
BILLY MASSINGILL	WARDEN
MARIA MALDONADO-MERJIL	CHIEF DEPUTY ADMINISTRATOR
TERRA DOUGAN	ADMINISTRATIVE ASSISTANT
ROBERTA SMITH	FINANCE DIR/ CO-COUNTY MGR
JESSICA STYGAR	ASSISTANT FINANCE DIRECTOR
ROXANN BRANNON	HR DIRECTOR
AISSA LARA	HR ASSISTANT
CHARLIE POWELL	SAFETY DIRECTOR
CAROL HENNINGTON	IT DIRECTOR
SHARON DODSON	ASSISTANT IT DIRECTOR
WESLEY HOOPER	COMM SVCS DIR/CO-COUNTY MGR
JERI STRONG	PIO/O&G LIAISON
STEVE MCCROSKEY	COUNTY PLANNER
BRIAN STEPHENS	FACILITIES DIRECTOR
JASON BURNS	PUBLIC WORKS MANAGER
CHRISTINE MCCROSKEY	PUBLIC WORKS FINANCE
JENNIFER ARMENDARIZ	EMERGENCY MANAGER
FABIAN GOMEZ	LANDFILL SUPERVISOR
JOSHUA MACK	FIRE SRVC DIR/FIRE MARSHALL
VERONICA PARRAS	HEALTH CARE ADMINISTRATOR
MIKE SMITH	CARLSBAD CURRENT ARGUS
DAMIEN CAPELLO	RED ROCKET MEDIA

TIMED AGENDA

6:00 P.M.:

- 1. PUBLIC COMMENTS/ANNOUNCEMENTS. (THREE MINUTE TIME LIMIT PER PERSON) (WE REQUEST ALL COMMENTS BE RESPECTFUL AND COURTEOUS IN NATURE)** Nick Maxwell, Lea County resident, stated he was not in favor of the Eddy Lea Energy Alliance and that high-level waste was not wanted in the state. He encouraged the Board to not support the Alliance. He felt the company had been loose with open-meeting and procurement laws. He felt John Heaton should resign from his position.

Ken Harrington, King Road resident, related the issues of heavy truck traffic on the 0.6 mile dirt road. The residents had been inundated with dust and he requested a permanent surface be considered by the Board to alleviate the issue.

- 2. PRESENTATION AND REQUEST TO APPROVE THE EDDY-LEA ENERGY ALLIANCE RESOLUTION OF SUPPORT FOR THE HOLTEC CONSOLIDATED INTERIM STORAGE FACILITY – ROBERTA SMITH/WES HOOPER:** John Heaton detailed the background and progress on the Eddy-Lea Energy Alliance project. Interim storage was desperately needed and the project would be good for the area with 215 high salary permanent jobs. He stated safety was the number one concern of the project, noting the US had accomplished 1300 shipments and 850 naval shipments without an incident. He noted there were currently 68 interim storage facilities in the US with consolidated waste being the only difference at ELEA. The project had gone to RFP with Holtec having been chosen as the winning contractor. The Atomic Safety Board had addressed and thrown out as invalid many contentions that were presented to it. Heaton noted the facility would store waste underground with a passive cooling system. The waste would be shipped by rail to the facility. He encouraged the Board to endorse the project and approve the resolution. Crockett asked the Board to support the resolution and move forward with the project. She noted the City of Carlsbad was also voting on the project. McCutcheon felt it was another opposition point for the governor and Santa Fe to suppress Eddy County. Carlson felt the Board should support it. Henry inquired if town-hall events might be scheduled as he felt the community did not know what the project was about. Heaton stated the project had an outreach program and a meeting was held in Artesia a year ago. Henry inquired if the waste would be shipped through Artesia. Heaton stated the train would come

through Clovis, Roswell, Artesia and north Carlsbad. He stated the NRC required a dedicated train that would have priority over other trains and would have security guards onboard. Henry requested more outreach to the communities and Heaton agreed to speak at a town hall presentation. Crockett moved, seconded by Carlson to approve the Resolution to endorse ELEA. Voting yes: McCutcheon, Carlson, Wood and Crockett. Voting no: Henry. Passed 4-1. The Eddy-Lea Energy Alliance Resolution was recorded as Timed Agenda Exhibit 2.

TRAILING AGENDA:

1. APPROVE:

- a. **COMMISSION MEETING MINUTES FOR JUNE 4, 2019:** Wood moved, seconded by McCutcheon to approve the Commission Meeting Minutes for June 4, 2019. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0.
 - b. **SPECIAL COMMISSION MEETING MINUTES FOR JUNE 12, 2019:** Crockett moved, seconded by McCutcheon to approve the Commission Meeting Minutes for June 12, 2019. Voting yes: McCutcheon, Carlson and Crockett. Abstaining: Henry and Wood. Passed 3-0.
 - c. **EXPENSE APPROVAL REPORT FOR MAY 2019:** McCutcheon moved, seconded by Wood to approve the Expense Report for May 2019. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0. The Expense Approval Report for May, 2019 was recorded as Exhibit 1.c.
 - d. **PURCHASE CARD REPORT FOR MAY 2019:** Crockett moved, seconded by Wood to approve the Purchase Card Report for May 2019. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0. The Purchase Card Report for May 2019 was recorded as Exhibit 1.d.
2. **MAY 2019 REVENUE REPORT – ROBERTA SMITH:** Smith detailed the GRT and oil and gas revenues. She stated the revenue figures had been conservatively projected during the budget process. Oil and gas was over budget \$12.5M and GRT was over budget \$6.3M for May. McCutcheon moved, seconded by Carlson to approve the May 2019 Revenue Report. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0. The May 2019 Revenue Report was recorded as Exhibit 2.
 3. **GENERAL FUND FY 2017-2018 10% SAVINGS – ROBERTA SMITH:** Smith stated the previous \$11.4M surplus had allowed for 10 percent to be set aside in a special revenue fund, as recommended by the Finance

Committee. Smith noted the \$1.1M was still in the general fund and requested the Board's guidance on moving the funds into a special revenue fund to be used for something specifically. Her recommendation was to transfer the funds to building construction fund as the fund was depleted to less than \$1M. A capital improvement fund and road construction fund could also be considered. Commissioners and Department Heads discussed their ideas on utilizing the funds. Improving safety on Eddy County roads, building maintenance and splitting the funds between projects was discussed. Carlson noted that the roads were in an emergency crisis situation. Burns had been informed the County recently broke a drive train on a fire truck on Bounds Road. Stephens felt the County was more prepared to address the road issues and fix them with available funds faster than to spend the funds wisely on the building issues. He noted several facilities had serious issues but they were not emergency situations like the roads were. Smith explained the difference between Road Fund, where Public Works infrastructure was housed, and the Road Construction Fund, where the FEMA monies had been located. The Road Construction Fund currently had no funds and its monies had to be earmarked for capital road projects, not for maintenance of roads. Carlson moved, seconded by Crockett to use the funds for road maintenance and improvements in the Road Fund. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0.

4. **REQUEST FOR SPECIAL COMMISSION MEETING – ROBERTA SMITH:** Smith requested a special meeting due to the month-end and fiscal year-end processes. Crockett moved, seconded by Wood to have a Special Commission Meeting specifically for year-end financials on July 30, 2019 at 8:30 a.m. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0.
5. **APPROVE/DISAPPROVE – TWO (2) INDIGENT BURIALS – VERONICA PARRAS:** McCutcheon moved, seconded by Carlson to approve two indigent burials. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0.
6. **APPROVE SAFETY NET CARE POOL CERTIFICATION OF PUBLIC FUNDS FOR FY 2018/2019 4TH QUARTER – VERONICA PARRAS:** Wood moved, seconded by Crockett to approve the Safety Net Care Pool Certification of Public Funds for FY 2018/2019 4th Quarter. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0. The Certification of Public Funds for FY 2018/2019 4th Quarter Safety Net Care Pool was recorded as Exhibit 6.
7. **REQUEST FOR THE BOCC TO APPOINT ARTESIA SPECIAL HOSPITAL DISTRICT BOARD OF TRUSTEES' RECOMMENDATION TO FILL VACANCY IN DISTRICT 2 – ROBERTA SMITH/WES HOOPER:** Jarrod Moreau had been recommended to fill the vacancy by the Hospital Board.

Wood moved, seconded by Crockett to appoint Jarrod Moreau as the District 2 Representative on the Artesia Hospital Board of Trustees. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0.

8. **INVITATION LETTER TO PRESIDENT DONALD TRUMP – ROBERTA SMITH/WES HOOPER:** Smith had received a letter from Otero County requesting other counties put together a letter to President Trump inviting him to examine the border crisis in New Mexico. Smith presented for approval a prepared letter inviting President Trump to New Mexico. Carlson moved, seconded by McCutcheon to send the invitation letter to President Trump. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0.

Break: To allow Commissioners to sign the letter to President Trump

9. **EDDY COUNTY 16-NR-I-01-G-07 SEWER SYSTEM IMPROVEMENTS/ BUDGET AMENDMENT #3 – WES HOOPER:** Hooper explained Change Order #2 was for a 60-day extension of the CDBG project and increasing the County's portion of leveraging funds by \$76,005.04. He explained various issues and the delay of closing the project. The bulk of the need for additional funds was incurred by the delay of NM Gas moving their gas line thus causing additional costs on the contractor. The project would be closed out after this change order. State approval was dependent on the dollar amount and also the extension of 120 days. Henry was contacted on the issue and agreed to completing the project before the June 30 due date to preclude losing any grant funding. Hooper stated Tabor was soliciting NM Gas Claims Department for reimbursement of the \$61K. Carlson moved, seconded by Crockett to approve Amendment #3 of 16-NR-I-01-G-07 Sewer System Improvements/ Budget. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0.

10. **REQUEST FOR APPROVAL OF LANDFILL ROAD OVERRUN – IPR INVOICE – JASON BURNS:** Burns stated the County was presented an invoice from IPR for overrun on a project. Hooper stated a PO had been put out and no change order was received for the invoice amount. He stated that staff recommended not paying the invoice due to the way it was presented. The County had discussion with the vendor and no documentation was presented that it was an overrun for the landfill. Hooper asked for and did not receive tickets from the vendor for backup documentation. Cas noted County policy would not allow payment without PO's. McCutcheon moved, seconded by Wood to not approve payment of the landfill road overrun IPR invoice. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0.

11. **RELINQUISH WATER UTILITY ON STANDPIPE ROAD – JASON BURNS:** Burns related Standpipe Road Phase 2 was completed, which did not

include City water utilities. The City would take over and provide water utility to the residents on Standpipe Road. John Lowe, City of Carlsbad Deputy Administrator, stated residents on Standpipe had requested service on the municipal water system. The request had been denied by the City until they took ownership. Carlson moved, seconded by Wood to relinquish to the City of Carlsbad the water utility on Standpipe Road. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0.

12. TERMINATION OF NATIONWIDE STATE PLAN 0036621001 – ROXANN

BRANNON: Brannon stated the Nationwide State Plan had been cancelled and was no longer serviced and required the County's signature to close the plan. She noted the County had a different Nationwide plan that employees contributed to. McCutcheon moved, seconded by Crockett to approve the termination of Nationwide State Plan 0036621001. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0.

13. 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-19-59; BOARD OF COUNTY COMMISSIONERS' DIRECTION TO CREATE AN ENERGY ADVISORY BOARD (EAB) – JERI STRONG.**
- ii. **R-19-61; BOARD OF REGISTRATION APPOINTMENT – ROBIN VAN NATTA.**
- iii. **R-19-62; FTI CONSULTING'S MONTHLY REPORT FOR MARCH 2019 – WES HOOPER/ROBERTA SMITH.**
- iv. **R-19-63 AND A-19-94; RESOLUTION AND AGREEMENT FOR MEMBERSHIP IN SOUTHEAST NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT/COUNCIL FOR GOVERNMENTS (SNMEDD/COG) – ROBERTA SMITH/WES HOOPER.**
- v. **R-19-64; FTI CONSULTING'S MONTHLY REPORT FOR APRIL 2019 – WES HOOPER/ROBERTA SMITH.**
- vi. **R-19-65; FTI CONSULTING'S MONTHLY REPORT FOR MAY 2019 – WES HOOPER/ROBERTA SMITH.**
- vii. **R-19-66; ARTESIA CHAMBER OF COMMERCE ADVOCACY REPORT FOR FIRST QUARTER – ROBERTA SMITH/WES HOOPER.**

- viii. R-19-67; ARTESIA CHAMBER OF COMMERCE ADVOCACY REPORT FOR SECOND QUARTER – ROBERTA SMITH/WES HOOPER.
- ix. R-19-68; ARTESIA CHAMBER OF COMMERCE ADVOCACY REPORT FOR THIRD QUARTER – ROBERTA SMITH/WES HOOPER.
- x. R-19-69; ARTESIA CHAMBER OF COMMERCE ADVOCACY REPORT FOR FOURTH QUARTER – ROBERTA SMITH/WES HOOPER.
- xi. R-19-70; DONATION OF EIGHT (8) CHEVROLET TAHOES AND ONE (1) FORD F-150 TO COUNTY SHERIFF'S OFFICES IN NEW MEXICO – SHERIFF MARK CAGE.
- xii. R-19-71; DISPOSAL, REMOVAL, OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR.
- xiii. R-19-72; FY 2018-2019 EDDY COUNTY ANNUAL INVENTORY CERTIFICATION – JESSICA STYGAR.
- xiv. R-19-73; NEW FUND CREATION – NMFA, OTIS VFD LOAN PPRF-4932 – ROBERTA SMITH.
- xv. R-19-74; DONATION OF EMERGENCY HAZMAT SPILL TRAILER – CHRIS CHAVARRIA.

b. AGREEMENTS:

- i. A-19-51; MARKETING SERVICES BY RED ROCKET MEDIA – CAROL HENNINGTON.
- ii. A-19-53; ROAD MAINTENANCE AGREEMENT FOR THE VILLAGE OF HOPE – JASON BURNS.
- iii. A-19-54; ROAD MAINTENANCE AGREEMENT FOR THE VILLAGE OF LOVING – JASON BURNS.
- iv. A-19-56; RENEWAL OF CONTRACT WITH JAMES HAMILTON CONSTRUCTION FOR PUBLIC WORKS RECOVERY AND INFRASTRUCTURE CONSTRUCTION – KATIE GOMEZ.
- v. A-19-57; RENEWAL OF CONTRACT WITH CONSTRUCTORS, INC FOR PUBLIC WORKS RECOVERY AND INFRASTRUCTURE CONSTRUCTION – KATIE GOMEZ.
- vi. A-19-58; RENEWAL OF CONTRACT WITH J&H SERVICES, INC. FOR PUBLIC WORKS RECOVERY AND INFRASTRUCTURE CONSTRUCTION – KATIE GOMEZ.
- vii. A-19-59; RENEWAL OF CONTRACT WITH AUI, INC. FOR PUBLIC WORKS RECOVERY AND INFRASTRUCTURE CONSTRUCTION – KATIE GOMEZ.
- viii. A-19-60; RENEWAL OF CONTRACT WITH RENEGADE CONSTRUCTION, LLC FOR PUBLIC WORKS RECOVERY AND INFRASTRUCTURE CONSTRUCTION – KATIE GOMEZ.

- ix. A-19-61; RENEWAL OF CONTRACT WITH GUARDIOLA CONSTRUCTION, INC. FOR PUBLIC WORKS RECOVERY AND INFRASTRUCTURE CONSTRUCTION – KATIE GOMEZ.
- x. A-19-62; RENEWAL OF CONTRACT WITH PETTIGREW AND ASSOCIATES P.A. FOR ON-CALL ENGINEERING, SURVEYING, TESTING AND/OR ENVIRONMENTAL SERVICES – KATIE GOMEZ.
- xi. A-19-63; RENEWAL OF CONTRACT WITH MILLER ENGINEERS, INC. DBA SOUDER, MILLER & ASSOCIATES FOR ON-CALL ENGINEERING, SURVEYING, TESTING AND/OR ENVIRONMENTAL SERVICES – KATIE GOMEZ.
- xii. A-19-64; RENEWAL OF CONTRACT WITH BOHANNAN HUSTON, INC. FOR ON-CALL ENGINEERING, SURVEYING, TESTING AND/OR ENVIRONMENTAL SERVICES – KATIE GOMEZ.
- xiii. A-19-65; RENEWAL OF CONTRACT WITH SCS ENGINEERS FOR ON-CALL ENGINEERING, SURVEYING, TESTING AND/OR ENVIRONMENTAL SERVICES – KATIE GOMEZ.
- xiv. A-19-66; RENEWAL OF CONTRACT WITH GORDON ENVIRONMENTAL/PSC FOR ON-CALL ENGINEERING, SURVEYING, TESTING AND/OR ENVIRONMENTAL SERVICES – KATIE GOMEZ.
- xv. A-19-67; RENEWAL FROM RFP B-17-10, TO CONSTRUCTORS, FOR FEMA RELATED PUBLIC WORKS, RECOVERY, AND INFRASTRUCTURE CONSTRUCTION SERVICES – KATIE GOMEZ.
- xvi. A-19-68; RENEWAL FROM RFP B-17-10, TO JAMES HAMILTON CONSTRUCTION, FOR FEMA RELATED PUBLIC WORKS, RECOVERY, AND INFRASTRUCTURE CONSTRUCTION SERVICES – KATIE GOMEZ.
- xvii. A-19-69; RENEWAL FROM RFP B-17-10, TO J&H SERVICES, FOR FEMA RELATED PUBLIC WORKS, RECOVERY, AND INFRASTRUCTURE CONSTRUCTION SERVICES – KATIE GOMEZ.
- xviii. A-19-70; RENEWAL FROM RFP B-17-10, TO RENEGADE CONSTRUCTION, FOR FEMA RELATED PUBLIC WORKS, RECOVERY, AND INFRASTRUCTURE CONSTRUCTION SERVICES – KATIE GOMEZ.
- xix. A-19-71; RENEWAL FROM RFP B-17-10, TO GUARDIOLA CONSTRUCTION, FOR FEMA RELATED PUBLIC WORKS, RECOVERY, AND INFRASTRUCTURE CONSTRUCTION SERVICES – KATIE GOMEZ.
- xx. A-19-72; RENEWAL FROM RFP B-17-11, TO PETTIGREW AND ASSOCIATES, P.A., FOR FEMA RELATED

ENGINEERING, SURVEYING, TESTING, AND ENVIRONMENTAL SERVICES – KATIE GOMEZ.

- xxi. **A-19-73; RENEWAL FROM RFP B-17-11, TO MILLER ENGINEERS, INC. DBA SOUDER, MILLER & ASSOCIATES, FOR FEMA RELATED ENGINEERING, SURVEYING, TESTING, AND ENVIRONMENTAL SERVICES – KATIE GOMEZ.**
- xxii. **A-19-74; RENEWAL FROM RFP B-17-11, TO GORDON ENVIRONMENTAL, FOR FEMA RELATED ENGINEERING, SURVEYING, TESTING, AND ENVIRONMENTAL SERVICES – KATIE GOMEZ.**
- xxiii. **A-19-75; RENEWAL FROM RFP B-17-11, TO BOHANNAN HUSTON, INC., FOR FEMA RELATED ENGINEERING, SURVEYING, TESTING, AND ENVIRONMENTAL SERVICES – KATIE GOMEZ.**
- xxiv. **A-19-76; SERVICE AGREEMENT WITH THE CITY OF ARTESIA – ROBERTA SMITH/WES HOOPER.**
- xxv. **A-19-77; SERVICE AGREEMENT WITH THE CITY OF CARLSBAD – ROBERTA SMITH/WES HOOPER.**
- xxvi. **A-19-78; SERVICE AGREEMENT WITH THE VILLAGE OF HOPE – ROBERTA SMITH/WES HOOPER.**
- xxvii. **A-19-79; SERVICE AGREEMENT WITH THE VILLAGE OF LOVING – ROBERTA SMITH/WES HOOPER.**
- xxviii. **A-19-80; MEMORANDUM OF UNDERSTANDING FOR EXTENSION SERVICES IN EDDY COUNTY – ROBERTA SMITH/WES HOOPER.**
- xxix. **A-19-81; PROFESSIONAL SERVICES AGREEMENT WITH THE EDDY COUNTY FAIR BOARD – ROBERTA SMITH/WES HOOPER.**
- xxx. **A-19-82; PROFESSIONAL SERVICES AGREEMENT WITH CAVERN CITY ADVOCACY CENTER – ROBERTA SMITH/WES HOOPER.**
- xxxi. **A-19-84; SERVICE AGREEMENT WITH CARLSBAD MAINSTREET – ROBERTA SMITH/WES HOOPER.**
- xxxii. **A-19-85; SERVICE AGREEMENT WITH CARLSBAD HONOR GUARD – ROBERTA SMITH/WES HOOPER.**
- xxxiii. **A-19-86; SERVICE AGREEMENT WITH ARTESIA MAINSTREET – ROBERTA SMITH/WES HOOPER.**
- xxxiv. **A-19-87; PROFESSIONAL SERVICES AGREEMENT WITH PAWS AND CLAWS HUMANE SOCIETY, INC – ROBERTA SMITH/WES HOOPER.**
- xxxv. **A-19-88; PROFESSIONAL SERVICES AGREEMENT WITH NOAH'S ARK ANIMAL REFUGE, INC. – ROBERTA SMITH/WES HOOPER.**

- xxxvi. A-19-89; PROFESSIONAL SERVICES AGREEMENT WITH CARLSBAD COMMUNITY ANTI-DRUG & GANG COALITION – ROBERTA SMITH/WES HOOPER.
- xxxvii. A-19-90; PROFESSIONAL SERVICES AGREEMENT WITH 7024U OUTREACH CENTER INC. – ROBERTA SMITH/WES HOOPER.
- xxxviii. A-19-92; SERVICE AGREEMENT WITH GRAMMY’S HOUSE ARTESIA DOMESTIC VIOLENCE SHELTER INC. – ROBERTA SMITH/WES HOOPER
- xxxix. A-19-93; SERVICE AGREEMENT WITH NEW MEXICO STATE MOBILE LIBRARY – ROBERTA SMITH/WES HOOPER.
 - xl. A-19-95; ADVOCACY SERVICE AGREEMENT – ROBERTA SMITH/WES HOOPER.
 - xli. A-19-96; FEDERAL LOBBYING SERVICES – ROBERTA SMITH/WES HOOPER.
 - xlii. A-19-97; ECONOMIC DEVELOPMENT SERVICES FOR EDDY COUNTY (RFP-17-08) – ROBERTA SMITH/WES HOOPER.
 - xliii. A-19-98; SERVICE AGREEMENT WITH CARLSBAD CHAMBER OF COMMERCE – ROBERTA SMITH/WES HOOPER.
 - xliv. A-19-99; ECONOMIC DEVELOPMENT SERVICES FOR EDDY COUNTY (RFP-17-08) – ROBERTA SMITH/WES HOOPER.
 - xlv. A-19-100; PROFESSIONAL SERVICES AGREEMENT FOR GENERAL LEGAL SERVICES FOR EDDY COUNTY – ROBERTA SMITH/WES HOOPER.
 - xlvi. A-19-101; EQUIPMENT SERVICE CONTRACT WITH SPARKS OFFICE SOLUTIONS – ROBERTA SMITH/WES HOOPER.
 - xlvii. A-19-102; FINANCIAL PLAN WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE INSPECTION SERVICE WILDLIFE SERVICES (APHIS-WS) FOR JULY 1, 2019 THRU JUNE 30, 2020 – ROBERTA SMITH/WES HOOPER.
 - xlviii. A-19-103; WORK PLAN WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) ANIMAL AND PLANT HEALTH INSPECTION SERVICE WILDLIFE SERVICES (APHIS-WS) FOR JULY 1, 2019 THRU JUNE 30, 2020 – ROBERTA SMITH/WES HOOPER.
 - xlix. A-19-104; DETENTION CENTER MEDICAL SERVICES DIRECTOR RENEWAL #2 WITH DARLA BANNISTER, ACNP – KATIE GOMEZ.
 - I. A-19-105; ENGINEERING ON-CALL MASTER SERVICES AGREEMENT (MSA), TASK ORDER #3; NM 31/US 285

BUILD GRANT APPLICATION (2019) AND SUPPORTING SERVICES – WES HOOPER.

ii. A-19-106; SERVICE AGREEMENT WITH JD PALATINE FOR HUMAN RESOURCES SCREENING SERVICES – ROXANN BRANNON.

Crockett moved, seconded by McCutcheon to approve the Agreement/Resolution Consent Agenda pulling A-19-96 for discussion. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0. R-19-59, R-19-61 through R-19-74 were recorded as Exhibits 13.a.i through xv respectively. A-19-51, A-19-53, A-19-54, A-19-56 through A-19-82, A-19-84 through A-19-90, A-19-92, A-19-93, A-19-95, A-19-97 through A-19-106 were recorded as Exhibits 13.b.i. through xl and xlii through li respectively.

- xli. A-19-96; FEDERAL LOBBYING SERVICES – ROBERTA SMITH/WES HOOPER:** McCutcheon had questions on the current agreement with FTI Lobbying Service. Smith stated FTI handled all the County federal lobbying. Crockett added it was not in their contract that they do State lobbying, but they would do State lobbying if requested. Smith stated FTI was paid \$45K a year. Crockett noted the Artesia lobbying money went through its Chamber of Commerce. The County paid \$45K lobbying money to the Artesia Chamber. McCutcheon inquired of John Lowe if the City of Carlsbad used FTI. Lowe stated the City did use FTI only for federal lobbying. The County did not have a state lobbyist and paid \$90K for lobbying, \$45K for FTI and \$45K to Artesia Chamber of Commerce. Lowe stated the City had great results with FTI. Crockett felt the deal with FTI was invaluable in that there were offices and meetings the lobbyist had been able to get access for the County that would not have happened without FTI's phone call. Crockett stated the lobbyist was working for the County year-round attending caucuses and meetings, and personally delivering letters. Henry felt Artesia had a huge bang for the buck with that same amount of money by lobbying federally, locally and at the State. He felt the County should spend most of its lobbying time in the State. Crockett stated the lobbyist would be happy to change the contract. Carlson felt something was needed at the state level. He stated FTI was invaluable and the contract should be approved. Carlson reported without the contacts of the FTI group any efforts in Washington were futile. They were able to set meetings, get introductions and push the County's agenda forward. Lowe stated the City Council earmarked \$50K for lobbying services at the state level with \$10K for federal. Hooper requested to utilize the lobbyist's services at the federal level to get funding through DOE for the WIPP Route 128. McCutcheon felt he did not have enough information to approve the request and

wanted to perhaps bring it back to another budget. He felt lobbying efforts needed to be focused on the state level. Crockett stated the lobbyist was currently working on Hooper's DOE issue. Henry wanted to talk more about the topic. Smith stated \$45K was already allocated in the budget and this was for the actual contract, itself. Wood felt it should be left alone so as to not interfere with Hooper's current project. McCutcheon moved, seconded by Henry to table A-19-96, to be brought back with a broader discussion at a future meeting. Voting yes: McCutcheon, Henry. Voting no: Carlson, Wood and Crockett. Failed 2-3. Carlson moved, seconded by Crockett to approve the contract with FTI. Voting yes: Carlson, Wood and Crockett. Voting no: McCutcheon and Henry. Passed 3-2. A-19-96 was recorded as Exhibit 13.b.xli.

14. PROJECT UPDATES:

- a. **PUBLIC WORKS PROJECT UPDATE – STANDPIPE INTERSECTION AND ROAD – JASON BURNS:** Burns stated both phases had been substantially completed. The walk-through with the State, the contractor and engineers had been completed. One pedestrian crossing was a couple inches below spec. Extensions would be installed onto the pedestrian buttons before paying that final pay-out and requesting the final reimbursement and close-out the project.
- b. **LANDFILL PROJECT UPDATE – NEW CONVENIENT STATION, TIPPING FLOOR OPERATIONS, AND TIRE CLEAN UP – FABIAN GOMEZ.** Gomez presented photos depicting the upgrades and improvements at the Landfill. The new collection center opened last week and was for residents to keep them safely away from the heavy equipment and commercial trucks. The wait time had improved coming down from an average time of one hour to 30 minutes. The permit had been expanded to allow for a larger area for commercial vendors to dump. The open face permitted was 100 by 150. The convenience station was being utilized. A tire-chipper had been rented for a week to shred tires. The fee was \$20K per week. Tires were not allowed in the landfill cells and had to be handled separately. Burns stated tire grindings could now be used in roads. He stated a round-about was being researched to see if it was viable for the Landfill.

15. 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. WES HOOPER ATTENDED MEETING WITH US DOT AND XOCHITL TORRES SMALL IN WASHINGTON, DC FROM MAY 21 THRU MAY 23, 2019.
- b. KATIE DEVERS AND JOSEPH HOUSER ATTENDED EMT-B NATIONAL REGISTRY TEST IN ROSWELL, NM ON MAY 23, 2019.
- c. ALFREDO GUEVARA ATTENDED AN AUTOPSY IN ALBUQUERQUE, NM FROM MAY 28 THRU MAY 29, 2019.
- d. SGT. ALICIA MORENO, SGT. EDGAR ALEMAN, AND OFFICER DILLON SAMANIEGO ATTENDED CRISIS INTERVENTION TRAINING IN LOVINGTON, NM FROM JUNE 4 THRU JUNE 7, 2019.
- e. FABIAN GOMEZ AND ARTURO MUNOZ ATTENDED NMRC CONFERENCE IN ALBUQUERQUE, NM FROM JUNE 10 THRU JUNE 11, 2019.
- f. WILL TYSON TOOK A MACHINE TO WAGNER CAT IN HOBBS, NM ON JUNE 13, 2019.
- g. ALBERT GONZALEZ DROPPED OFF WATER TRUCK AT WAGNER AND PICKED UP DUMP TRUCK AT BRUCKNER IN HOBBS, NM ON JUNE 13, 2019.

FUTURE:

- h. NATALIE MANN TO ATTEND IAAO CLASS 201 IN SOCORRO, NM FROM JULY 14 THRU JULY 19, 2019.
- i. MICHELLE V. ARDOIN TO ATTEND 27TH ANNUAL ADMINISTRATIVE PROFESSIONALS CONFERENCE IN NEW ORLEANS, LA FROM SEPTEMBER 21 THRU SEPTEMBER 26, 2019.

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

16. EMERGENCY BUSINESS: None.

17. LEGISLATIVE UPDATE: None.

18. LEGISLATORS, ELECTED OFFICIALS AND COUNTY DEPARTMENT HEADS COMMENTS/ANNOUNCEMENTS/UPDATES: Mack stated the Village of Loving had their probation lifted by the State Fire Marshall's Office. Negotiations were ongoing on how to move forward with the Village.

Brannon stated a plaque was presented to the County for completion of RAP at the NMC conference. Burns would like to conduct a road assessment that would provide recommendations and a map of County roads. He stated currently the County was working off of complaints and felt technical backing would be helpful to prioritize the roads. He would present a proposal for discussion at a future meeting. Ferguson stated the State Assessed counts had been completed. She stated they had 130,000,000 in taxable value this year. Hooper updated on the 31/285 intersection. He and Stantec had met with over 150 local businesses to gain their support for the project. All were in support of the project, writing letters and donating funds to get the planning and design portion of the project completed. The project would go to the final board of PSP on Thursday for \$4.3M to complete the plan and design of the project, allowing the County to submit on the construction side of the grant application for \$25M. The project was estimated at \$32M. Smith stated the Board had approve the annual fixed asset inventory. Only two items were listed as unfound items in the County. The State would be notified of the missing items. She gave kudos to Jessica Stygar for her work on that project. Finance was now offering ACH EFTP payments for vendors.

19. INTERIM CO-COUNTY MANAGER’S COMMENTS/ANNOUNCEMENTS/UPDATES: None.

20. COUNTY COMMISSIONERS’ COMMENTS/ANNOUNCEMENTS /UPDATES: Crockett stated she and Carlson had attended the Conoco Phillips ribbon cutting. She was pleased they had closed their Midland, TX office, and moved to Eddy County. She congratulated Sheriff Mark Cage for being installed as NM Counties President. McCutcheon felt things were running pretty well in the County and appreciated the efforts of the good people here. He had received complaints on Cherry Lane Park being dry. Wood continued to receive calls on trucking companies and noise on County roads. Carlson had also received calls about truck traffic and had concerns for the residents in the developed areas in the County. He wanted to look into putting speed bumps in those areas to slow drivers down to the posted speed limits. Henry had been in Texas and noted the bypasses with no roads attached. He did not like the windmills in Texas and preferred to see pump jacks. He thanked the road department.

21. 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. **DISCUSSION ON COUNTY EXECUTIVE MANAGEMENT PERSONNEL – CAS TABOR.**
- b. **THREATENED OR PENDING LITIGATION:**
 - i. **EDDY COUNTY DETENTION CENTER – CAS TABOR.**

At 8:05 p.m., McCutcheon moved, seconded by Carlson to go into Executive Session, returning at 8:30 p.m. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0.

22. RE-OPEN MEETING: At 9:20 p.m., Carlson moved, seconded by Crockett to reopen the meeting and certified the only items discussed were Limited Personnel Matters and Threatened or Pending Litigation as stated. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0.

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

a. LIMITED PERSONNEL MATTERS:

i. DISCUSSION ON COUNTY EXECUTIVE MANAGEMENT PERSONNEL – CAS TABOR. No action taken.

b. THREATENED OR PENDING LITIGATION:

i. EDDY COUNTY DETENTION CENTER – CAS TABOR. No action taken.

24. ADJOURN: At 9:21 p.m. Carlson moved, seconded Crockett by to adjourn the meeting. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed. 5-0.

Chairman, Eddy County Commission

Attest:

County Clerk

Date: _____