

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
AUGUST 2, 2022**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on August 2, 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. He also gave the invocation.

PRESENT:

STEVE MCCUTCHEON	CHAIR, DISTRICT 4
FRED BEARD	VICE-CHAIR, DISTRICT 3
JON HENRY	COMMISSIONER, DISTRICT 2
ERNEST CARLSON	COMMISSIONER, DISTRICT 1
SARAH CORDOVA	COMMISSIONER, DISTRICT 5
ALLEN DAVIS	COUNTY MANAGER
WES HOOPER	COMMUNITY/ADMIN SRVCS DIR
CAS TABOR	COUNTY ATTORNEY
SCOTT LYND	SHERIFF OFFICE, CAPTAIN
ROBERTA SMITH	FINANCE DIRECTOR
ANISIA CERNA	PROCUREMENT MANAGER
BILLY MASSINGILL	DETENTION WARDEN
ADRIENNE JONES	EXEC ADMIN ASSISTANT
CAROL HENNINGTON	IT DIRECTOR
ROLAND RODRIGUEZ	IT SPECIALIST III
ANDREW MEDRANO	IT SPECIALIST I
JERI STRONG	PUBLIC INFO COORDINATOR
STEVE MCCROSKEY	COUNTY PLANNER
JASON BURNS	PUBLIC WORKS DIRECTOR
JAROD ZUNIGA	DEPUTY FIRE MARSHAL/FIRE SV DIR
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)** None.
2. **IFB/RFP/BID AWARDS:**
 - A. ***IFB 22-03 LAW ENFORCEMENT TASER FOR SHERIFF'S DEPARTMENT – ANISIA CERNA.** Staff recommended the award go to Axon. ConocoPhillips had donated four tasers to the SO and the

ARPA Fund would pay the remaining amount. Carlson moved, seconded by Cordova, to award IFB 22-03 as recommended. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0. IFB 22-03 was recorded as Timed Agenda Exhibit 2.A.

TRAILING AGENDA:

1. APPROVE:

- a. ***COMMISSION MEETING MINUTES FOR JULY 19, 2022.** Henry moved, seconded by Beard, to approve the Commission Meeting Minutes for July 19, 2022. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.
- b. ***PURCHASE CARD APPROVAL REPORT FOR JUNE 2022.** Cordova moved, seconded by Henry, to approve the Purchase Card Approval Report for June, 2022. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0. The Purchase Card Approval Report for June 2022 was recorded as Exhibit 1.b.

2. *REQUEST COMMISSION APPROVAL TO OPEN ORDINANCE O-13-76 EDDY COUNTY SUBDIVISION REGULATIONS FOR REVISIONS AND UPDATES – STEVEN MCCROSKEY.

McCroskey requested the ordinance be opened for review, discussion and revisions, possibly adjusting the fee schedule, cleaning up “housekeeping issues” and making the document more cohesive and easier to follow and understand. He hoped for a change that would allow administrative approval on summary subdivisions, streamlining the process. He noted the last revision had been in 2013. He would consult with surveyors, contractors, local municipalities and counties for suggestions, submit the document to P&D, hold public hearings and then seek Commission approval. Following discussion, Carlson moved, seconded by Beard, to open Ordinance O-13-76 for review and revisions. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.

3. *PURCHASE GENERATOR AND INSTALLATION FOR BOTH STAFFED STATIONS (STATION 2, COTTONWOOD MILL; AND STATION 14, LOVING 4TH STREET) – JOSHUA MACK.

Zuniga stated that stations housing paid staff were required by ISO to have generators. Carlson moved, seconded by Cordova, to approve the purchase and installation of generators for both staffed stations. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.

4. *PURCHASE THREE (3) 3,000-GALLON TANKERS – JOSHUA MACK.

Zuniga stated the tankers were not budgeted but funds were available to cover the purchase. Three chases would be ordered with one being delivered in January and the others in February 2023. The tankers would be standardized and match up to the rest of the fleet. Contract fees would be waived at the factory. For each one purchased, an old one would be

auctioned. He noted that for each engine call-out, four tankers were needed. The tankers being replaced were older that would require costly maintenance or had issues that would render them unusable. Davis added this would make the fleet more efficient. Cordova moved, seconded by Beard, to approve the purchase of three 3000-gallon tankers. 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-22-69 AND A-22-160; RESOLUTION AND AGREEMENT FOR MEMBERSHIP IN SOUTHEAST NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT/COUNCIL OF GOVERNMENTS (SNMEDD/COG) – ALLEN DAVIS.**
- ii. **R-22-70; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.**

b. **AGREEMENTS:**

- i. **A-22-151; MENTAL HEALTH AND OTHER SERVICES AGREEMENT BETWEEN CARLSBAD LIFEHOUSE INC. AND EDDY COUNTY IN REGARDS TO RFP 22-01 MENTAL HEALTH AND OTHER SERVICES – ANISIA CERNA.**
- ii. **A-22-159; COMMISSARY SERVICES AGREEMENT BETWEEN KEEFE COMMISSARY NETWORK, LLC AND EDDY COUNTY DETENTION CENTER IN REGARDS TO RFP 22-02 INMATE COMMISSARY – ANISIA CERNA.**
- iii. **A-22-161; ARCHITECTURAL/ENGINEERING (A/E) SERVICES AGREEMENT WITH STUDIO SOUTHWEST – WESLEY HOOPER.**
- iv. **A-22-162; SPARKS OFFICE SOLUTIONS EQUIPMENT SERVICE CONTRACT RENEWAL – JOSHUA MACK.**
- v. **A-22-163; CIVICGOV SUBSCRIPTION AND PRICING AGREEMENT – STEVEN MCCROSKEY.**
- vi. **A-22-166, A-22-167, AND A-22-168; THREE (3) WELL PLUG AGREEMENTS FOR THE PECOS VALLEY ARTESIAN CONSERVANCY (PVACD) TO PLUG WELL #RA-1008 (A-22-166), WELL #RA-1008-S (A-22-167), AND WELL #RA-1008-S2 (A-22-168), LOCATED ON EDDY COUNTY PROPERTY MANAGED BY THE ARTESIA GUN CLUB – ALLEN DAVIS.**

vii. **A-22-169; EQUIPMENT SERVICE CONTRACT WITH SPARKS OFFICE SOLUTIONS FOR COPIER IN MAIL ROOM OF ADMINISTRATION COMPLEX – ALLEN DAVIS.**

McCutcheon requested that 5.b.vi, A-22-166, A-22-167 and A-22-168 be pulled for discussion. Beard moved, seconded by Carlson, to approve the Resolution and Consent Agreement, pulling item 5.b.vi for discussion. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0. R-22-69, A-22-160 and R-22-70 were recorded as Exhibits 5.a.i and 5.a.ii respectively. A-22-151, A-22-159, A-22-161 through A-22-163 and A-22-169 were recorded as Exhibits 5.b.i. through 5.b.v. and 5.b.vii. respectively.

McCutcheon clarified the purpose of A-22-166 through A-22-168 was that wells were being plugged due to the fact that they were leaking and were a safety concern. Davis added that they were older wells from 1940 to 1950. There was a concern that ground water could be compromised in the future. PVACD had received taxes for the purpose of managing water and maintaining the aquifer and was the authority that maintained the wells. PVACD would plug the wells at no cost to the County. Carlson moved, seconded by Beard, to approve 5.b.vi, A-22-166, A-22-167 and A-22-168. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0. A-22-166, A-22-167 and A-22-168 were recorded as Exhibit 5.b.vi.

6. **ELECTED OFFICIAL/DEPARTMENT UPDATES.** Hooper informed that construction on Phase 2 of the SE Loop would begin in the next couple of weeks. Residents of the area would be given placards to place on their mirrors allowing them access in and out of the construction area. Zuniga stated the first seven new hires started, with two additional to begin next week. He added that Loving was now fully staffed with 24-hour coverage.
7. **LEGISLATIVE UPDATES.** None.
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

- a. **DILLON SAMANIEGO, WESLEY YERBY AND EDGAR ALEMAN TO ATTEND THE GRACIE SURVIVAL TACTICS INSTRUCTOR CERTIFICATION COURSE IN LITTLETON, COLORADO FROM JUNE 26 THRU JULY 2, 2022.**

- b. JAROD ZUNIGA, KENNEY RAYROUX AND DAVID HARKNESS TO ATTEND THE FINAL INSPECTION OF SUN COUNTRY SKEETER AND QUEEN TANKER IN WACO, TX AND BRADENTON, FL FROM JULY 17 THRU JULY 21, 2022.

FUTURE

- a. ERIC MORAN AND JARED ROSTRO TO ATTEND THE AT-SCENE TRAFFIC CRASH/TRAFFIC HOMICIDE INVESTIGATION IN STILLWATER, OK FROM SEPTEMBER 25 THRU SEPTEMBER 30, 2022.

- b. ERIC MORAN AND JARED ROSTRO TO ATTEND THE AT-SCENE TRAFFIC CRASH/TRAFFIC HOMICIDE INVESTIGATION IN STILLWATER, OK FROM OCTOBER 2 THRU OCTOBER 7, 2022.

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

9. EMERGENCY BUSINESS. None.

10. LEGISLATORS & ELECTED OFFICIALS' COMMENTS/ANNOUNCEMENTS/UPDATES. None.

11. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES.

Davis stated that school would begin soon and asked all to be cautious and mindful of the increased traffic as you drove. He noted vacancies were available for employment with the County, with a lot of opportunities in many departments.

12. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES.

Cordova echoed the school safety concerns and thanked the SO for the work coordinating with the schools. She felt the schools were something to be proud of. She expressed kudos to Smith and the Finance Department for great work on the budget. Cordova noted that the County was a great place to work and thanked all the employees for their hard work. Henry spoke of the successful County Fair and appreciated the big acts that were brought in this year. He congratulated the 4-H'ers on their hard work and successes. He reminded all of school beginning along with sports and activities travel, and encouraged all to be safe. Carlson had recently visited Las Cruces and learned that the schools would not furnish laptops to the students due to a funding issue; he wondered why, with all the surplus funding sent to Santa Fe, adding we sent them \$141M a month. He was pleased to know there were now full-time fire fighters in Loving. Beard congratulated the Fire Department with new employees, adding the County population and gas industry had increased. McCutcheon reminded that your kids in school had about a 1:100M chance of being injured during a school shooting, same

chance as being struck by lightning. He felt kids were safe going to school and thanked the SO for doing their best. Referencing a recent meeting at the SENM College that was attended by Forest Service, Park Service, BLM, and NWP, issues were raised of concerns for lack of daycare in the area, expensive housing concerns, etc. He would present reports on future meetings.

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:

a. THREATENED OR PENDING LITIGATION.

i. LAND USE AND RIGHT-OF-WAY – ALLEN DAVIS.

At 9:34 a.m., Carlson moved, seconded by Beard, to go into executive session, returning to regular session at 10:00 a.m. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.

14. RE-OPEN MEETING. At 10:32 a.m., Beard moved, seconded by Cordova, to reopen the regular meeting and certify that the Commission only spoke about land use and right-of-way. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.

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

a. *THREATENED OR PENDING LITIGATION.

i. LAND USE AND RIGHT-OF-WAY – ALLEN DAVIS.

Beard moved, seconded by Carlson, to authorize County Manager, Al Davis, to negotiate on behalf of the County in regards to land use and right-of-way issues. Voting yes: Henry, McCutcheon, Beard, Carlson and Cordova. Passed 5-0.

MEETING CLOSED AT 10:34 A.M.

~ASTERISKS DENOTE VOTE IS REQUIRED~

Steven McCutcheon, Chairman

Eddy County Clerk, Darlene Rosprim

Date: _____