

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
SEPTEMBER 5, 2023**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on September 5, 2023 at 8:30 a.m. Carlson called the meeting to order and led the Pledge of Allegiance and the Salute to the New Mexico State flag. Cooke gave the invocation.

PRESENT:

ERNEST CARLSON
FRED BEARD
JON HENRY
JAMES (BO) BOWEN
ROBERTA GONZALES
CAS TABOR
CARA COOKE
RHONDA HATCH
MARK CAGE
LAURIE PRUITT
CAROLYN STROBLE
ADRIENNE JONES
JASON BURNS
ROXANNE BRANNON
BILLY MASSENGILL
ROLAND RODRIGUEZ
ROSIE R MUNOZ
JOSHUA MACK
JARED ZUNIGA
JENNIFER ARMENDARIZ
DORIE FANNIN
LAURA WHALEY

CHAIRMAN
VICE-CHAIR
COMMISSIONER, DISTRICT 2
COMMISSIONER, DISTRICT 4
COUNTY MANAGER
COUNTY ATTORNEY
COUNTY CLERK
EDDY COUNTY ASSESSOR
EDDY COUNTY SHERIFF
EDDY COUNTY TREASURER
CHIEF DEPUTY TREASURER
EXEC ADMIN ASSISTANT
PUBLIC WORKS DIRECTOR
HUMAN RESOURCES DIRECTOR
DETENTION WARDEN
IT SPECIALIST III
IT SPECIALIST II
FIRE CHIEF
DEPUTY FIRE CHIEF
EMERGENCY MANAGER
PROCUREMENT MANAGER
RED ROCKET MEDIA

ABSENT:

SARAH CORDOVA

COMMISSIONER, DISTRICT 5

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.

TRAILING AGENDA:

1. APPROVE:

- a. *COMMISSION MEETING MINUTES FOR AUGUST 15, 2023. Bowen moved, seconded by Beard, to approve the Commission Meeting Minutes for August 15, 2023. Voting yes: Henry, Carlson, Beard, and Bowen. Passed 4-0.
- b. *EXPENSE APPROVAL REPORT FOR AUGUST 2023. Henry moved, seconded by Beard, to approve the Expense Approval Report for August, 2023. Voting yes: Henry, Carlson, Beard, and Bowen. Passed 4-0. The August 2023 Expense Approval Report was recorded as Exhibit 1.b.
- c. *PURCHASE CARD APPROVAL REPORT FOR JULY 2023. Bowen moved, seconded by Henry, to approve the Purchase Card Approval Report for July, 2023. Voting yes: Henry, Carlson, Beard, and Bowen. Passed 4-0. The Purchase Card Approval Report for July 2023 was recorded as Exhibit 1.c.

2. TREASURER'S REPORT FOR JULY 2023 – LAURIE PRUITT – FYI ONLY.

3. *REVENUE REPORT FOR JULY 2023 – JESSICA STYGAR. Gonzalez reported that the County collected \$5.2M in gross receipts which was higher than normal due to a business doing a large adjustment for that time period. For oil and gas the County received \$6.8M. Beard moved, seconded by Bowen, to approve the Revenue Report for July, 2023. Voting yes: Henry, Carlson, Beard, and Bowen. Passed 4-0. The Revenue Report for July 2023 was recorded as Exhibit 3.

4. *BUDGET VS. ACTUALS – JULY REVENUE AND EXPENSES – JESSICA STYGAR. Gonzalez reported that the County had collected \$64.2M and expensed \$53.9M; removing transfers from the equation showed 4% expensed and 11% collected in revenue county-wide. The General Fund was 11%, revenue collected is \$13M, with 6% spent for General Fund for July. Bowen moved, seconded by Beard, to approve the Budget vs. Actuals – July Revenue and Expenses. Voting yes: Henry, Carlson, Beard, and Bowen. Passed 4-0. The Budget vs. Actuals – July Revenue and Expenses was recorded as Exhibit 4.

5. ***RADIO SYSTEM UPGRADE CHANGE ORDERS – JOSHUA MACK.** Mack stated there had been an evaluation on the radio towers showing the weight on the Loving tower was 122.5% and the weight on the Twelve Mile tower was 128.5%. We are allowed to go to 112% so there was concern that the towers were overweight. He stated that we will need an engineer to re-evaluate the towers; there is a need to strengthen the towers, do some electrical work, and get the required SHIPO 106 study. Mack was requesting \$1.5M contingency funds available go towards the radio project. Henry moved, seconded by Bowen, to approve the Radio System Upgrade Change Orders. Voting yes: Henry, Carlson, Beard, and Bowen. Passed 4-0. The Radio System Upgrade Change Orders was recorded as Exhibit 5.

6. ***SET TIME AND DATE FOR EDDY COUNTY SPECIAL COMMISSION MEETING – RHONDA HATCH.** Hatch stated she received the 2023 tax rate on Saturday and by statute they must be approved within five days of receiving them. She proposed that the meeting be scheduled for Thursday September 7, 2023. Beard moved, seconded by Henry, to approve a Special Meeting on September 7, 2023 at 8:30 a.m. Voting yes: Henry, Carlson, Beard, and Bowen. Passed 4-0.

7. ***SANDPOINT LANDFILL WATERLINE REPLACEMENT BUDGET ADJUSTMENT – JASON BURNS.** Burns stated that one of the major problems with the construction of cell six was not being able to get enough water for compaction. The current line was a three inch that drains the tanks daily. Increasing the water line to an eight inch and adding another water tank would enable them to keep up with the water demand and compaction operations. The City of Carlsbad had agreed to let them tie into the water line at the highway. Henry moved, seconded by Bowen, to approve the Sandpoint Landfill Waterline Replacement Budget Adjustment. Voting yes: Henry, Carlson, Beard, and Bowen. Passed 4-0.

8. ***BUDGET ADJUSTMENT FOR SANDPOINT LANDFILL CELL 6 CONSTRUCTION – JASON C. BURNS.** Burns stated that he had an engineer design the plans for cell six. He also had an estimate that he planned to take out to bid if approved. Carlson said that as we grow we will need bigger landfills. Bowen moved, seconded by Beard, to approve the Sandpoint Landfill Cell 6 Construction Budget Adjustment. Voting yes: Henry, Carlson, Beard, and Bowen. Passed 4-0.

9. ***N 13TH ROAD MAINTENANCE PROJECT BUDGET ADJUSTMENT REQUEST – JASON BURNS.** Burns stated that this was part of the NM DOT LGRF that we receive yearly. North 13th Street had been identified as a street needing attention. He was requesting the remainder of the project fund. The project will go from Richey within the city of Artesia to US 285. The city of Artesia had agreed to partner with us on the project. Bowen moved, seconded by Beard, to approve the N. 13th Road Maintenance Project Budget Adjustment

Request. Voting yes: Carlson, Beard, and Bowen. Abstaining: Henry. Passed 3-0.

10. SERPTO COMMITTEE MEMBER CONFIRMATION – JASON BURNS. **

Gonzales stated that this was also on the resolution consent agenda and it was being brought before the commission as an agenda request because there was a change in how it was represented. Prior the appointment type was Policy Committee Representative and Technical Committee Representative along with the appointed designees Community Services Director with the Planning and Development Manager and the Public Works Director. Beard moved, seconded by Bowen, to approve the SERPTO Committee Member Confirmation. Voting yes: Henry, Carlson, Beard, and Bowen. Passed 5-0.

11. 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-23-83; CLOSING OF FIRE STATION 21 AT 4215 S. SPENCER, CARLSBAD, NM – JOSHUA MACK.
- ii. R-23-84; CLOSING OF FIRE STATION 18 AT 1930 HOWARD ROAD, CARLSBAD, NM – JOSHUA MACK.
- iii. R-23-85; CLOSING OF FIRE STATION 22 AT 502 WEST ELM STREET, LOVING, NM – JOSHUA MACK.
- iv. R-23-86; CLOSING OF FIRE STATION 20 AT 402 E. DERRICK, CARLSBAD, NM – JOSHUA MACK.
- v. R-23-87; CLOSING OF FIRE STATION 19 AT 115 N. LA HUERTA CIRCLE, CARLSBAD, NM – JOSHUA MACK.
- vi. R-23-88; CLOSING OF FIRE STATION 23 AT 89 FIREHOUSE ROAD, ARTESIA, NM – JOSHUA MACK.
- vii. R-23-89; FUND 93100 CAPITAL APPROPRIATION AGREEMENT & RESOLUTION (COMPANION TO AGREEMENT A-23-146) – JASON C. BURNS.
- viii. R-23-90; NEW FUND CREATION – CANNABIS REGULATION ACT FUND – JESSICA STYGAR.
- ix. R-23-91; DISPOSAL, REMOVAL, OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR.
- x. R-23-92; APPROVAL TO DONATE EDDY COUNTY DETENTION CENTER – 2015 FORD TAURUS TO THE CITY OF CARLSBAD – CARLSBAD POLICE DEPARTMENT – WARDEN BILLY MASSINGILL.

- xi. R-23-94; THIRD AMENDMENT TO R-23-16; 2023 COMMITTEES, BOARDS, AND COMMISSION APPOINTMENTS AND DESIGNATIONS – ROBERTA GONZALES.

b. AGREEMENTS:

- i. A-23-143; APPROVE/DISAPPROVE MEMORANDUM OF UNDERSTANDING BETWEEN OFFICE OF SECRETARY OF STATE AND EDDY COUNTY – CARA COOKE.
- ii. A-23-146; FUND 93100 CAPITAL APPROPRIATION AGREEMENT AND RESOLUTION (COMPANION TO RESOLUTION R-23-89) – JASON C. BURNS.
- iii. A-23-147; LEASE OF REAL PROPERTY FOR PARKING LOT – ROBERTA GONZALES.
- iv. A-23-148; MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CARLSBAD AND EDDY COUNTY IN REGARDS TO THE 2023 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD – ROBERTA GONZALES.
- v. A-23-149; JUNIOR BILL GRANT 23-ZH9210 – BAMBI KERN.

Henry moved, seconded by Beard to approve the Resolution and Agreement Consent Agenda, as presented. Voting yes: Henry, Carlson, Beard, and Bowen. Passed 4-0. R-23-83 through R-23-93 and R-23-94 were recorded as Exhibits 11.a.i through 11.a.xi, respectively. A-23-143, A-23-146 through A-23-149 were recorded as Exhibits 11.b.i. through 11.b.v. respectively.

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. MARK CAGE ATTENDED NSA CONFERENCE IN GRAND RAPIDS, MI FROM JUNE 23, 2023 THROUGH JUNE 30, 2023.
- b. AISSA LARA AND SHERRILL MCDOUGLE ATTENDED FORT BLISS HIRING JOB FAIR IN EL PASO, TX FROM AUGUST 23, 2023 THROUGH AUGUST 24, 2023.

FUTURE

- a. DEVIN TRUJILLO AND DAVID WATSON TO ATTEND CHIEF OFFICER FIELD TRAINING ACADEMY IN EVERGREEN, CO FROM SEPTEMBER 5, 2023 THROUGH SEPTEMBER 8, 2023.
- b. JAROD ZUNIGA TO ATTEND BFX BRUSH TRUCK FINAL INSPECTION IN WEATHERFORD, TX FROM SEPTEMBER 11, 2023 THROUGH SEPTEMBER 12, 2023.
- c. GARRET HENDREN TO ATTEND 2023 CONFERENCE AMERICAN TACTICAL K9 ASSOC. IN BUTLERVILLE, IN FROM SEPTEMBER 23, 2023 THROUGH OCTOBER 1, 2023.
- d. KC CARPENTER AND SCOTT FINDLE TO ATTEND 2023 FIRE TRUCK TRAINING CONFERENCE IN LANSING, MI FROM SEPTEMBER 30, 2023 THROUGH OCTOBER 7, 2023.
- e. ROBERT CONN TO ATTEND HAZARDOUS MATERIAL CODE ENFORCEMENT (R0615) CLASS IN EMMITSBURG, MD FROM JANUARY 6, 2024 THROUGH JANUARY 13, 2024.

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

13. EMERGENCY BUSINESS. None.

14. LEGISLATIVE COMMENTS/ ANNOUNCEMENTS/UPDATES. Gonzales shared that NMC 2024 legislative priorities were focusing on House Bill two concerning detention reimbursement fund, recruitment and retention, and prisoner transport and extradition. They were also focusing on Fire and Rescue EMS. They were taking the state health benefit plan to legislative, hopefully for a resolution concerning litigation with the general health services billing each county in the pool.

15. ELECTED OFFICIAL/DEPARTMENT COMMENTS/ANNOUNCEMENTS/ UPDATES. Burns planned to submit for a grant opportunity with the Department of Finance for 2023 Recreational and Quality of Life; there was forty million dollars to give out to between the entities. He had identified a project for a restroom at the Artesia shooting range. The application was due on September 13, 2023 and the project must be completed by June 2024. He also stated that beginning next week they were starting maintenance on Orchard Lane from Canal St. to the highway. Public service announcements started this week and a message board will be set. Mack stated the US Army Corps of Engineers sent a letter last week. They were going to evaluate a former bombing range off 285 north west of Brantley Lake, as money had been approved by Congress to rehab this area. We were asked to be a back up radio core for the southern part of the state. Las Cruces would be the primary radio core. There was also a structure fire in Artesia that started in a water heater closet in a newer-construction home. The fire engine was there in 2 ½ minutes and was able to contain fire to the closet. Cage stated the traffic team had evolved into a crash reconstruction team; they are not using the state police for

this very much anymore. He reiterated Gonzalez concerning the 2023 legislative updates. NMC was also working on changes with IPRA laws. Canine training was going well, the handlers and supervisors will be attending a training. Feels like we are going to have a topnotch dog program. Carlsbad Schools had started working exclusively with the Carlsbad Police Department. Jefferson Montessori and Prep Academy had requested a sheriff department presence, so the SO is now focusing on that.

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

Gonzalez stated that we have more than 3 employees that work on IPRA. We have made adjustment to our protocol to our IPRA requests and last week we were down to 30 requests in the portal. OXY Carlsbad office complex will have a grand opening on September 13th at 9:30 am at 1608 Commerce Dr. There was a new flight company. Carlsbad Boutique Air will cease flights on November 4th then Advanced Air will take over on November 5th. They will offer flights to Phoenix but there will no longer be a flight to Dallas. DFA gave final approval 2023-2024 budget. Eddy County received its first cannabis excise tax for July distribution, roughly \$2,700. DFA required us to keep this in a separate fund. This tax was 12% of all retail sales and does not apply to medical cannabis or wholesalers. Congratulations to the Carlsbad Department of Development. They were certified for the 2nd consecutive year by the NM Economic Development Dept. They got the Economic Development Organization Award and received a \$40K grant. Fire Services consolidated fire funds, fire excise funds, and contribution funds; we have about 140 funds within the county Fire Services took up about 30%-40% of these funds. We will be losing some state fire fund money due to closing some of our old fire stations, but we will be saving money in the long run because we will no longer need to keep trucks there and do station maintenance. These stations were not being utilized due to other fire stations being close to them.

17. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/ UPDATES.

Henry stated some counties had done resolutions concerning the 30/30. He had received compliments on the west loop from Artesia residents. The only complaints had been they have had a hard time finding the west loop coming back due to not seeing posted signs. He had been reading several articles on green new energy not being so green, as they are stacking used parts because nobody knows what to do with them. He felt that things concerning green energy might be coming back full circle and may not be as green as we thought. Bowen felt other bigger countries needed to also jump on board with climate change; our efforts alone will not make a difference. He was thankful for oil and gas in Eddy County. Bowen was excited about north Canal Road getting worked on; the rail road crossing definitely needed attention. Beard feels climate change had been going on for much longer; states were formed by melting glaciers. Nuclear power may be the answer to power but everyone is afraid of it. Carlson stated he learned that once you get to a certain percentage

of alternative energy it destabilizes the energy grid. He felt that you cannot do away with oil and gas because it was a stabilizing factor in energy grids.

- 18. 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(8), which authorizes the Board of County Commissioners to go into Executive Session to discuss:

REAL PROPERTY.

- i. UPDATE ON STATUS OF PURCHASE OF 4901 NATIONAL PARKS HIGHWAY.**

At 9:46 a.m., Beard moved, seconded by Bowen, to close the meeting and open the Executive Session, returning at 10:10 a.m. Voting yes: Henry, Carlson, Beard and Bowen. Passed 4-0.

- 19. RE-OPEN MEETING.** At 10:09 a.m., Beard moved, seconded by Beard to close the Executive Session and reopen the meeting, certifying that the only items discussed were Real Property, Update on Status of Purchase of 4901 National Parks Highway. Voting yes: Henry, Carlson, Beard and Bowen. Passed 4-0.

- 20. TAKE ACTION, IF ANY, ON ANY MATTER RELATING TO THE EXECUTIVE SESSION.**

- a. * REAL PROPERTY.**

- i. UPDATE ON STATUS OF PURCHASE OF 4901 NATIONAL PARKS HIGHWAY.** No action taken.

MEETING CLOSED AT 10:11 A.M.

~Asterisk denotes vote is required~

EDDY COUNTY BOARD OF COMMISSIONERS
EDDY COUNTY, NEW MEXICO



ERNIE CARLSON, COMMISSION CHAIRMAN

ATTEST:



CARA COOKE, COUNTY CLERK

DATE:

October 3, 2020

