

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
AUGUST 16, 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 16, 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. Henry gave the invocation.

PRESENT:

STEVE MCCUTCHEON	CHAIR, DISTRICT 4
FRED BEARD	VICE-CHAIR, DISTRICT 3
JON HENRY	COMMISSIONER, DISTRICT 2
SARAH CORDOVA	COMMISSIONER, DISTRICT 5
ALLEN DAVIS	COUNTY MANAGER
DARLENE ROSPRIM	COUNTY CLERK
CARA COOKE	CHIEF DEPUTY CLERK
WES HOOPER	COMMUNITY/ADMIN SRVCS DIR
CAS TABOR	COUNTY ATTORNEY
SCOTT LYND	CAPTAIN, SHERIFF OFFICE
KIMBERLY BALLARD	SHERIFF ADMIN ASSISTANT
ROBERTA SMITH	FINANCE DIRECTOR
JESSICA STYGAR	ASSISTANT FINANCE DIRECTOR
ANISIA CERNA	PROCUREMENT MANAGER
BILLY MASSINGILL	DETENTION WARDEN
ADRIENNE JONES	EXEC ADMIN ASSISTANT
ROXANNE BRANNON	HUMAN RESOURCES DIRECTOR
CAROL HENNINGTON	IT DIRECTOR
KEN KEMP	SYSTEMS ADMINSTRATOR
JERI STRONG	PUBLIC INFO COORDINATOR
JASON BURNS	PUBLIC WORKS DIRECTOR
MICHELLE ARDOIN	FISCAL OFFICE MANAGER
JENNIFER ARMENDARIZ	EMERGENCY MANAGER
LAURA WHALEY	RED ROCKET MEDIA
MIKE SMITH	CARLSBAD CURRENT ARGUS

ABSENT:

ERNEST CARLSON	COMMISSIONER, DISTRICT 1
----------------	--------------------------

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)** Stacy Turner spoke to the Commission concerning election integrity and requested to bring in experts to discuss the issues concerning Dominion voting machines. She noted that people were corruptible and machines were programmable. She suggested the elections be counted by hand.
2. **SERVICE AWARDS.**
 - a. **REYNALDO CHAVARRIA, HEAVY EQUIPMENT OPERATOR – 5 YEARS.** Chavarria received an award for years of service to Eddy County.

Short break for pictures.

TRAILING AGENDA:

1. **APPROVE:**
 - a. ***COMMISSION MEETING MINUTES FOR SPECIAL MEETING JULY 29, 2022.** Beard moved, seconded by Cordova, to approve the Commission Meeting Minutes for the July 29, 2022 Special Meeting. Voting yes: McCutcheon, Beard and Cordova. Abstaining: Henry. Passed 3-0.
 - b. ***COMMISSION MEETING MINUTES FOR AUGUST 2, 2022.** Cordova moved, seconded by Beard, to approve the Commission Meeting Minutes for the August 2, 2022. Voting yes: McCutcheon, Beard, Cordova and Henry. Passed 4-0.
 - c. ***EXPENSE APPROVAL REPORT FOR JULY 2022.** Henry moved, seconded by Beard, to approve the Expense Approval Report for July, 2022. Voting yes: McCutcheon, Beard, Cordova and Henry. Passed 4-0. The Expense Approval Report for July 2022 was recorded as Exhibit 1.c.
 - d. ***PURCHASE CARD APPROVAL REPORT FOR FEBRUARY 2022.** Cordova moved, seconded by Beard, to approve the Purchase Card Report for February, 2022. Voting yes: McCutcheon, Beard, Cordova and Henry. Passed 4-0. The Purchase Card Report for February 2022 was recorded as Exhibit 1.d.
2. ***RECLASSIFICATION OF SO TRAINING SPECIALIST TO SO ADMIN AND RECORDS CLERK – SHERIFF MARK CAGE.** The position reclassification would allow additional staff to address the increased IPRA requests received by the department. The requests had a time-sensitive reply requirement and required extensive redactions. Cordova moved, seconded by Beard, to

approve the reclassification of SO Training Specialist to Admin and Records Clerk. Voting yes: McCutcheon, Beard, Cordova and Henry. Passed 4-0.

3. ***BUDGET ADJUSTMENT FOR ROAD MAINTENANCE SUPPLIES – JASON BURNS.** Burns presented the new fiscal year’s planned work schedule for road maintenance and capital. The previously budgeted amount would be adjusted to cover the costs over the projected amount. The funds were requested from the General Fund. Davis added some of the funds were encumbered in the last fiscal year but were unexpended. Burns noted that capital monies were not expended, but the maintenance funds were. Davis felt the adjustment was in the best interest of the County. Beard moved, seconded by Henry, to approve the budget adjustment in the amount of \$3.5M for Road Maintenance Supplies. Voting yes: McCutcheon, Beard, Cordova and Henry. Passed 4-0.

4. ***BUDGET ADJUSTMENT FOR ROADS, CONSTRUCTION – JASON BURNS.** Burns stated the adjustment was for the Capital Fund. A few items were approved in the previous year’s budget but were not able to get invoiced before the end of the fiscal year. The request was for the remaining amounts for the West Loop and the remaining amounts from last year. Davis stated some of those items were rolled over from last FY. Burns added when the preliminary budget was proposed, not all the final numbers for the West Loop were in yet. They included three major water crossings and five miles of road. Henry moved, seconded by Cordova, to approve the budget adjustment in the amount of \$6M for Roads and Construction. Voting yes: McCutcheon, Beard, Cordova and Henry. Passed 4-0.

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-22-71; DISPOSAL, REMOVAL OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR.**

 - b. **AGREEMENTS:**
 - i. **A-22-153; ON-CALL ENGINEERING, SURVEYING, TESTING AND/OR ENVIRONMENTAL SERVICES AGREEMENT BETWEEN SMITH ENGINEERING AND EDDY COUNTY IN REGARDS TO RFP 22-06; ON-CALL ENGINEERING,**

SURVEYING, TESTING AND/OR ENVIRONMENTAL – ANISIA CERNA.

- ii. **A-22-158; SPARKS EQUIPMENT SERVICE CONTRACT (FINANCE DEPARTMENT COLOR COPIER) – JESSICA STYGAR.**
- iii. **A-22-164; EDDY COUNTY COMPREHENSIVE PLAN UPDATE – STEVEN MCCROSKEY.**
- iv. **A-22-165; MAINTENANCE/SUPPORT AGREEMENT BETWEEN PROFESSIONAL DOCUMENT SYSTEMS (PDS) AND EDDY COUNTY DETENTION CENTER – BILLY MASSINGILL, WARDEN.**
- v. **A-22-173; CONTRACT FOR WOOD IN REGARDS TO RFP 20-04; LANDFILL ENGINEERING SERVICES – ANISIA CERNA.**

Beard moved, seconded by Cordova, to approve the Resolution and Agreement Consent Agenda. Voting yes: McCutcheon, Beard, Cordova and Henry. Passed 4-0. R-22-71 was recorded as Exhibit 5.a.i. A-22-153, A-22-158, A-22-164, A-22-165 and A-22-173 were recorded as Exhibits 5.b.i through 5.b.v, respectively.

- 6. **ELECTED OFFICIAL/DEPARTMENT UPDATES.** Hooper announced a pre-construction meeting would be held today at 2:00 p.m. He displayed the mirror tags that would be presented to area residents to hang on their rear-view mirrors, allowing easy access and egress from the construction area. Burns gave an update
- 7. on the projects of the West Loop, the Hackberry portion and Lea Street. The FWD2 dam was under construction. The McKittrick proposal was ready with the contractor ready. Details were pending with the BLM. The December deadline was still being sought but the project would be finished by the fiscal year. The timing would be dictated by receipt of the final BLM permit. The County was supporting the City with their project on the Sheep Draw tank.
- 8. **LEGISLATIVE UPDATES.** Davis stated the LFC was meeting this week in Chama with year-end finances being discussed. He noted local legislators were continuing to participate in interim committee meetings.
- 9. ***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. **ARMANDO VALENZUELA ATTENDING THE “UNDERSTANDING HUMAN BEHAVIOR AND BODY LANGUAGE” SEMINAR AS PRESENTED BY THE PUBLIC AGENCY TRAINING COUNCIL (PATC) AT THE LAKEWOOD POLICE DEPARTMENT IN LAKEWOOD, CO FROM SEPTEMBER 25 THROUGH SEPTEMBER 29, 2022.**

Cordova moved, seconded by Henry, to approve the Travel Request Consent Agenda. Voting yes: McCutcheon, Beard, Cordova and Henry. Passed 4-0.

10. EMERGENCY BUSINESS. None.

11. LEGISLATORS & ELECTED OFFICIALS’ COMMENTS/ANNOUNCEMENTS/UPDATES. None.

12. COUNTY MANAGER’S COMMENTS/ANNOUNCEMENTS/UPDATES.

Davis noted mid-year was approaching with many projects progressing. Newly-hired firefighters were in orientation today. The Loving Station was fully open. He would be bringing recommendations in the future to hopefully help with the challenges of filling positions and retaining them with the public safety departments.

13. COUNTY COMMISSIONERS’ COMMENTS/ANNOUNCEMENTS/UPDATES.

Cordova encouraged all to be careful and patient with the re-routed travel due to the bridge construction. Speaking to the public comment made today, she appreciated the public coming forward with concerns. She stated the Commission had had multiple meetings on election integrity, noting that County Clerk Rosprim and Chief Deputy Cooke had provided to them a step-by-step process of what the election tabulators did. She added that Eddy County had been audited multiple times. She felt one should be careful with what we deemed “corruptible”, as it discredited and devalued the work of the Clerks. Educational materials from the Clerk could be shared with those who may be fearful of the outcome of the previous election. She noted guidelines were set that had to be met and were available to the public. It was a matter of honesty and integrity and the Clerk’s word was all that she needed. Henry had recently toured a “pot growing place”. He did not support pot but noted it was a first-class, impressive operation and he now understood the process. Election integrity was wildly important to this area and if people were disenfranchised and did not vote, we would end up with the same results we had, the same party that had run the state for 100 years. He had no doubt in the integrity and had great confidence in Eddy County. He would like to get

those educational materials to the public to gain the confidence of the public. He noted the public could watch the certification of the tabulators. Beard spoke to election integrity. He felt there were no problems in Eddy County though there may be in the state. He had been involved and watching for too long. He noted that Eddy County did not have drop boxes. He noted Eddy County did not own the Dominion machines; the State supplied them. McCutcheon referenced Governor DeSantis' recent visit to Eddy County noting that the NM governor had been snarky towards him. He pointed out that people were moving to Florida at four times the national rate of any other state, adding that Florida spends \$44 per school student and were ranked 14th, while New Mexico spent \$28 per school student and was ranked 51st in the nation.

14. EXECUTIVE SESSION: None.

Meeting closed at 9:19 a.m.

~Asterisk denotes vote is required~

Steven McCutcheon, Chairman

Eddy County Clerk, Darlene Rosprim

Date