

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
JULY 6, 2021**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on July 6, 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. Rosprim 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
MARK CAGE	SHERIFF
ROBERTA SMITH	FINANCE DIRECTOR
BILLY MASSINGILL	DETENTION WARDEN
TERRA DUGAN	ADMINISTRATIVE ASSISTANT
ROXANN BRANNON	HR DIRECTOR
CAROL HENNINGTON	INFO SYSTEMS DIR
ANDREW MEDRANO	INFO SYSTEMS
KEN KEMP	INFO SYSTEMS
JERRY FANNING	PUBLIC & GOVT AFFAIRS DIRECTOR
JASON BURNS	PUBLIC WORKS DIRECTOR
STEVE MCCROSKEY	COUNTY PLANNER
JOSHUA MACK	FIRE SERVICE DIRECTOR/MARSHAL
JENNIFER ARMENDARIZ	EMERGENCY MANAGER
BRIAN STEPHENS	M&O SUPERVISOR
MIKE SMITH	CARLSBAD CURRENT ARGUS
DAMIEN CAPELLO	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.

2. **SONNY HOPE RETIREMENT FROM LOCO HILLS VOLUNTEER FIRE DEPARTMENT – JOSHUA MACK.** Hope was unable to attend and would be recognized at the next Commission Meeting.

TRAILING AGENDA:

1. **APPROVE:**

- a. ***COMMISSION MEETING MINUTES FOR JUNE 15, 2021:** Carlson moved, seconded by Beard, to approve the Commission Meeting Minutes for June 15, 2021. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed. 5-0.
 - b. ***PURCHASE CARD APPROVAL REPORT FOR MAY 2021:** Cordova moved, seconded by Henry, to approve the Purchase Card Report for May 2021. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed. 5-0. The Purchase Card Report for May 2021 was recorded as Exhibit 1.b.
2. **TREASURER’S REPORT FOR MAY 2021 – LAURIE PRUITT:** FYI only. The May 2021 Treasurer’s Report was recorded as Exhibit 2.
 3. ***MAY 2021 REVENUE REPORT – ROBERTA SMITH:** Smith reported Gross Receipts Taxes received were \$2,090,526. She stated GRT was still under the budgeted revenue but was up due to the two extra GRTs from the Indigent Fund. Davis clarified those items were new to the General Fund. Oil and Gas Revenue received was \$3,624,755. Carlson moved, seconded by Beard, to approve the May 2021 Revenue Report. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed. 5-0. The May 2021 Revenue Report was recorded as Exhibit 3.
 4. ***BUDGET VS. ACTUAL – MAY REVENUE AND EXPENSES – ROBERTA SMITH:** Smith stated county-wide the collection mark for revenue was 100% and the overall expenses were under at 67%. General Fund revenue was over budget, around \$75M and expenses were well under at 86%. The General Fund for next year would show a surplus of \$2M. The Road Department had collected 95% of revenue and expensed 76% overall, closing out at 92%. Carlson moved, seconded by Cordova, to approve the Budget vs. Actual May Revenue & Expenses Report. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed. 5-0. The May Budget vs. Actual Revenue & Expenses Report was recorded as Exhibit 4.
 5. ***REQUEST FOR SPECIAL COMMISSION MEETING – ROBERTA SMITH:** Smith requested a special meeting for year-end budget close-out and approving next year’s budget. Cordova moved, seconded by Henry, to set a Special Commission Meeting for July 27, 2021 at 8:30 a.m. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed. 5-0.

6. ***RECLASSIFICATION OF S.O. ADMINISTRATION AND RECORDS SECRETARY TO S.O. TRAINING SPECIALIST – SHERIFF MARK CAGE:**
Cage stated this was a housekeeping issue since the Records Clerk had been utilized as a Training Specialist to cover all training/tracking mandates. The current clerk was leaving and Cage would like the replacement job description to accurately depict the position duties. The only change would be in the name of the position and the job description. Henry moved seconded by Beard, to approve the reclassification of SO Administration and Records Secretary to SO Training Specialist. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed. 5-0.
7. **PERMIAN BASIN ROAD SAFETY COALITION RECOGNITION – JOSHUA MACK:** This item was pulled and deferred to the next meeting.
8. ***REQUEST TO SET A PUBLIC HEARING DATE TO CONSIDER ADOPTION OF O-21-101; EDDY COUNTY LODGER’S TAX ORDINANCE – STEVE MCCROSKEY:** McCroskey stated the public hearing needed to be set for the possible adoption of the revised O-21-101. He stated four public meetings had been held for constituent input with none received. Tabor added the Commission was to utilize current information to have it considered at a public meeting. McCroskey stated the meeting required a two-week notice advertising deadline. Tabor stated action on the item could be taken after the public hearing at a Commission meeting. Carlson moved, seconded by Cordova, to set a public hearing date to consider adoption of O-21-101 for the August 3, 2021 Commission Meeting. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed. 5-0.
9. ***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-21-66; RESOLUTION EXPRESSING SUPPORT FOR THE OIL & GAS INDUSTRY DEVELOPMENT AND PRODUCTION WHICH PROVIDE SUBSTANTIAL TAX REVENUES WHICH COMPRISE A SIGNIFICANT CONTRIBUTION TO THE FINANCIAL SUCCESS OF STATE GOVERNMENT, LOCAL GOVERNMENTS AND SCHOOLS IN THE STATE OF NEW MEXICO – ALLEN DAVIS.**

- ii. R-21-67; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.
- iii. R-21-72; FY 2020-2021 EDDY COUNTY ANNUAL INVENTORY CERTIFICATION – JESSICA STYGAR.
- iv. R-21-73; DISPOSAL, REMOVAL, OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY /ASSETS – JESSICA STYGAR
- v. R-21-74; FTI CONSULTING’S MONTHLY REPORT FOR JUNE 2021 – ALLEN DAVIS.
- vi. R-21-75; DECLARATION OF LOCAL FLOODING DISASTER IN EDDY COUNTY, NEW MEXICO – ALLEN DAVIS.

b. AGREEMENTS:

- i. A-21-50; WEBEOC SUBSCRIPTION AGREEMENT WITH EDDY COUNTY FIRE & RESCUE – JOSHUA MACK.
- ii. A-21-61; SERVICE AGREEMENT WITH THE VILLAGE OF LOVING – ALLEN DAVIS.
- iii. A-21-85; IPMA-HR MASTER SERVICES AND LICENSE AGREEMENT – ROXANN BRANNON.
- iv. A-21-92; MOU WITH ADMINISTRATIVE OFFICE OF THE COURTS (AOC) FOR DRUG TESTING SERVICES THROUGH ASU IN SUPPORT OF THE DWI TREATMENT COURT PROGRAM – WARDEN MASSINGILL.
- v. A-21-93; DFA GRANT AGREEMENT 22-E-46 – BAMBI KERN.
- vi. A-21-94; MOU BETWEEN THE EDDY COUNTY DWI PROGRAM AND THE DWI/DRUG COURT – CYNTHIA SHARIF.
- vii. A-21-95; TRANS-AERO MEDEVAC DORM RENTAL CONTRACT RENEWAL – JOSHUA MACK.
- viii. A-21-96; TRANS-AERO MEDEVAC HELIPAD RENTAL CONTRACT RENEWAL – JOSHUA MACK.
- ix. A-21-97; AGREEMENT BETWEEN NEW MEXICO DEPARTMENT OF TRANSPORTATION AND THE EDDY COUNTY SHERIFF’S OFFICE FOR FUNDING OF THE EDUCATION & ENFORCEMENT PROJECT – SHERIFF MARK CAGE.
- x. A-21-99; EQUIPMENT SERVICE CONTRACT FOR COPIER IN MAILROOM – ALLEN DAVIS.

Cordova moved, seconded by Carlson, to approve the Resolution/Agreement Consent Agenda, pulling Item R-21-75 for discussion. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed 5-0. R-21-66, R-21-67, R-21-72 through R-21-74 were recorded as Exhibits 9.a.i. through 9.a.v., respectively. A-21-50, A-21-61, A-21-85, A-21-92 through A-21-97 and A-21-99 were recorded as Exhibits 9.b.i. through 9.b.x, respectively. Referring to R-21-75, Davis stated if the declaration was not made, the County would forfeit the opportunity to qualify for other funds, should it choose to seek funding.

Davis strongly urged all to stay safe and not breach any barricaded road closures. Henry moved, seconded by Cordova, to approve R-21-75. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed 5-0. Davis noted the date on R-21-75 should be June 27. McCutcheon moved to approve R-21-75 with the corrected date of Sunday, June 27. Henry moved, seconded by Cordova to approve R-21-75 with the corrected date of June 27. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed 5-0. The corrected R-21-75 was recorded as 9.a.vi.

10. DEPARTMENT UPDATES: Hennington stated a company out of Florida that the County uses had been attacked by a Russian ransomware group. They provided the service allowing remoting to other computers. The County connected to a server in Albuquerque that in turn connected to Florida. A patch was in the works. Hooper presented a forecast on the Arrowhead presentations. Senator Diamond had recommended to access the LFCs agenda and make the presentation to them. Senator Munoz would notify him if that presentation could be given in Albuquerque. A presentation was scheduled for Valencia County Commission. The East Loop Phase 2 final design meeting would be held this week and would go out to bid in the next couple of weeks. Phase 3 funding of \$6M had been applied for through the State, having been broken up into three phases. Phase 1 completion could be at least another month due to weather issues. Burns stated crews were out evaluating the roads and flooding damage. He thanked all for reporting issues and damages. He stated the day it started raining, all of last year's scheduled projects had been completed. Mack thanked the volunteers, staff, OEM, SO, CFD, AFD, State Police, CPD, public works for their help and the Bernalillo County FD for sharing their air boat for rescue. Mosaic had two air boats on standby for County use. Three departments were dispatched to every call due to switching to Division Tones. He introduced new employees: Brannon Porch, a paramedic from Bernalillo County, with 30 years of fire and EMS service; Jarod Zuniga will be Deputy Chief of Administration with 23 years of law enforcement and fire experience. Smith stated Finance was starting the audit process, finishing inventory and closing out the end of the year.

11. LEGISLATIVE UPDATES: Fanning updated the Commission on the LFC meeting. He had sent a link to the Oil and Gas report that had been presented there. He felt there was a trend in the next couple years of O&G prices continually increasing. Secretary Sandoval, DOT, was supportive of the importance of District II Road projects in keeping O&G running for the State. He stated that on July 14 the Radioactive and Hazardous Materials Interim Committee would meet in Carlsbad. He had had meetings with the Cattle Growers and Permian Basin Petroleum Association concerning the potential listing of Lesser Prairie Chicken. Fish and Wildlife was open to giving an exception to the request for listing of the Texas Hornshell Mussel declaring the Black River and Delaware portions as critical habitat for the species.

Fanning suggested the Commission take the issue under consideration at the next meeting.

- 12. *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. **DAVID HARKNESS AND ATANACIO LOPEZ TRAVELED TO SARASOTA, FL TO PERFORM FINAL INSPECTION ON MALAGA AND OTIS VFD TANKERS FROM JUNE 21 THRU JUNE 24, 2021.**
- b. **JUAN ZAMARRON ATTENDED SIG SAUER P320 ARMORER IN SAN ANTONIO, TX FROM JUNE 24 THRU JUNE 26, 2021.**

FUTURE

- c. **ALEX HERRERA TO ATTEND FIREFIGHTER I AND PORTABLE PUMPS AND WATER USE IN SALIDA, CO FROM JULY 11 THRU JULY 15, 2021.**
- d. **RORY PREECE, ALFREDO GUEVARA, AND ALEXANDER DUCHENE TO ATTEND CRIMINAL INVESTIGATIONS USING CELLULAR TECHNOLOGIES IN LAS VEGAS, NV FROM SEPTEMBER 19 THRU SEPTEMBER 25, 2021.**

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

- 13. EMERGENCY BUSINESS:** None.

- 14. LEGISLATORS AND ELECTED OFFICIALS' COMMENTS/ANNOUNCEMENTS/UPDATES:** Cage was proud of the "Welcome to Eddy County" signs. He had been elected to serve on the National Sheriff Association Executive Board, being the first NM sheriff to do so. Cage, along with eight NM sheriffs, visited a ranch on the border in Sierra Vista. He stated US Border Patrol and Customs stated illegal border crossings had increased 900% since January 1. The SO armored rescue vehicle was out of service and an alternate plan for the County was being pursued. The SO was proud to participate in the July 4 celebration that recognized WWII veterans, some of which were 100+ years old. The SO lead the boat parade. Cage stated the State governments of Texas, Arizona, Florida and Oklahoma were stepping up and doing the job of making improvements at the border. He stated the US was flying family members of illegal immigrants to the US to come stay with

them instead of taking them back to their families. Henry inquired about the Fentanyl issue; Cage replied there was no way to know how much was coming through undetected.

15. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES: Davis praised Armendariz of OEM, Mack and the Fire and Rescue Teams and all emergency responders for all their hard work and cooperation during the recent flooding events. He reiterated the County's strong finish of 2021, being on budget with revenues higher than forecasted. Eddy County services were open every day during the pandemic serving the community. He noted the Road Department had accomplished a lot of work and done very well, along with the Facilities Department and all the employees of Eddy County.

16. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES: Cordova thanked all the Emergency Responders. She encouraged the public to pick up their trash, having seen the Beach Area after the July 4th celebration. She stated July 7, Permian Basin Counselling and Guidance would hold a registration event at the Public Library for free services, no insurance required for counselling services. Henry praised Artesia softball team that "three-peated" as State Champions, with the girls' track team taking second at State. He encouraged all to watch the FFA farewell speech by Haley Klein's son. He was glad to see our freedom in NM being celebrated. He encouraged all to pay attention to road closure signs. Carlson addressed the public at the Veterans' ceremony. He was called for an interview by a reporter with questions on the economic affects of the O&G industry on unemployment and the job market in Eddy County. The reporter had spoken with an economist at the State Legislature who stated the O&G market would never be back after the O&G downturn and COVID 19, due to alternative energy diversification, automation within the industry and increases in the construction projects in NM in general. Carlson felt it was realistic that alternative energy would be an enhancement to oil and gas industry but never a replacement. He added new construction projects in NM were controlled by the revenue flow of the O&G industry. He noted the reduction of the O&G activity in SENM was not a function of the industry's automation but rather a direct result of a Legislative attack on the O&G industry and unfriendly business regulations that had created a poor business environment. The economic health of the State of NM was dependent upon revenue of O&G and the introduction of adversarial legislation, whether passed or not, created an unwelcome environment in NM, adding that businesses had a choice of where to do business and would choose a place that was business and regulation friendly. Beard thanked the emergency services and those who picked up the trash. He added to not quit praying for rain as we were five years behind. McCutcheon echoed the praise and thanks to emergency services, Fire Services and the SO. He stated to run a country, you had to apply the same principles you used in your home, such as balancing your check book. If you did not support the border wall, then leave your door

unlocked and the door open at your home. If an issue became complicated, take it home to the principles you learn in the home. He appreciated Cage coming back with good information that we could trust, which was what was lacking today.

17. *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) & (8), which authorizes the Board of County Commissioners to go into Executive Session to discuss:

a. THREATENED OR PENDING LITIGATION.

i. EDDY COUNTY FUNDS AND TRD LITIGATION – CAS TABOR

b. REAL PROPERTY.

i. DISCUSSION REGARDING COUNTY OWNED PROPERTY – CAS TABOR

At 10:09 a.m., Henry moved, seconded by Carlson, to go into Executive Session to return at 10:30 a.m. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed. 5-0.

18. *RE-OPEN MEETING: At 10:49 a.m., Carlson moved, seconded by Beard, to come out of Executive Session and certified the only items discussed were Threatened or Pending Litigation and Real Property. Voting yes: Cordova, Henry, McCutcheon, Beard and Carlson. Passed. 5-0.

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

a. *THREATENED OR PENDING LITIGATION

i. EDDY COUNTY FUNDS AND TRD LITIGATION – CAS TABOR.

b. *REAL PROPERTY.

i. DISCUSSION REGARDING COUNTY OWNED PROPERTY – CAS TABOR.

No action taken.

20.*ADJOURN: At 10:50 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~

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIR

ATTEST:_____

DATE: _____